

Public Document Pack



To: Councillor Boulton, Convener; Councillor Stewart, Vice Convener, the Depute Provost; and Councillors Allan, Cooke, Copland, Cormie, Greig, Malik and Avril MacKenzie.

Town House,
ABERDEEN 13 August 2020

PRE-APPLICATION FORUM

The Members of the **PRE-APPLICATION FORUM** are requested to meet remotely on **THURSDAY, 20 AUGUST 2020 at 2.00 pm.**

FRASER BELL
CHIEF OFFICER - GOVERNANCE

In accordance with UK and Scottish Government guidance, meetings of this Committee will be held remotely as required. In these circumstances the meetings will be recorded and thereafter published on the Council's website at the following [link](#)

BUSINESS

- 1 Introduction and Procedure Note (Pages 3 - 6)

MINUTES

- 1 Minute of Previous Meeting of 5 December 2019 - for approval (Pages 7 - 12)

PRE APPLICATION REPORTS

- 1 Land to the South and West of Deeside Brae - Leggart Brae - Major residential development of up to 150 residential units with associated landscaping, parking and infrastructure - 200638 (Pages 13 - 36)

Should you require any further information about this agenda, please contact Lynsey McBain, email lymcbain@aberdeencity.gov.uk or tel 01224 522123

PRE-APPLICATION FORUM **PROCEDURE NOTE AND GUIDANCE FOR MEMBERS**

1. This procedure note will operate on a trial basis of the Forum and will be subject to review and amendment during this period.
2. Meetings of the Pre-Application Forum will be held in open public session to enable discussion of all national and major development proposals.
3. Forums will be held as soon as possible after the submission of a Proposal of Application Notice (POAN) for all national and major development proposals and, in all cases, prior to the lodging of any associated planning application (this allows a period of 12 weeks following submission of the POAN).
4. The members of the Planning Development Management Committee will constitute the members of the Pre-Application Forum.
5. Ward Members for the Ward in which a specific pre-application proposal under discussion is located will be invited to the Forum but will be allowed to participate in the Forum only in relation to the specific pre-application proposal in their ward.
6. The relevant Community Council for the prospective development proposal(s) to be discussed will be informed of the date and time of the Pre-Application Forum by Committee Services so that they have the opportunity to attend but will not be permitted to participate in the business of the Forum.
7. If a Forum is required it will take place after formal business of the Planning Development Management Committee is concluded - this will normally be 2pm on the same day as the Planning Development Management Committee. The Forum will be separate from the Committee to emphasise the clear differences in status, process and procedure between the two meetings.
8. The case officer for the pre-application proposal will produce a very brief report (maximum 2-3 sides of A4) for the Forum outlining the proposal and identifying the main planning policies, material considerations and issues associated with it and the key information that will be required to accompany any application. The report will not include any evaluation of the planning merits of the proposal.
9. Agents/applicants will be contacted by Committee Services immediately on receipt of a POAN (or before this date if notified by planning officers of the week that a forthcoming POAN is likely to be submitted) and offered the opportunity to give a 10 minute presentation of their development proposal to the members of the Forum. There will be an opportunity for Councillors to discuss these with the agents/applicants, to ask questions and indicate key issues they would like the applicants to consider and address in their eventual application(s). If an applicant/agent does not respond to this offer within 10 days, or declines the opportunity to give such a presentation, then their proposal will be considered by the Forum without a developer/applicant presentation. Committee Services will notify the case officer of the applicant's response.

10. Case officers (or Team Leader/Manager/Head of Planning) and, if considered necessary, other appropriate officers e.g. Roads Projects Officers, will be present at the Forum. The case officer will give a very brief presentation outlining the main planning considerations, policies and, if relevant and useful, procedures and supporting information that will have to be submitted. Officers will be available to answer questions on factual matters related to the proposal but will not give any opinion on, or evaluation of, the merits of the application as a whole.
11. Members, either individually or collectively, can express concerns about aspects of any proposal that comes before the Forum but (to comply with the terms of the Code of Conduct) should not express a final settled view of any sort on whether any such proposal is acceptable or unacceptable.
12. A minute of the meeting will be produced by Committee Services and made publicly available on the Council website.
13. Members should be aware that the proposal being discussed may be determined under delegated powers and may not come back before them for determination. Any report of handling on an application pursuant to a proposal considered by the Pre-Application Forum will contain a very brief synopsis of the comments made by the Forum but the report itself will be based on an independent professional evaluation of the application by planning officers.
14. Training sessions will be offered to Councillors to assist them in adjusting to their new role in relation to pre-application consultation and its relationship with the Code of Conduct.
15. The applicant/agent will be expected to report on how they have, or have not, been able to address any issues raised by the Pre-Application Forum in the Pre-Application Consultation Report that is required to be submitted with any subsequent planning application.

GUIDANCE FOR MEMBERS

In relation to point 11 on the Procedure Note above, it might be helpful to outline a few points regarding the Councillors Code of Conduct and the Scottish Government's Guidance on the role of Councillors in Pre-Application procedures which will hopefully be helpful to the Members. These were discussed at the Training run by Burness Paull on the 28th of November, 2014.

So very briefly, The Code's provisions relate to the need to ensure a proper and fair hearing and to avoid any impression of bias in relation to statutory decision making processes. Having said that, in terms of the Scottish Government's Guidance on the role of Councillors in Pre-Application procedures:

- Councillors are entitled to express a provisional opinion in advance of a planning application being submitted but only as part of the Council's procedures (as detailed at item 1 to this agenda)

- No views may be expressed once the application has been submitted
- In terms of the role of the Forum, it meets to emphasise an outcome limited to the generation of a provisional view (on behalf of the Forum, rather than individual Members of the Forum) on the pre-application, this will allow:
 - Members to be better informed
 - An Early exchange of views
 - A greater certainty/more efficient processing of applications

Members of the Forum are entitled to express a provisional view, but should do so in a fair and impartial way, have an open mind and must not compromise determination of any subsequent planning application.

In terms of dealing with Pre-Applications, Members of the Forum should:

- Identify key issues
- Highlight concerns with the proposal/areas for change
- Identify areas for officers to discuss with applicants
- Identify documentation which will be required to support application

In terms of the Code of Conduct and any interest that Members of the Forum may have in a pre-application, it is worth reminding Members of the Forum that they must, however, always comply with the *objective test* which states “ *whether a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your discussion or decision making in your role as a councillor.*”

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PLANNING DEVELOPMENT MANAGEMENT COMMITTEE PRE-APPLICATION FORUM

ABERDEEN, 5 December 2019. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE PRE-APPLICATION FORUM. Present:- Councillor Boulton, Convener; Councillor Stewart, the Depute Provost, Vice-Convener; and Councillors Allan, Cooke, Copland, Cormie, Macdonald (as substitute for Councillor Malik) and MacKenzie.

The agenda and reports associated with this minute can be found [here](#).

Please note that if any changes are made to this minute at the point of approval, these will be outlined in the subsequent minute and this document will not be retrospectively altered.

INTRODUCTION AND PROCEDURE NOTE

1. The Forum had before it the procedure note and guidance for members on the operation of Forum meetings.

The Forum resolved:-

to note the procedure note and guidance for members.

MINUTE OF PREVIOUS MEETING OF 31 OCTOBER 2019

2. The Forum had before it the minute of its previous meeting of 31 October 2019, for approval.

The Forum resolved:-

to approve the minute as a correct record.

LAND SOUTH OF NORTH DEESIDE ROAD, MILLTIMBER, ABERDEEN - 191605

3. The Forum had before it a report by the Chief Officer – Strategic Place Planning, on a submission of a Proposal of Application Notice by Bancon Homes and Dr William Guild’s Managers, for a major residential and retail development with associated infrastructure, access, landscaping, drainage, SUDS and open space, at land south of North Deeside Road, Milltimber Aberdeen, 191605.

The report advised that the application site extended to approximately 11.5 hectares and was located on the southern side of North Deeside Road within the settlement of Milltimber. The site was bound by North Deeside Road and residential properties to the north, the Deeside Way and open space to the south, and further residential properties

PRE-APPLICATION FORUM

5 December 2019

set in generous plots to the east and west. An access road leading to Milltimber Farm Livery Stables also ran through the site.

The report also stated that the site was largely grassed but did include some elements of planting and the site sloped from the north-south as it headed towards the Dee Valley. There were also a number of boundary treatments, which included post-and-wire fencing to its northern boundary.

The report also advised that a previous proposal of application notice was submitted in May 2017 for a proposed mix-use development, which was presented to the Pre Application Forum on 21 September 2017.

The Forum heard from Gavin Clark, Senior Planning Officer, who addressed the Forum and provided details regarding the planning aspects of the application.

Mr Clark explained that as part of the application, the applicant had been advised that the following information would need to accompany the formal submission:-

- Pre Application Consultation report;
- Design and Access Statement including Visualisations;
- The Masterplan/Development Framework Document;
- Noise Impact Assessment;
- Transport Assessment/Transport Statement;
- Tree Survey;
- Bat Survey;
- Drainage Impact Assessment;
- Archaeological Survey;
- Flood Risk Assessment;
- Phase 1 Habitat Survey;
- Landscaping and Maintenance Plans;
- Low and Zero Carbon Buildings and Water Efficiency Statement; and
- Affordable Housing Delivery Strategy.

The Forum then heard from Ewan MacLean – EMAC planning, Craig Fortheringham, Bancon Homes and Graham Reid – Savills.

Mr MacLean explained that the second public consultation event was held on 4 December 2019 with the first one held on 4 November. At the first event there were 66 individuals who signed the register however there were roughly another 40 attendees. For the second event there were 43 signatures. Attendees were asked to respond to the team with comments within two weeks. From the first event, 31 responses had been received so far. Mr MacLean advised that all views would be considered.

In regards to the proposal, Mr McLean explained that the site was allocated as a development opportunity in the Aberdeen Local Development Plan for mixed use, including residential with an element of business or retail use.

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In regards to the main differences from the original submission in 2017, Mr MacLean advised that they restarted the design process with a holistic approach, through the masterplanning of all areas of the land within the allocation boundary over which development was proposed.

Mr MacLean explained that to impose too tight a description on the proposals at this stage would potentially prejudice the flexibility in the design process and he advised that instead they would allow the design process to evolve and to fully consider the factors which could impact on design through the Planning Permission in Principle and the masterplan process.

Mr MacLean advised that a two-access strategy would be required with separate accesses serving the residential and retail areas. An internal emergency access connection would be provided which could also serve as an internal pedestrian/cycle connection between the residential and retail areas. Additional internal footways and footpaths would ensure that the development had direct access to the Deeside Way, whilst also providing further linkage to the retail proposals.

In regards to feedback from the first public event, Mr MacLean advised that the majority of feedback did not want to see traffic lights at the site entrances to the development. However there would be a right turn lane ghost island on North Deeside Road, which omitted the requirement of traffic lights and would avoid traffic queuing up on North Deeside Road.

Finally Mr MacLean explained that a pedestrian crossing facility would be provided at an appropriate location to cater for pedestrian movements between the site and the existing Milltimber community and this would ensure safe crossing at North Deeside Road for the existing Milltimber community accessing the retail facility and for children from the new development routing to/from Milltimber primary school.

Members then asked a number of questions of both the applicant and the case officer and the following information was noted:-

- In regards to construction vehicles, they would come from North Deeside Road;
- All comments from the public should be fed back to the agent at this stage and only to Aberdeen City Council after the application was submitted;
- In regards to access there would not be traffic light junctions, in order to prevent traffic from building up and there would be filtered lanes instead.

The report recommended:-

That the Forum –

- (a) Note the key issues identified;
- (b) If necessary, seek clarification on any particular matters; and
- (c) Identify relevant issues which they would like the applicant to consider and address in any future application.

The Forum resolved:-

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- (i) to request that the applicant consider the landscaping of the site and to preserve the views of the area;
- (ii) to request that the applicant consider HGV's entering the retail element of the site and how this would impact on traffic movement on North Deeside Road;
- (iii) to request that the applicant consider the different types of housing that would be suitable for the site, and to investigate cottage style housing as well as older people's housing;
- (iv) to request that the applicant investigate the possibility of building more trees in the development;
- (v) to request that the applicant consider liaising with the archaeology service in regards to the historic importance of the site;
- (vi) to request that the applicant consider the impact the retail element would have on the local shops in Cults and Milltimber and to continue to liaise with local businesses;
- (vii) to request that the applicant continue to fully engage with the local residents in regards to this site/application; and
- (viii) to thank the presenters for their informative presentation and to encourage continuing dialogue with Council officers and also local residents.

LAND ADJACENT TO RUBISLAW QUARRY, HILL OF RUBISLAW, ABERDEEN - 191486

4. The Forum had before it a report by the Chief Officer – Strategic Place Planning, on a submission of a Proposal of Application Notice by Aurora Planning, for a major development of c.250 private flats, gym, function room, public bistro, promenade, car parking and amenity space, at land adjacent to Rubislaw Quarry, Hill of Rubislaw Aberdeen, 191486.

The report advised that the application site was situated on the southern edge of the Hill of Rubislaw office park and comprised the land adjacent to the northern edge of the disused Rubislaw Quarry, which was now filled with water.

The report noted that the land was underdeveloped and comprised mostly scrub vegetation and bare ground. A small area at the western end of the site was covered by broadleaved semi-natural woodland which continued outwith the site around the entire north west, west and south west edges of the quarry.

The report also stated there was no public access to any part of the quarry site and public views into the site were very limited. The quarry edge on the north side largely comprised a rocky cliff face with areas of vegetation and the whole quarry site was designated as a Local Nature Conservation Site.

In regard to planning history, planning permission was refused from the Planning Development Management Committee in 2018 for a residential development consisting of 299 flats, gym, function room, public heritage bistro, promenade, car parking and amenity space. The refusal of the application was subject to Scottish Ministers, where

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the decision of the PDMC was upheld by the reporter. The reporter found that there were aspects of the development which would attract considerable support from national policy and advice. The application was refused however on the grounds that the building would have dominated and overshadowed the adjacent commercial buildings and would have an adverse impact on the visual amenity of nearby residential properties. This Planning Permission in Principle was a reduced scale version of the proposal previously considered by PDMC in 2018.

The Forum heard from Matthew Easton, Senior Planning Officer, who addressed the Forum and provided details regarding the planning aspects of the application.

Mr Easton explained that as part of the application, the applicant had been advised that the following information would need to accompany the formal submission:-

- Badger Survey;
- Drainage and Flooding Assessment;
- Design and Access Statement;
- Habitat Survey;
- Ground Investigation Report;
- Landscape Design Framework;
- Landscaping and Visual Impact Assessment;
- Planning Statement;
- Pre-application Consultation Report;
- Sustainability Statement;
- Transport Statement; and
- Tree Survey.

The Forum then heard from Pippa Robertson, Aurora Planning and Jamie Smilie, IBI Group. Ms Robertson explained that the size of the previous planning application was the only part that the reporter had said warranted a refusal and as such they had amended the size of the development. They had addressed the areas of concern but kept the parts that were supported in the previous planning application.

Mr Smilie advised that the scheme was now lower and took on board the reporter's comments. The new proposal was two floors lower and they had also reduced the amount of buildings by one. He explained that this would help with the visual amenity.

Mr Smilie also advised that there was public concern in regards to parking for the development. The reporter had no concern in regards to parking, however with the amended plans they had added a further 40 parking spaces to the development.

Members then asked a number of questions of both the applicant/agent and the case officer and the following information was noted:-

- There would be 240 parking spaces in the new proposals with car club spaces also included;
- There would be roughly twenty tables within the bistro area;

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5 December 2019

- Members of the public would be able to access the history of the granite feature within the bistro;
- There would be separate parking for visitors to the bistro;
- In regards to visibility, local residents would not be affected with the amended proposals;
- From Queen's Road there would be no negative visual impact;
- A new drainage assessment would be carried out to mitigate any concerns and to update from the previous assessment carried out;
- Parking was a real concern for residents in the surrounding area; and
- To note that a revised Transport Assessment would be submitted with the new application.

The report recommended:-

That the Forum –

- (a) Note the key issues identified;
- (b) If necessary, seek clarification on any particular matters; and
- (c) Identify relevant issues which they would like the applicant to consider and address in any future application.

The Forum resolved:-

- (i) to request that the applicant consider the key points above; and
 - (ii) to thank the presenters for their informative presentation and to encourage continuing dialogue with Council officers and also local residents.
- **Councillor Marie Boulton, Convener**

PRE-APPLICATION FORUM

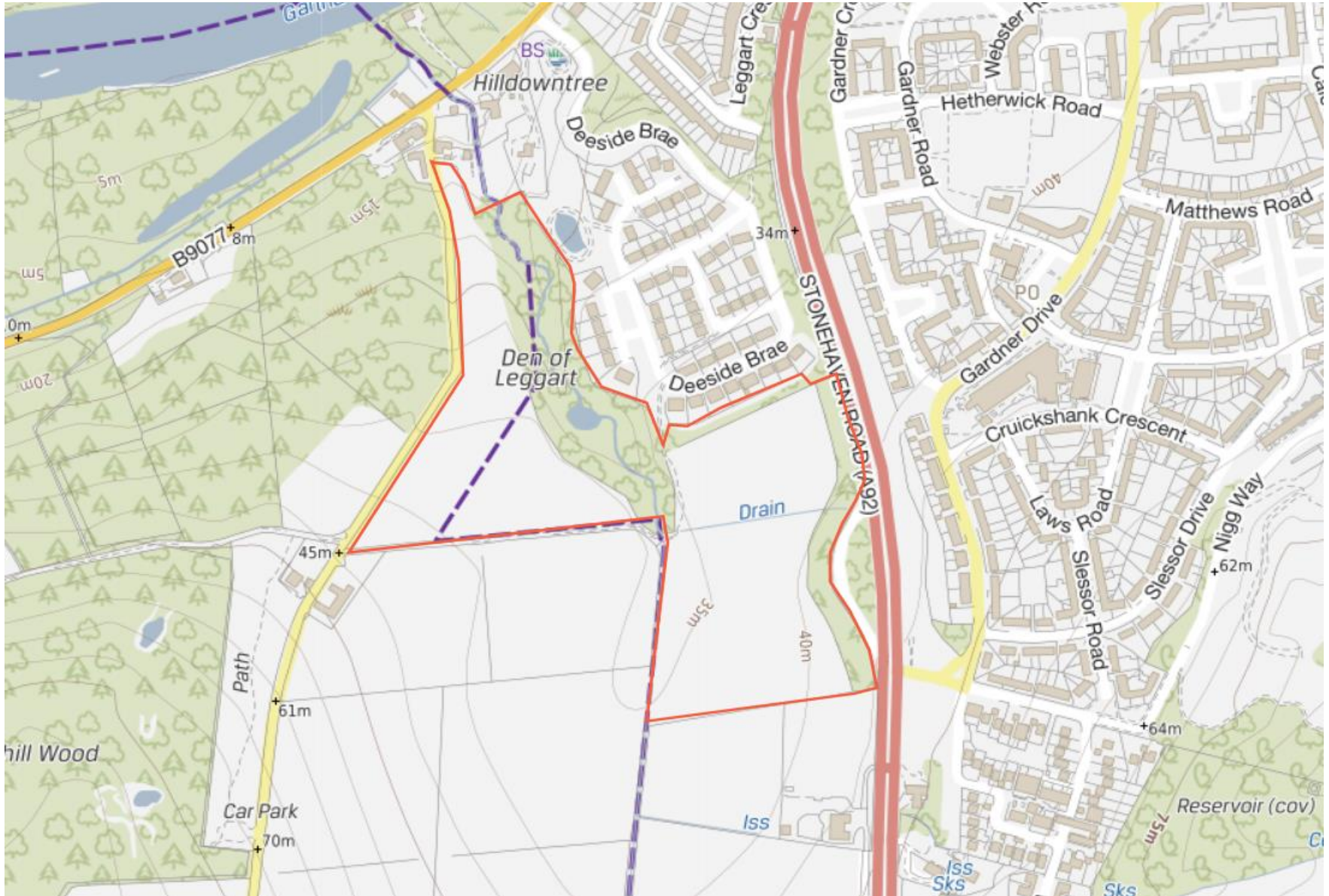
20th August 2020

Major residential development of up to 150 units, with associated landscaping, parking and infrastructure

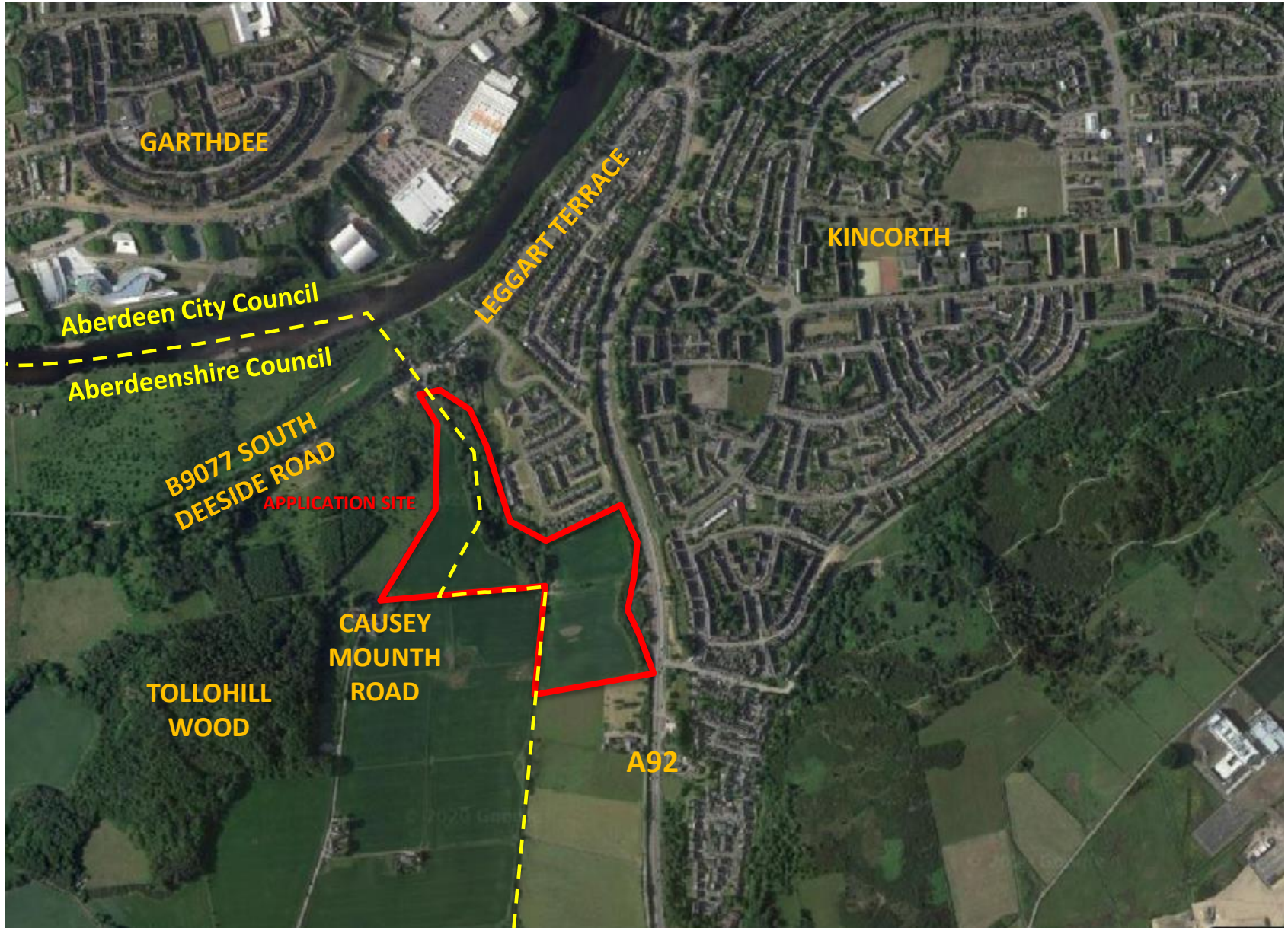
Leggart Brae: Land to South and West of Deeside Brae

Proposal of Application Notice ref 200638/PAN

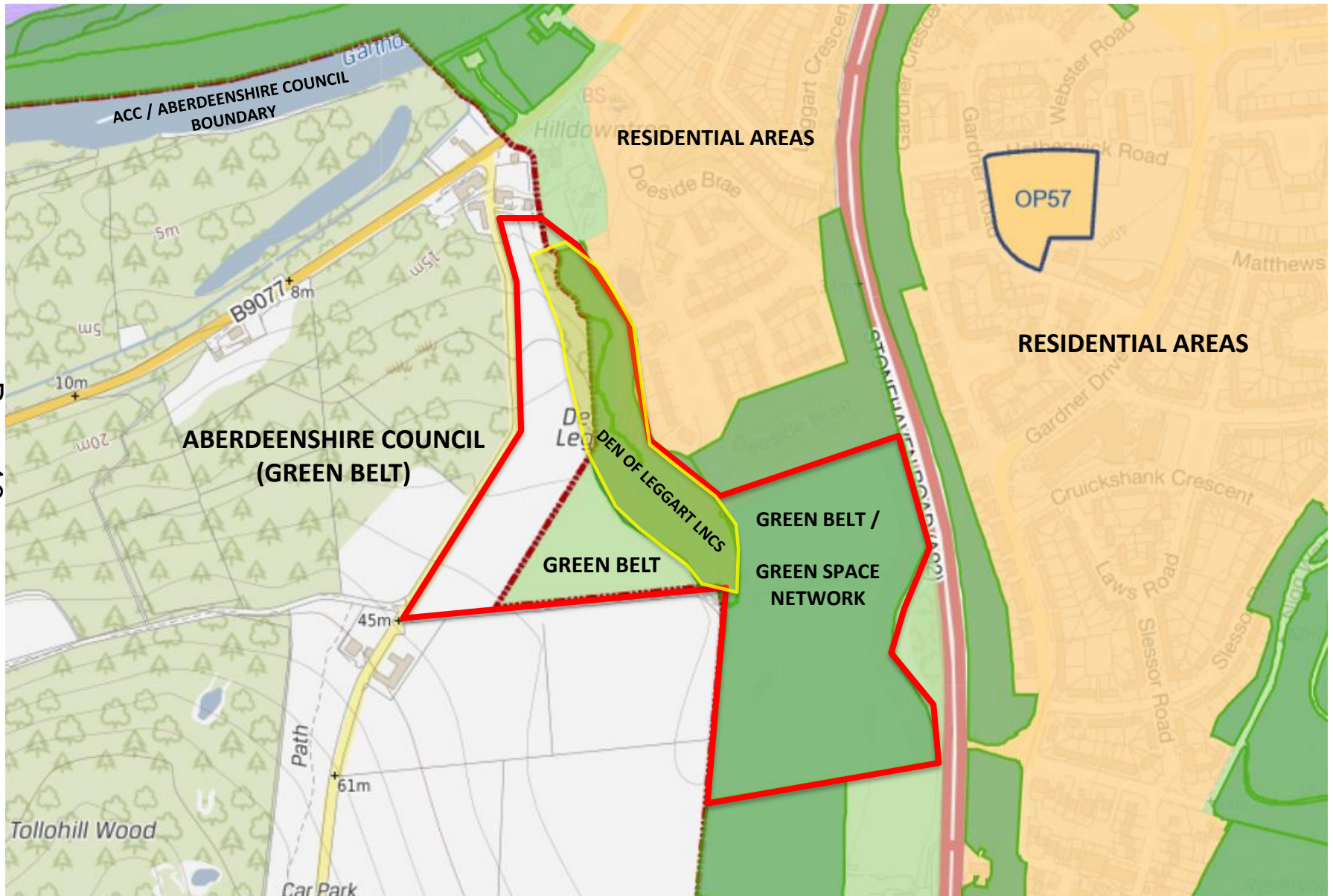
LOCATION PLAN



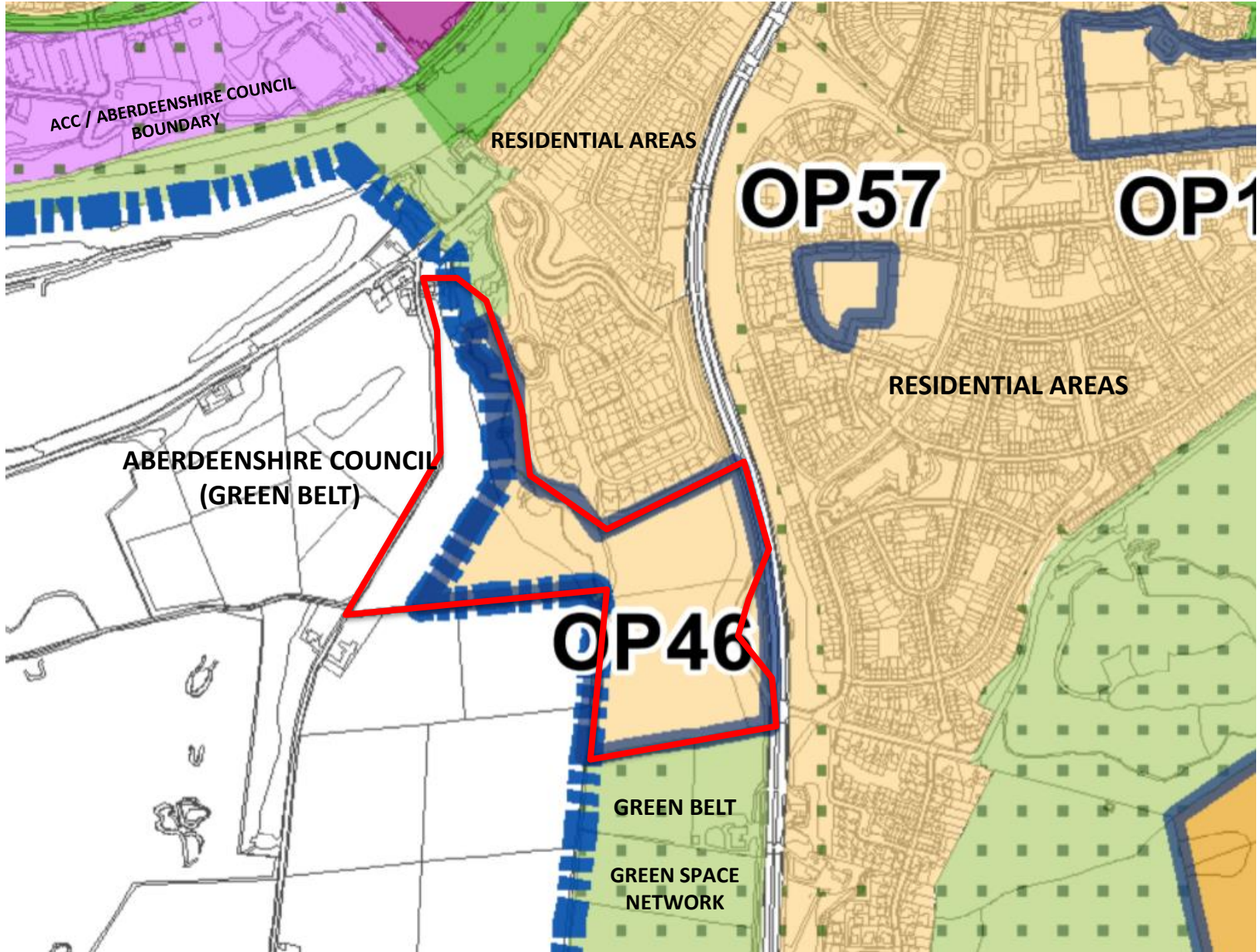
AERIAL PHOTO



ADOPTED ALDP ZONING



PROPOSED ALDP ZONING



ABERDEEN LOCAL DEVELOPMENT PLAN

Zoning

- Site lies within the Green Belt, covered by ALDP Policy NE2 (Green Belt);
- Straddles the ACC & Aberdeenshire Council administrative boundary;
- Parts of the site also zoned as Green Space Network (Policy NE1) and the Den of Leggart is a designated LNCS;
- Policy NE2 states: *'No development will be permitted in the Green Belt for purposes other than those essential for agriculture; woodland and forestry; recreational uses compatible with an agricultural or natural setting; mineral extraction/quarry restoration; or landscape renewal'*
- Redevelopment of the site for residential use represents a significant Departure from the Adopted ALDP.

PROPOSED ALDP

Zoning

- The part of the site within the ACC boundary has been allocated as an opportunity site (OP46) for a residential development of 150 homes;
- The development of the site for residential use is therefore in principle in accordance with the Proposed ALDP;
- Proposed ALDP would be a material consideration in the determination of any planning application but prior to adoption, is not considered to be of sufficient weight to allow the proposal to be supported in principle, significantly contrary to the adopted ALDP at this point in time.

PROCEDURAL MATTERS

- The site lies partly within the Aberdeen City Council boundary and partly within Aberdeenshire Council's boundary;
- Any works within the Aberdeenshire Council boundary will require a separate planning application to Aberdeenshire Council – initial plans suggest that the main roads access(es) are likely to be taken from the Causey Mounth in Aberdeenshire to the west;
- A planning application to each authority is therefore anticipated.

TECHNICAL CONSIDERATIONS

Transport & Accessibility

Policies T2 and T3 are relevant in respect of Transport and Accessibility, as well as the associated SG. A Transport Assessment is required.

The main means of providing access to the site are not known at this stage. Access from the A92 to the East presents road safety issues, whilst proposals to provide access from the Causey Mounth to the West would be determined by Aberdeenshire Council.

Design, Scale, Layout & Landscape

The site lies in is in a relatively prominent location from certain viewpoints and is adjacent to the A92, a key arterial route into the City. Careful consideration will need to be given to the visual impact on the landscape. The proposals will be assessed against the following Policies in this regard:

- Policy D1 (Quality Placemaking by Design)
- Policy D2 (Landscape)

TECHNICAL MATTERS

- Developer Obligations requirements apply (Policy I1);
- At least 25% affordable housing would be required (Policy H5);
- Natural heritage (protected species) to be protected and impacts minimised (Policy NE8), including minimising impact on Den of Leggart LNCS and on the River Dee SAC;
- Trees to be protected and retained where possible (Policy NE5);
- Policies T4 & T5 require Air Quality and Noise Assessments to ensure no significant impact on air quality and satisfactory amenity;
- Policy H3 requires developments to achieve min. density of 30 dwellings/hectare. Policy H4 requires an appropriate mix of units;
- Drainage proposals required, per Policy NE6, as well as a flood risk assessment;
- Measures to reduce carbon emissions and incorporate water saving technologies required (Policy R7).

PRE-APPLICATION CONSULTATION

- Online interactive Q&A event took place on the applicant's dedicated website (www.leggartbrae.com) on Thursday 6 August 2020 between 4pm and 8pm;
- The applicant's representatives were available to discuss and respond to queries regarding the proposals;
- Three indicative options are on display to the public on the website, including different numbers of units and different proposals for providing access;
- The event was advertised more than 7 days in advance;
- Copies of the Notice were issued to relevant parties and addresses in the local area;
- Pre-Application Consultation (PAC) Report to accompany application – detailing extent of public consultation, feedback received, and any resulting changes made to the proposal.

NEXT STEPS

- Ongoing pre-application discussions;
- 31 August 2020 - Earliest date a planning application could be submitted (12 weeks after the PoAN);
- Expected that the list of supporting documents referenced at the end of the report would accompany any forthcoming application.

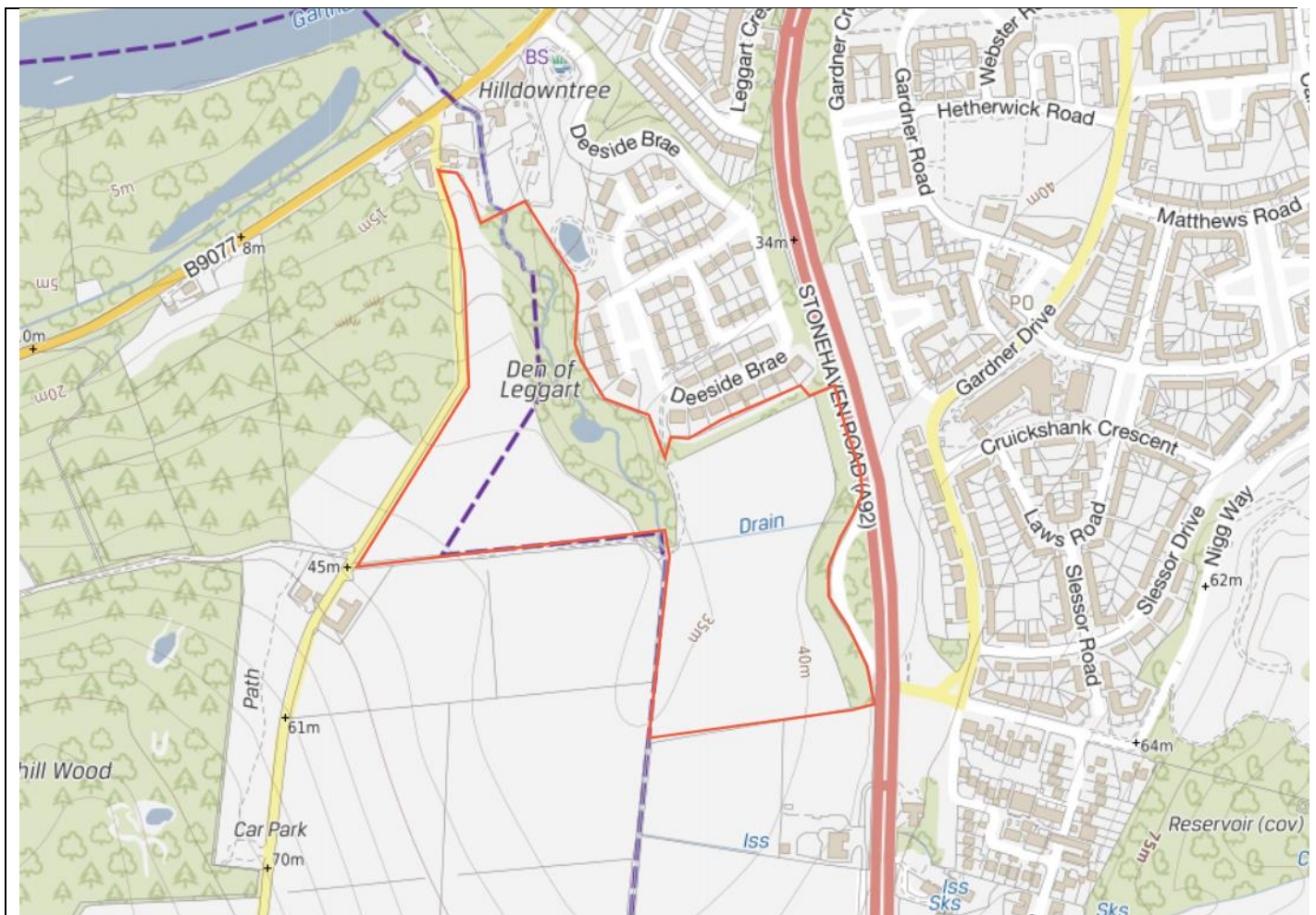


Pre-Application Forum

Report by Development Management Manager

Meeting Date: 20 August 2020

Site Address:	Land to South and West of Deeside Brae, Aberdeen
Description of Proposal:	Major residential development of up to 150 residential units with associated landscaping, parking and infrastructure
Notice Ref:	200638/PAN
Notice Type:	Pre-Application Enquiry / Proposal of Application Notice
Notice Date:	1 July 2020
Applicant:	Comer Homes C/o Savills
Ward:	Kincorth/Nigg/Cove
Community Council:	Kincorth And Leggart
Case Officer:	Alex Ferguson



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RECOMMENDATION

It is recommended that the Forum –

- a) note the key issues identified;
- b) if necessary, seek clarification on any particular matters; and
- c) identify relevant issues which they would like the applicants to consider and address in any future application.

APPLICATION BACKGROUND

Site Description

The site comprises an area of greenfield land to the south and west of the Deeside Brae housing development, and is locally known as Leggart Brae. The Den of Leggart runs through the central and northern section of the c. 10.5 Hectare site which is bound to the east by the A92, to the north by the Deeside Brae housing development, to the west by the 'Causey Mounth' minor road and to the south by open fields. The site straddles the Aberdeen City Council (ACC) administrative boundary with Aberdeenshire Council, which runs through and to the west of, the Den of Leggart and forms the western boundary of the southern half of the site. The area of land within the ACC boundary is approximately 8 Hectares in size and aside from the Den of Leggart Local Nature Conservation Site (LNCS), it mostly comprises open agricultural fields with an established tree belt forming the eastern boundary of the site with the A92. The Leggart Burn runs along the western boundary of the site in the southern section, before entering the Den of Leggart wooded area and then flowing into the River Dee approximately 200m to the north. An informal access track runs along the boundary of the site from the Causey Mounth, over the Leggart Burn and connects up into the Deeside Brae development to the north.

Relevant Planning History

The area of the site that lies within the Aberdeen City Council administrative boundary was allocated as an opportunity site (OP46) for up to 150 houses in the Proposed Aberdeen Local Development Plan (PALDP), which was approved at a Council meeting on 2 March 2020. The Proposed LDP is currently subject to a period of public consultation.

A Proposal of Application Notice (PoAN) was submitted for this proposal under planning reference 200638/PAN on 8 June 2020, with an online public consultation event by the applicants taking place on 8 August 2020.

An Environmental Impact Assessment (EIA) Screening Opinion request for the proposed development was submitted to the Council on 19 June 2020. The Planning Service considered that EIA is not required but requested that various supporting information documents and surveys will be required to support a formal planning application in due course.

APPLICATION DESCRIPTION

Description of Proposal

A Major residential development of the area of the site within the ACC boundary for up to 150 homes is proposed.

Full details of the proposals are not yet known as the site layout and design are still being developed, although three indicative options for the site layout and accesses are shown on the applicant's dedicated website www.leggartbrae.com. The three options comprise differing layouts of between 100 and 150 homes, with access taken from either the west via the Causey Mounth, or from the

east via the A92.

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.

National Planning Policy and Guidance

- Scottish Planning Policy (SPP)

Aberdeen City and Shire Strategic Development Plan (2014) (SDP)

The purpose of the SDP is to set a spatial strategy for the future development of the Aberdeen City and Shire. The general objectives of the plan are promoting economic growth and sustainable economic development which will reduce carbon dioxide production, adapting to the effects of climate change, limiting the use of non-renewable resources, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility.

From the 29 March 2019, the Strategic Development Plan 2014 will be beyond its five-year review period. In the light of this, for proposals which are regionally or strategically significant or give rise to cross boundary issues between Aberdeen City and Aberdeenshire, the presumption in favour of development that contributes to sustainable development will be a significant material consideration in line with Scottish Planning Policy 2014.

The Aberdeen City Local Development Plan 2017 will continue to be the primary document against which applications are considered. The Proposed Aberdeen City & Shire SDP 2020 may also be a material consideration.

Aberdeen Local Development Plan 2017 (ALDP)

- D1: Quality Placemaking by Design
- C11: Digital Infrastructure
- D2: Landscape
- D5: Our Granite Heritage
- H3: Density
- H4: Housing Mix
- H5: Affordable Housing
- I1: Infra Delivery & Planning Obligation
- LR1: Land Release Policy
- NE1: Green Space Network
- NE2: Green Belt
- NE4: Open Space Provision in New Dev
- NE5: Trees and Woodland
- NE6: Flooding, Drainage & Water Quality
- NE8: Natural Heritage
- NE9: Access and Informal Recreation
- R6: Waste Management Requirements for New Development
- R7: Low & Zero Carbon Build & Water Efficiency

- T2: Managing the Transport Impact of Development
- T3: Sustainable and Active Travel
- T4: Air Quality
- T5: Noise

Proposed Aberdeen Local Development Plan (PALDP)

- C11 (Digital Infrastructure)
- D5 (Landscape Design)
- D1 (Quality Placemaking)
- D2 (Amenity)
- D4 (Landscape)
- D7 (Granite Heritage)
- H1 (Residential Areas)
- H3 (Density)
- H4 (Housing Mix and Need)
- H5 (Affordable Housing)
- I1 (Infrastructure Delivery & Planning Obligations)
- LR1 (Land Release)
- NE2 (Green and Blue Infrastructure)
- NE3 (Natural Heritage)
- NE4 (Water Infrastructure)
- NE5 (Trees and Woodland)
- R5 (Waste Management Requirements in New Development)
- R6 (Low+Zero Carbon & Water Efficiency)
- R8 (Heat Networks)
- T2 (Sustainable Transport)
- T3 (Parking)
- WB1 (Health Developments)
- WB2 (Air Quality)
- WB3 (Noise)

Supplementary Guidance and Technical Advice Notes

- Affordable Housing
- Flooding, Drainage and Water Quality
- Green Space Network and Open Space
- Landscape
- Natural Heritage
- Noise
- Planning Obligations
- Resources for New Development
- Transport and Accessibility
- Trees and Woodlands

CONSIDERATIONS

Procedural Matters

The site lies partly within the Aberdeen City Council (ACC) boundary and partly within Aberdeenshire Council's (the Shire) boundary. Initial plans indicate that all housing would be located within the OP45 site area in ACC's boundary, while vehicular access would be taken from either the A92 to the east or via the Causey Mounth Road / B9077 (South Deeside Road) within Aberdeenshire to

serve the proposed housing. Planning permission is required for all development within both administrative boundaries, therefore two separate applications will require to be submitted; one to each authority for the works proposed within their respective boundaries. For the sake of transparency and completeness, the applicant has been advised that the application submitted to ACC for the housing should also include details of the proposed works within the Shire, particularly as a safe means of accessing the site will be fundamental to the assessment of the application, even if ACC would not ultimately determine an application for those works. Each application should be supported by relevant technical reports.

Principle of the Proposal

The entirety of the site within the ACC boundary is zoned in the adopted Aberdeen Local Development Plan 2017 (ALDP) as Green Belt land and a large portion (including the Den of Leggart and the land to the east of it) is also zoned as Green Space Network. The Den itself is also a Local Nature Conservation Site (LNCS) and the Leggart Burn watercourse that passes through the site also flows into the River Dee, a Special Area of Conservation (SAC). Policies NE2 (Green Belt) and NE1 (Green Space Network) of the ALDP are thus the most relevant to the principle of the proposed development.

Policy NE2 is explicit in stating that: *'no development will be permitted in the Green Belt for purposes other than those essential for agriculture; woodland and forestry; recreational uses compatible with an agricultural or natural setting; mineral extraction/quarry restoration; or landscape renewal.'*

Although there are various exceptions to the above statement, these principally apply to very small-scale development associated to existing activities or essential infrastructure. The proposed housing development does not fall into any of the applicable categories of permissible development in the green belt and is thus contrary to Policy NE2.

Policy NE1 states that: *'The Council will protect, promote and enhance the wildlife, access, recreation, ecosystem services and landscape value of the Green Space Network, which is identified on the Proposals Map.'*

Proposals for development that are likely to destroy or erode the character and/or function of the Green Space Network will not be permitted.'

As the proposed development would detrimentally impact upon a significant amount of natural landscape zoned as Green Space Network, the works would in principle also be contrary to Policy NE1. The development of the site for a major housing development would thus be contrary to both Policies NE1 and NE2 and would represent a significant departure from the current, adopted ALDP.

Emergence of the Proposed Aberdeen Local Development Plan (PALDP)

The Proposed Aberdeen Local Development Plan (PALDP) was approved at the Council meeting of 2 March 2020. The PALDP constitutes the Council's settled view as to what the content of the forthcoming adopted ALDP should be and is now a material consideration in the determination of planning applications. The Aberdeen Local Development Plan 2017 will continue to be the primary document against which applications are considered, however. The PALDP is still undergoing a period of public consultation and is not anticipated to be submitted to Scottish Ministers for consideration until spring 2021.

The portion of the site within the ACC boundary has been allocated as an opportunity site for 150 houses (OP46) in the PALDP. However, although the site has been allocated in the PALDP, the proposals would represent a significant departure from the adopted ALDP, and the PALDP could be subject to change before adoption. The Planning Service therefore considers that the allocation of the site in the PALDP is not a material consideration of sufficient weight to allow the proposal to be

supported in principle, significantly contrary to the adopted ALDP, at this point in time.

It is therefore unlikely that an application could be supported by the Planning Service, in terms of the development principle, unless the site remains allocated when the PALDP is formally adopted. Any application submitted prior to the adoption of the PALDP would therefore be done so at the applicant's own risk, having regard to the above summary.

Should the site remain allocated for housing once the PALDP is adopted then the development would be acceptable, in principle.

Aside from matters of principle, there are multiple other aspects of the proposed development that require thorough assessment against various policies of the ALDP and PALDP and associated supplementary guidance. These are set out below:

Technical Considerations

Transport & Accessibility

The main means and location of providing vehicular and pedestrian access to the site have not yet been finalised by the applicant. At the time of writing, three options for providing access to the site are indicatively shown on the applicant's dedicated website for pre-application public consultation feedback, comprising:

- Option A – A new road is formed between South Deeside Road and the Causey Mounth, to provide the main access to the site, with an emergency access onto the A92;
- Option B – A signalised junction is formed to provide access to/from the A92, along with a secondary, emergency access. No access would be formed to the west;
- Option C – Incorporates main accesses both from the Causey Mounth (via the new road outlined above in Option A) and the A92.

The local 'Causey Mounth' road to the west lies wholly within Aberdeenshire Council's boundary and any proposed new roads or upgrades to the existing road would be the subject of a separate planning application to Aberdeenshire Council. The land in this area is zoned as Green Belt in the Aberdeenshire Local Development Plan 2017 and this is not proposed to change through the forthcoming replacement Aberdeenshire LDP, which is at a similar 'Proposed' stage to the City Council's LDP. However, whilst the provision of any access(es) from the Causey Mounth and any associated upgrades to the road itself (and associated pedestrian infrastructure) would be assessed by Aberdeenshire Council, ACC would need to be satisfied that the development would be suitably served by appropriate vehicular and pedestrian accesses.

In order to provide adequate access to the site from the west, the Council's Roads Development Management (RDM) team have noted that the entirety of the Causey Mounth road from its junction with Leggart Terrace up to at least the entrance to the site would need to be widened to 5.5m in width, with associated pedestrian footpaths (at least 2m wide) and street lighting. The speed limit of the road would also need to be reduced from 60mph to 30mph. Given the number of units proposed (more than 100), two separate accesses to the site will also be required, in order to allow access and egress in the case of emergencies. Alternatively, any new road connection from South Deeside Road (as shown in Options B & C) would also need to meet the aforementioned requirements.

With regard to any proposals to provide access to the site from the A92 dual carriageway to the east, it is understood from RDM colleagues that this option is not likely to be feasible due to road safety implications.

As providing suitable access to the site would be fundamental to whether the development could be supported, the Planning Service has recommended to the applicant that any application to Aberdeenshire Council for associated roads infrastructure is submitted either before, or at the very latest simultaneously to, any application to ACC for the housing. The Planning Service's preference would be for any such application to Aberdeenshire Council to be determined prior to the determination of any application for the housing, in order that there is more certainty as to whether an access(es) of an appropriate standard could feasibly be delivered. If permission is not granted by Aberdeenshire Council to provide suitable roads access from the west then it is unlikely that the ACC Planning Service could support an application for the housing, on road safety grounds.

The Planning Service has therefore encouraged the applicant to engage in further pre-application discussions with Aberdeenshire Council, involving ACC's RDM team, to ascertain whether a suitable access solution can be found, as it is fundamental to the acceptability of the development.

In terms of public transport accessibility, the nearest bus routes to the site run along the A92. The applicant will need to outline how residents of the development would safely access the nearest bus stops on the A92 for buses running in both directions. Also, the existing footway on the western side of the A92 is currently sub-standard and would require to be upgraded, with the cost of doing so payable by the applicant.

With regards to sustainable and active travel, Policies T2 (Managing the Transport Impact of Development) and T3 (Sustainable and Active Travel) will be used to assess the development, along with the Council's supplementary guidance (SG) on Transport and Accessibility. T2 requires all new developments demonstrate that sufficient measures have been taken to minimise traffic generated and to maximise opportunities for sustainable and active travel. In terms of T3, new developments must be accessible by a range of transport modes, with an emphasis on active and sustainable transport. Parking requirements are outlined in the Transport and Accessibility Supplementary Guidance and will depend on the total number of units and the number of bedrooms within each dwelling.

A Transport Assessment (TA) will be required to support any application and the Council's Roads Development Management Team have confirmed that the TA should include details of:

- Site Accessibility
- General / Walking / Cycling / Public Transport / Local Road Network / Safe Routes to School / Accident Review
- Development Proposals
- Overview
- Parking
- Service Vehicles
- Trip Generation and Traffic Impact
- Trip Generation Distribution
- Traffic Impact
- Residential Travel Plan (RTP) Framework
- RTP Aims and Objectives
- Framework for the preparation of the RTP

Layout, Scale and Design

Issues of layout, scale and design will need to be considered against Policies D1 (Quality Placemaking by Design) and D2 (Landscape). Policy D1 advises that all development must ensure high standards of design and have a strong and distinctive sense of place which takes into account the context of the surrounding area and will be required to offer opportunities for connectivity which take in to account the character and scale of the development.

Developments that contribute to placemaking will help sustain and enhance the social, economic, environmental and cultural attractiveness of the city. Proposals will be considered against six essential qualities:

- Distinctive
- Welcoming
- Safe and pleasant
- Easy to move around
- Adaptable
- Resource efficient

Policy D2 (Landscape) of the ALDP states that: *'Quality development will:*

- *be informed by the existing landscape character, topography and existing features to sustain local diversity and distinctiveness, including natural and built features such as existing boundary walls, hedges, copses and other features of interest;*
- *conserve, enhance or restore existing landscape features and should incorporate them into a spatial landscape design hierarchy that provides structure to the site layout;*
- *create new landscapes where none exist and where there are few existing features;*
- *protect and enhance important views of the City's townscape, landmarks and features when seen from busy and important publicly accessible vantage points such as roads, railways, recreation areas and pathways and particularly from the main city approaches'*

Given the prominent location of the site immediately adjacent to one of the main arterial routes into the city (the A92), it is vitally important that the development would protect or enhance the views from the A92. The site is at present predominantly screened from the A92 by the tree belt along the eastern boundary. Careful attention will need to be paid to ensuring that key views, including those from the A92 and of the city from the Causey Mounth and Tollohill Woods to the south and west would not be unduly affected. The design of the site (and in particular the height and positioning) of buildings should thus be guided by the findings of a Landscape Visual Impact Assessment, in order to protect key views.

Any application must also be accompanied by a landscape strategy and management plan, incorporating hard and soft landscaping design specifications.

Density & Housing Mix

Policy H3 (Density) seeks an appropriate density of development on all housing allocations and windfall sites. Densities should have consideration to the site's characteristics and those of the surrounding area and should create attractive residential environment and safeguard living conditions within the development.

Policy H4 (Housing Mix) advises that housing developments of larger than 50 units, such as that proposed, will be required to achieve an appropriate mix of sizes, which should reflect the accommodation requirements of specific groups. This mix should include smaller 1 and 2 bedroom units and should be reflected in both the market and affordable housing contributions. This approach helps to create mixed and inclusive communities by offering a choice of housing.

Affordable Housing

Policy H5 (Affordable Housing) of the ALDP requires 25% of the units in all residential developments of 5 or more units to be affordable.

Developer Obligations

Development must be accompanied by the infrastructure, services and facilities required to support new or expanded communities and the scale and type of developments proposed. Where additional demands on community facilities or infrastructure that would necessitate new facilities or exacerbate deficiencies in existing provision, the Council will require the developer to meet or contribute to the cost of providing or improving such infrastructure or facilities. The level of infrastructure requirements and contributions will be outlined by the Council, through the Developer Obligations Assessment and will relate to the development, in line with Policy I1 (Infrastructure Delivery and Planning Obligations).

Noise

Given the location of the development adjacent to public roads, and the heavily trafficked A92 dual carriageway in particular, it is likely that there will be exposure to noise. As such and as per the requirements of Policy T5 (Noise), a Noise Impact Assessment (NIA) will be required in support of an application. The NIA should ascertain all sources of noise that could affect residential amenity (both internally and when experienced from external amenity areas) and should suggest mitigation measures to minimise noise emissions to an acceptable level. These mitigation measures should then be designed into the development to ensure a satisfactory level of amenity can be achieved.

Air Quality

Policy T4 (Air Quality) of the ALDP states: *'Development proposals which may have a detrimental impact on air quality will not be permitted unless measures to mitigate the impact of air pollutants are proposed and agreed with the Planning Authority. Planning applications for such proposals should be accompanied by an assessment of the likely impact of development on air quality and any mitigation measures proposed.'* Due to the location of the site adjacent to the A92, an Air Quality Assessment will be required to consider whether the impact of this can be adequately mitigated.

Open Space

Policy NE4 (Open Space Provision in New Development) requires new developments to accommodate an area of open space within the development site. As per the policy the Council requires at least 2.8Ha per 1,000 people of meaningful and useful open space. The Supplementary Guidance on Open Space states that open space standards are based on the number of residents within a new development, which can be calculated using the average number of people who live in each dwelling. These figures are outlined in the Supplementary Guidance.

Natural Heritage

Policy NE8 (Natural Heritage) states: *'development that is likely to impact a locally designated site should seek to address this through careful design and mitigation measures.'*

The Den of Leggart is a Local Nature Conservation Site (LNCS) and although the majority of the Den is proposed to remain undeveloped, the roads access as currently shown in the central part of the site would encroach within the southern portion of the LNCS. Given the greenfield nature of the site, its green belt and green space network zonings and the Den of Leggart LNCS, there is an abundance of flora and fauna on the site and the potential for protected species to be affected by development. A detailed ecological and habitat survey will therefore be required as part of any application, evidencing what species are present on the site and incorporating mitigation measures to minimise the impact on them. The site layout should also be designed to maximise opportunities to enhance biodiversity wherever possible, in accordance with Policy NE8.

The Leggart Burn is a tributary of the River Dee, which is designated as a Special Area of Conservation (SAC) due to its population of otter, freshwater pearl mussel and Atlantic salmon. As the proposals would involve works in and around the Leggart Burn, there is the potential for those works to adversely affect the qualifying features of the SAC, particularly during the construction phase. As such, the Council will need to carry out a Habitats Regulations Appraisal (HRA) and as part of the HRA process, a detailed Construction Environmental Management Plan (CEMP) would be required, incorporating suitable mitigation measures sufficient to ensure that there would be no significant harm to the qualifying features of the SAC.

Trees & Woodland

Policy NE5 (Trees and Woodland) states: *'There is a presumption against all activities and development that will result in the loss of, or damage to, trees and woodlands that contribute to nature conservation, landscape character, local amenity or climate change adaptation and mitigation.'*

Although large parts of the site comprise open fields with no trees, there are a number of trees within the site, particularly the established tree belt along the eastern boundary with the A92, as well as within and adjacent to the Leggart Burn and the Den of Leggart. Existing trees on the site need to be retained and the development designed around them wherever possible. A Tree Survey, Arboricultural Impact Assessment and Tree Protection Plan must be submitted with any formal application and tree loss should be minimised.

Access & Recreation

Policy NE9 (Access and Informal Recreation) states: *New development should not compromise the integrity of existing or potential recreational opportunities including general access rights to land and water, Core Paths, other paths and rights of way. This includes any impacts on access during the construction phase of a development.'*

It is noted that parts of the site are well used by members of the public, including residents of the development to the north at Deeside Brae. Policy NE9 notes: *'Wherever possible, developments should include new or improved provision for public access, permeability and/or links to green space for recreation and active travel.'*

Flooding & Drainage

Policy NE6 (Flooding, Drainage & Water Quality) states that development will not be permitted if it would increase the risk of flooding or it would itself be at risk of flooding, amongst other criteria. The proposed development would result in a significant amount of hard landscaping being created on what is almost entirely permeable land at present, therefore the surface water (and waste water) drainage of the site will require careful consideration via a Drainage Impact Assessment (DIA), in order to ensure that the site could be adequately drained and would not pose a flood risk.

The Leggart Burn runs through the site and is noted on SEPA's flood maps as having the potential to flood. The site requires to be designed to ensure that no new properties would be at risk of flooding and as noted in the PALDP Opportunity Site allocation, a Flood Risk Assessment (FRA) will be required to accompany any application.

Policy NE6 of the ALDP also notes that: *'there is a presumption against excessive engineering and culverting of waterbodies. Natural treatments of floodplains and other water storage features will be preferred wherever possible.'*

It is noted that in order to provide access to the eastern portion of the site, engineering works will be required in the narrow central section of the site, including the culverting of the Leggart Burn. Policy

NE4 (Our Water Environment) of the PALDP further notes:

'Where the Council agrees that culverts are unavoidable for technical reasons, they should be designed to maintain existing flow conditions and aquatic life. Any proposals for new culverts should have a demonstrably neutral impact on flood risk and be linked to long term maintenance arrangements to ensure they are not the cause of flooding in the future.'

Careful consideration will therefore be required in this regard in order to minimise the length of culvert and to maintain existing flow conditions and aquatic life.

Waste/Refuse

Policy R6 (Waste Management Requirements for New Development) states that all new developments should have sufficient space for the storage of general waste, recyclable materials and compostable wastes where appropriate. Details of storage facilities and means of collection (including swept path analyses for bin lorries) must be included as part of a planning application for any development which would generate waste.

Sustainable Development

In terms of low and zero carbon, buildings must meet at least 20% of the building regulations carbon dioxide emissions reduction target applicable at the time of the application through low and zero carbon generating technology. With regards to water efficiency, all new buildings are required to use water saving technologies and techniques. This is a requirement of Policy R7 (Low and Zero Carbon Buildings, and Water Efficiency) and details would be requested via condition.

Digital Infrastructure

Policy C11 (Digital Infrastructure) requires all new residential and commercial development will be expected to have access to modern, up-to-date high-speed communications infrastructure (broadband).

PRE-APPLICATION CONSULTATION

Due to the ongoing Covid-19 restrictions on public gatherings and social distancing requirements, an online public consultation event was undertaken by the applicant on a dedicated website for the proposed development (www.leggartbrae.com) on Thursday 6 August, between 4pm and 8pm. Representatives of the applicant and their project team were available to discuss and respond to queries regarding the proposals via a virtual question and answer session. Various options for the site layout of the development and how it could be accessed were on display on the website for a week prior to the online event.

NECESSARY INFORMATION TO SUPPORT ANY FUTURE APPLICATION

As part of any application, the applicant has been advised that the following information would need to accompany the formal submission –

- Location Plan
- Site Plan (Existing & Proposed)
- Dwelling Elevations (Existing & Proposed)
- Contextual Street Elevations
- Topographical Survey (Existing & Proposed)
- Design & Access Statement
- Flood Risk Assessment

- Drainage Impact Assessment
- Landscape Visual Impact Assessment
- Noise Impact Assessment (due to noise from traffic on the adjacent A92)
- Air Quality Impact Assessment (due to traffic generated and the adjacent A92)
- Draft Construction Environmental Management Plan
- Ecological and Habitats Survey
- Transport Assessment
- Tree Survey, Arboricultural Impact Assessment & Tree Protection Plan
- Archaeological Survey
- Landscaping and Maintenance Plan