

# Public Document Pack



To: All Councillors.

Town House,  
ABERDEEN 07 January 2020

## PRE DETERMINATION HEARING

The Members of **COUNCIL** are requested to meet for a Pre Determination Hearing on **MONDAY, 13 JANUARY 2020 at 9.30 am.** **Members will visit the site before returning to the Council Chamber for the Pre Determination Hearing. Please meet at the Town House reception at 9.30am.**

FRASER BELL  
CHIEF OFFICER - GOVERNANCE

## BUSINESS

### DECLARATION OF INTERESTS

- 1 Members are requested to intimate any declarations of interest (Pages 3 - 4)

### GENERAL BUSINESS

- 2.1 Site Visit - members will visit the site in regards to the application.
- 2.2 Residential led development for the retired/elderly (including affordable housing), a 50 bedroom care home and approximately 500sqm of ancillary retail/community use, together with public open space and associated infrastructure including a link road, at land at Inchgarth Road, Cults Aberdeen (Pages 5 - 18)

All documents associated with the application can be found at the following link and enter the reference number 181224.

[Link.](#)

To access the Service Updates for this Committee please click [here](#)

Website Address: [www.aberdeencity.gov.uk](http://www.aberdeencity.gov.uk)

Should you require any further information about this agenda, please contact Lynsey McBain, Committee Officer, on 01224 522123 or email [lymcbain@aberdeencity.gov.uk](mailto:lymcbain@aberdeencity.gov.uk)

## **DECLARATIONS OF INTEREST**

You must consider at the earliest stage possible whether you have an interest to declare in relation to any matter which is to be considered. You should consider whether reports for meetings raise any issue of declaration of interest. Your declaration of interest must be made under the standing item on the agenda, however if you do identify the need for a declaration of interest only when a particular matter is being discussed then you must declare the interest as soon as you realise it is necessary. The following wording may be helpful for you in making your declaration.

I declare an interest in item (x) for the following reasons .....

*For example, I know the applicant / I am a member of the Board of X / I am employed by...* and I will therefore withdraw from the meeting room during any discussion and voting on that item.

### **OR**

I have considered whether I require to declare an interest in item (x) for the following reasons ..... however, having applied the objective test, I consider that my interest is so remote / insignificant that it does not require me to remove myself from consideration of the item.

### **OR**

I declare an interest in item (x) for the following reasons ..... however I consider that a specific exclusion applies as my interest is as a member of xxxx, which is

- (a) a devolved public body as defined in Schedule 3 to the Act;
- (b) a public body established by enactment or in pursuance of statutory powers or by the authority of statute or a statutory scheme;
- (c) a body with whom there is in force an agreement which has been made in pursuance of Section 19 of the Enterprise and New Towns (Scotland) Act 1990 by Scottish Enterprise or Highlands and Islands Enterprise for the discharge by that body of any of the functions of Scottish Enterprise or, as the case may be, Highlands and Islands Enterprise; or
- (d) a body being a company:-
  - i. established wholly or mainly for the purpose of providing services to the Councillor's local authority; and
  - ii. which has entered into a contractual arrangement with that local authority for the supply of goods and/or services to that local authority.

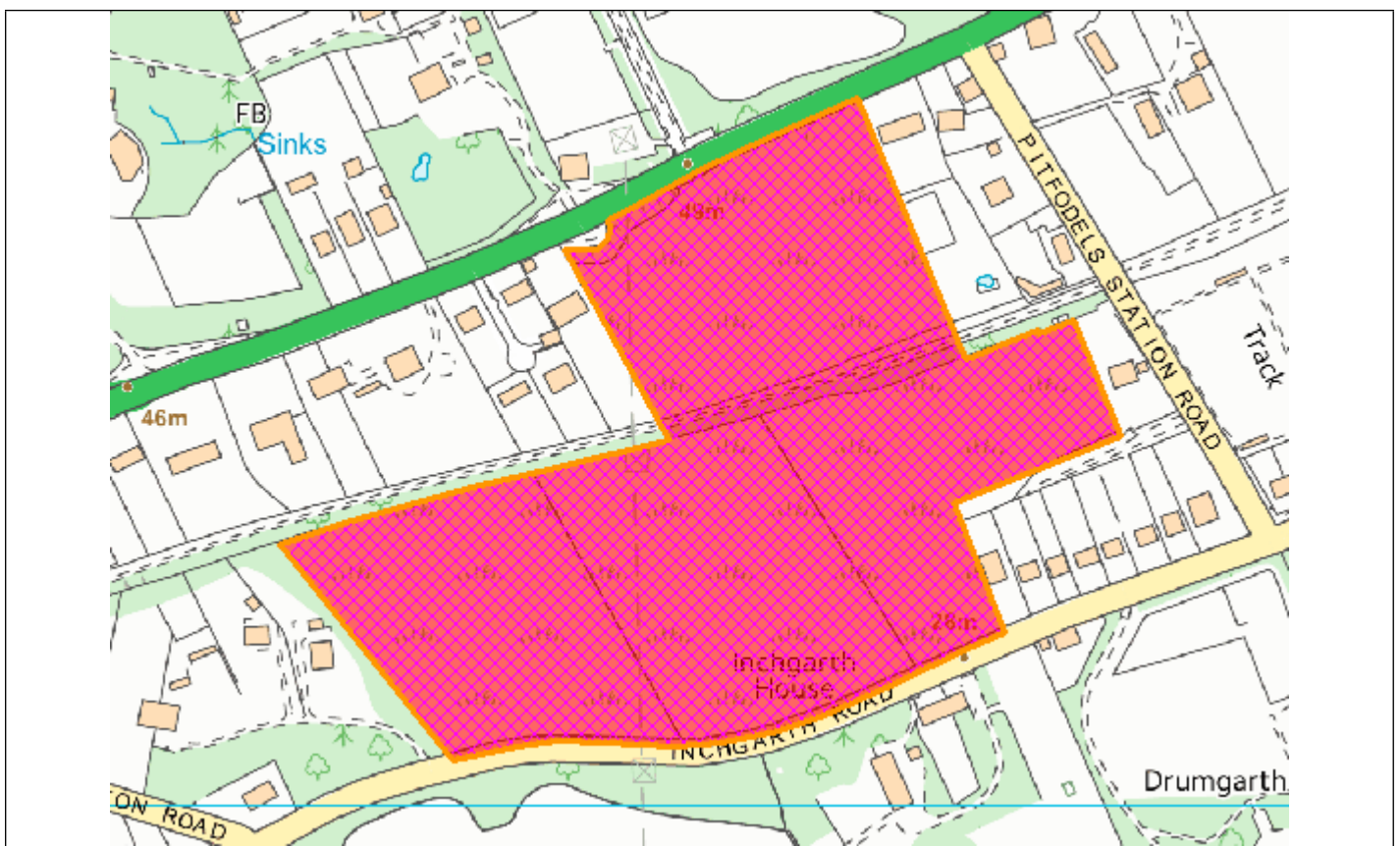
### **OR**

I declare an interest in item (x) for the following reasons.....and although the body is covered by a specific exclusion, the matter before the Committee is one that is quasi-judicial / regulatory in nature where the body I am a member of:

- is applying for a licence, a consent or an approval
- is making an objection or representation
- has a material interest concerning a licence consent or approval
- is the subject of a statutory order of a regulatory nature made or proposed to be made by the local authority.... and I will therefore withdraw from the meeting room during any discussion and voting on that item.

|                                                                                                                           |                                                        |
|---------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------|
|  <p><b>ABERDEEN</b><br/>CITY COUNCIL</p> | <p><b>Pre-Determination Hearing (Full Council)</b></p> |
|                                                                                                                           | <p>Report by Development Management Manager</p>        |
|                                                                                                                           | <p><b>Hearing Date: 13th January 2020</b></p>          |

|                                 |                                                                                                                                                                                                                                                            |
|---------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Site Address:</b>            | Land at Inchgarth Road, Cults, Aberdeen,                                                                                                                                                                                                                   |
| <b>Application Description:</b> | Residential led development for the retired/elderly (including affordable housing), a 50 bedroom care home and approximately 500sqm of ancillary retail/community use, together with public open space and associated infrastructure including a link road |
| <b>Application Ref:</b>         | 181224/PPP                                                                                                                                                                                                                                                 |
| <b>Application Type</b>         | Planning Permission in Principle                                                                                                                                                                                                                           |
| <b>Application Date:</b>        | 12 July 2018                                                                                                                                                                                                                                               |
| <b>Applicant:</b>               | Cults Property Development                                                                                                                                                                                                                                 |
| <b>Ward:</b>                    | Lower Deeside                                                                                                                                                                                                                                              |
| <b>Community Council:</b>       | Cults, Bieldside And Milltimber                                                                                                                                                                                                                            |
| <b>Case Officer:</b>            | Lucy Greene                                                                                                                                                                                                                                                |



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## APPLICATION BACKGROUND

### Purpose of Report

Under section 38A of the Town and Country Planning (Scotland) Act 1997 ('the Act'), the opportunity to attend pre-determination hearings must be provided in respect of applications for major developments which are considered to be significantly contrary to the vision or wider spatial strategy of the 'development plan'. The Development Plan comprises the Aberdeen Local Development Plan 2017 and the Aberdeen City and Shire Strategic Development Plan 2014. This report provides information for the pre-determination hearing required in relation to this planning application for a major development which is considered to be significantly contrary to the development plan and the adopted local development plan. It provides important planning policy background and detail of the representations made and consultation responses received.

No assessment of the merits or failings of the proposal is made in this report. This will be the subject of a separate report to a future meeting of the Full Council.

## **Site Description**

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The 9.87 hectare site lies between Pitfodels, to the west, and Garthdee, to the east, with North Deeside Road along the northern site boundary and Inchgarth Road along the southern boundary. The Deeside Way cuts across the middle of the site. There is a significant change in levels across the site, with the northern boundary being approximately 21metres higher than the southern. The site consists of former fields with their dry stone dykes still in evidence. It is covered by a Tree Preservation Order (TPO), with the larger trees located in particular along North Deeside Road, on land to the north side of the Deeside Way land and the close to the site boundary to the east. The land now consists of rough grassland that has been heavily colonised by self seeded trees and plants, especially across the southern area. Rear gardens to properties along North Deeside Road, Pitfodels Station Road and Inchgarth Road abut the site to the east and west. A power line also crosses the site, with a pylon close to the Deeside Way.

## **Relevant Planning History**

None

## **APPLICATION DESCRIPTION**

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### **Description of Proposal**

The application seeks planning permission in principle (PPP) for a residential led development for the retired / elderly, which would include affordable housing, a 50 bed care home and approximately 500m<sup>2</sup> of ancillary retail and / or community use space, public open space and associated infrastructure and a link road between Inchgarth Road and North Deeside Road. The link road would involve bridging over the Deeside Way and indicative plans show that there would embankments of several metres in height in order to do this and to provide the junction with North Deeside Road. There would be a disabled access path between North Deeside Road and Inchgarth, via the Deeside Walkway. A cyclepath would be laid out along the length of the link road. To the west of the proposed link road plans show the green space being retained. An indicative Masterplan includes 95no. residential units as well as a 50 bed care home and 500m<sup>2</sup> retail / community uses. The residential units are as follows:

6 no. detached buildings each containing 4/5 x 2 bed room apartments, these would be in the area to the north of the Deeside Way;

16 x 2 bed semi-detached apartments, in the area to the east to the north of houses on Inchgarth Road

6 no. 'houses' each containing 4/5 x 2 bed room apartments, these are in the area fronting Inchgarth Road

14 x 1 bed amenity houses – shown as to the north of the flatted houses fronting on to Inchgarth Road

12 x 2 bed apartments, to the south of Deeside Way, between the retail / community units and the semi-detached apartments.

The proposed link road is shown with T junction onto Inchgarth Road and in order to create an acceptable gradient, it follows a curved line to join North Deeside Road opposite Bairds Brae. From approximately a mid point within the southern site area, the link road would be on an embankment of increasing height so that the road surface would be approximately 4.5 metres above the surface of the Deeside Way

Development platforms are indicated as being proposed to be created across the site. These would result in significant changes in levels, in particular in the northern area of the site between the Deeside Way and North Deeside Road, where there is an approximately 12metre level change between the two.

The proposals indicate a retained green space to the west of the link road, with surface water drainage ponds in indicative positions close to the road.

The Environmental Report includes an assessment of the visual and landscape impact of the development, from both the roads and Deeside Way immediately adjacent to the site, and from further afield from public vantage points. These take into account, within technical constraints, the general impact of the removal of vegetation and tree cover, and replacement planting to the extent that is envisaged by the applicant.

## **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=PBSYAXBZ00D00>

Environmental Impact Assessment Report, including:

Archaeology Desk -based Assessment by Cameron Archaeology

Transportation Assessment by Fairhursts, July 2019

Drainage Assessment by Fairhursts,

Geo-Environmental Desk Study by Fairhursts

Landscape and Visual Impact Assessment by DWA Landscape Architects Ltd Version 4 and including photomontages

Noise Assessment Report by Sandy Brown Version D 21 September 2018

Environmental Walkover Survey by Astell Associates 19 July 2019

Lepidoptera Survey by Astell Associates of 8<sup>th</sup> August 2019

## **Reason for Referral to Council**

The application will be determined at full Council as it is a major development that is significantly contrary to the development plan.

## **CONSULTATIONS**

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**Developer Obligations** – Contributions would be due for core paths and open space where insufficient is provided on site. Affordable housing would be required at 25% in accordance with the Supplementary Guidance. The nature of the housing for the retired / elderly would be required to be controlled by Section 75 agreement.

**Contaminated Land Team** – No objections or concerns. If the works involve digging into ground immediately adjacent to former Deeside line, then the contamination issue will need to be reconsidered.

**Environmental Health** – Noise impact assessment report is accepted. It was agreed that Air Quality Impact Assessment was not required. Conditions would be required relating to construction period.

**Environmental Policy Team** – In terms of trees, concerns remain that changes to levels across the site would be within root protection areas of trees, would alter hydrology within areas around trees and would result in the loss of trees either immediately or cause damage that would cause loss in the medium term.

In terms of the lepidoptera survey for moths and butterflies, the survey is acceptable. It is concerning that 5 Biodiversity Action Plan (BAP) species were found to be present. The proposed road would create a barrier to dispersal of protected species and during construction there is a risk that the larval stage of species is lost. Mitigation measures would need to include retention of existing habitat and robust exclusion of retained habitat from construction activities.

**Environmental Services Team** – there are no play areas in the area, to the south of Deeside Road and it would be beneficial if this could be provided in the development, in particular if it is environmental in nature.

**Structures, Flooding and Coastal Engineering** – It is noted that there is a second surface water sewer running within the proposed site. It is confirmed that no development should be placed above the surface water culvert unless it is demonstrated that the sewer is no longer live or does not exist. If the culvert exists and is live, appropriate works shall be undertaken to either divert the route of the culvert away from any proposed development or full access should be considered for future inspections and maintenance.

**Roads Development Management Team** – The proposed link road would include 3m footway / cycleway on the west side, with 2m footway on the east side, which is an improvement on the existing situation on Pitfodels Station Road and Westerton Road.

In terms of public transport, North Deeside Road has regularly serviced bus stops within 400m of the site, although these may require upgrade by the applicant. There are bus stops within 900m on Garthdee Road and Auchinyell Road. The applicant has indicated that the link road would be designed to accommodate bus travel and further details would be required at detailed design stage.

Although there was an over provision of visitor parking, the applicant has indicated a willingness to reduce this. Cycle and motorcycle parking should also be provided.

The concept of a link road, in conjunction with one of the option for 'Access from the South' was considered through the Scottish transport Appraisal Guidance (STAG) stage 1 and stage 2 process. It was concluded that this link be recommended for refusal, however, it was acknowledged that the option required further consideration to make a comprehensive judgement. It is logically concluded that local traffic would be channelled onto the proposed link road, and this has been included in an analysis, which shows that in this scenario, both junctions operate within capacity at the peak hours.

Due to the gradient, the meandering route is required, which would result in traffic being slowed. Detailed design of the road would not be required until detailed stage.

Condition should be attached to any permission, relating to access for waste collection.

There are various comments relating to the internal roads providing access to residential and other uses, however, it is considered that these would be capable of addressing at detailed stage.

The speed limit on Inchgarth Road should be reduced from 40mph to 30mph.

Due to the method of calculating trips, it is considered that the use of the site for retirement accommodation should be conditioned on any permission granted.



It is concluded that the link road could feasibly be implemented without impacting the surrounding road network negatively. It is unclear how the North Deeside Road 'ghost lane' (which would be for right turning vehicles heading into the site) would be implemented without impacting on-road cycle facilities, however, it is considered that this could be confirmed at a later stage.

The framework travel plan is adequate, and details could be conditioned.

Drainage – Some clarification is required on SUDS measures, however, the principle is acceptable given that an engineering solution is feasible. This matter would need to be covered by condition.

**Scottish Environment Protection Agency** – Note that plans show an existing culvert through the site and two possible diversions. A condition is requested requiring details of this to be submitted.

Conditions also requested requiring

- details of site surface water drainage.
- an assessment of soil conditions and if peat is found, a Peat Management Plan
- Site waste management plan
- Japanese knotweed management plan.

It is noted that the developer would require a Construction Site Licence from SEPA under the Controlled Activities Regulations (CAR Licence), for the management of surface water run-off through a Pollution Prevention Plan, this is not therefore required to be covered by planning condition.

**Scottish Water** – No objection; there is currently capacity in water supply and foul sewage, although there is no guarantee that this would be the case in the future.

Scottish Water assets exist within the footprint of the development, this will require protection during any works. Stand off distances will also apply, which may affect development layout.

The site falls within a drinking water catchment, where it is essential that water quality and quantity are protected. However, it is a large catchment and the site is at sufficient distance from the intake to be low risk. This will need to be taken into account during construction and included within site induction.

Surface water will not be permitted to enter the combined sewer.

**Waste Strategy Team** – Provides details of waste and recycling containers. Requests conditions covering details such as swept path analysis to ensure that refuse collection vehicles can safely access the development; and, location of bin stores.

**Scottish Natural Heritage** – Explain that SNH are currently providing detailed landscape and visual advice only in the highest priority cases, where the effects of proposals approach or surpass levels that raise issues of national interests. It is advised that the proposals do not raise issues of national interests in terms of:

1. significant adverse effects on the integrity and objectives of designation of a National Scenic Area
2. significant adverse effects on Special Landscape Qualities of a National Park
3. significant adverse effects on the qualities of a Wild Land Area
4. landscape issues in the wider countryside

**Archaeology Service (Aberdeenshire Council)** – condition is required, this would require a programme of archaeological works

**Historic Environment Scotland** – Proposals have the potential to effect Pitfodells Castle, motte

30m E of Norwood. HES have no comments based on the information received.

### **Cults, Bieldside and Milltimber Community Council –**

In terms of the Transport Assessment, comment that:

- base case network diagrams at Appendix F indicate peak hour flows on Deeview Road South and Inchgarth Road (West of Westerton Road) in excess of 100 vehicles per hour. This is significant as it is a very difficult section of road with blind bends and it appears that this would remain after the link road is introduced. It would be preferred that there is a wider analysis of the area west of Westerton Road, including Deeview Road South and St Devenick's Place and South Avenue, to better understand this traffic flow, as it would appear that drivers use this route to bypass Cults village centre.
- There should be wider assessment of the neighbouring roads, for example, the possibility of making Westerton Road and Pitfodels Station Road one-way. It is also assumed that the 7.5 ton weight limit on Inchgarth Road would only apply west of the junction with the new link road
- The cycleway along the Link Road should have access onto Deeside Way
- There should be a much wider tree belt between North Deeside Way and the development.
- There should be firm arrangements in place for the continuing management of the greenspaces in the development.

Support the proposed based on the supportive community feedback for the link road and retirement - friendly housing.

### **REPRESENTATIONS**

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301 no. representations have been made, consisting of 22no. letters of objection, 278no. letters of support and 1no. neutral.

The following matters were raised:

1. Although the application makes great play of the support for sustainable development within Scottish Planning Policy, the SPP makes clear that this does not override the primacy of the development plan. The proposal is contrary to the Local Development Plan. This is the starting point for decision making.
2. The proposals for Access from the South offer three options, only one of these includes the link road on this application site. It is not therefore necessarily 'essential infrastructure' as mentioned in Green Belt policy.
3. Lack of evidence that the road is needed. Easier access would encourage more usage.
4. There is no mention of the link road in the Local Development Plan.
5. The new road would increase noise and pollution. Policy T5 states a presumption against noise generating development.
6. Nearest bus stop is on Inchgarth Road, at some distance from the site and where there are narrow and uneven footpaths
7. Objection due to the proposal being contrary to Green Belt Policy. The proposal does not fall within any of the exceptions to the general presumption against development.
8. Objection due to the proposal being contrary to Green Space Network Policy. It would result in approximately two thirds of the semi natural habitat being lost and would erode the character and function of the network of open green spaces.
9. This is the first area of natural scenery along the Deeside Way heading out of the City. It is beautiful and should be retained.
10. The site provides ready access to nature, which enhances well-being.
11. The site is home to many species and types of wildlife and is a local asset.
12. That a Right of Way may have been created across the site by regular use over the last more than 20 years, between the rear of houses on Inchgarth Road and the east side of the

site. This needs to be taken into account.

13. The supporting statement makes reference to the SPP stating that where a need is identified, then the LDP should consider allocating sites and provide policies to meet such a need. However, there is insufficient evidence of a need for care and retirement accommodation in Aberdeen, the evidence is national.
14. Proposal would result in an adverse impact on the environment in the Pitfodells Conservation Area.
15. The area has been subject to aggressive development over the recent years, with development setting a precedent for further development, until no green space is left.
16. That the bat survey contains incorrect references and prior to authorising commencement of development the planning authority must ascertain whether there is a presence of protected species on the site, and what the effect of this might be.
17. That owls, pine marten and red squirrel are also present on the site, as well as a significant variety of birds, insects, bumblebees and butterflies.
18. The ecosystem on the site should be left for future generations.
19. The proposal is proximate to several well studied badger setts, which have not been taken into account. The proposal would result in the loss of foraging resources.
20. That the link road provides only another route onto Inchgarth Road. It would create a new rat run and bring traffic into the Conservation Area.
21. That the proposal is within the Conservation Area and would destroy beautiful countryside.
22. That there was an application for over 50s living at the Marcliffe Hotel and the objector queries how much of this the community facilities can cope with.
23. There are already several retirement homes in the area and they create a burden on caring services.
24. Objector queries whether there is really demand for retirement homes, and that this site is steeply sloping, with no easy access to shops and services.
25. Objector considers that affordable housing in this area is not a serious suggestion.
26. There is no guarantee that the shops, including pharmacy would be provided and occupied. There are already two pharmacies in the area.
27. There is a lack of GPs to run surgeries. It is reportedly very difficult to get an appointment at Cults medical practice, the proposal would put more strain on that facility.

The following matters were raised in support, or are comments:

28. The owner of land to the south of the application site confirms that their land is available to provide enhanced and integrated roads and access, incorporating existing access to their own land.
29. The owner of land to the south confirms that their land is also available to help deliver an enhanced and integrated north – south wildlife corridor.
30. Owner of land to south highlights the two developer bids to the proposed Local Development Plan, reference B0944 relates to the application site, whilst reference B0917 relates to the land to the south, both are currently green belt and green space network. The application that is the subject of this report incorrectly refers to the land to the south as 'urban green space'. The writer supports the allocation of both sites in the new LDP.
31. That the proposal will benefit the local community by the provision of a link road that would improve traffic flow in the area and is needed, including to assist with the problem of rat running in the area. Existing roads are narrow with narrow pavements and vehicles speed along them, resulting in a dangerous situation.
32. T junction at Inchgarth Road would be better than a roundabout, and traffic should be directed preferentially onto the link road, with Inchgarth Road to the west becoming a minor road.
33. Provision of a bus service along the proposed link road to provide access to the shops at Garthdee, would be a good idea.
34. That the proposal is sympathetic and would also provide benefits with the residential and community facilities of a pharmacy, café and doctors surgery. The housing would allow

people to downsize whilst remaining within the area, it would take pressure off the NHS and social care provision. There is demand for this sort of housing within the area and the proposal for a care home is supported due to need for the facility.

35. The site is currently unkempt and contributes little to the character and amenity of the area, as it is not available to the public and is therefore a wasted space.
36. Scale of development would hardly be visible from North Deeside Road.
37. Improvement of land, for wildlife, is a great idea.
38. Access to the Deeside Way would be improved, especially for disabled people.

## **MATERIAL CONSIDERATIONS**

### **Legislative Requirements**

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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

### **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.

Since the 29 March 2019, the Strategic Development Plan 2014 has been 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)**

#### **D1: Quality Placemaking by Design**

All development must ensure high standards of design and have a strong and distinctive sense of place which is a result of context appraisal, detailed planning, quality architecture, craftsmanship and materials.

Proposals will be considered against six essential qualities: distinctive; welcoming; safe and pleasant; easy to move around; adaptable; resource efficient.

#### **D2: Landscape**

Developments will have a strong landscape framework which improves and enhances the setting and visual impact of the development, unifies urban form, provides shelter, creates local identity

and promotes biodiversity. 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;
- provide hard and soft landscape proposals that is appropriate to the scale and character of the overall development.

#### D4: Historic Environment

The Council will protect, preserve and enhance the historic environment in line with Scottish Planning Policy (SPP), SHEP and its own Supplementary Guidance and Conservation Area Character Appraisals and Management Plan. High quality design that respects the character, appearance and setting of the historic environment and protects the special architectural or historic interest of its listed buildings, conservation areas ... will be supported.

#### **NC8: Retail Development Serving New Development Areas**

Masterplans for sites allocated for major greenfield residential development should allocate land for retail and related uses at an appropriate scale to serve the convenience shopping needs of the expanded local community. Sites should be in accessible locations for walking, cycling and public transport. Masterplans should indicate the delivery mechanism and timescale for the provision of retail uses.

Proposals for retail development which serves a wider catchment area will be subject to a sequential test and retail impact assessment in accordance with Policy NC4.

#### **I1: Infrastructure Delivery & Planning 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 development either individually or cumulatively will place 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.

#### **T2: Managing the Transport Impact of Development**

Commensurate with the scale and anticipated impact, new developments must demonstrate that sufficient measures have been taken to minimise traffic generated and to maximise opportunities for sustainable and active travel. Transport Assessments and Travel Plans will be required for developments which exceed the thresholds set out in Supplementary Guidance. The development of new communities should be accompanied by an increase in local services and employment opportunities that reduce the need to travel and include integrated walking, cycling and public transport infrastructure to ensure that, where travel is necessary, sustainable modes are prioritised. Where sufficient sustainable transport links to and from new developments are not in place, developers will be required to provide such facilities or a suitable contribution towards implementation. Further information is contained in the relevant Supplementary Guidance which should be read in conjunction with this policy.

#### **T3: Sustainable and Active Travel**

New developments must be accessible by a range of transport modes, with an emphasis on active and sustainable transport, and the internal layout of developments must prioritise walking, cycling and public transport penetration. Links between residential, employment, recreation and other

facilities must be protected or improved for non-motorised transport users, making it quick, convenient and safe for people to travel by walking and cycling. Existing access rights, including core paths, rights of way and paths within the wider network will be protected and enhanced. Where development proposals impact on the access network, the principle of access must be maintained at all times by the developer through the provision of suitable alternative routes. Recognising that there will still be instances in which people will require to travel by car, initiatives such as like car sharing, alternative fuel vehicles and Car Clubs will also be supported where appropriate.

#### **T4: Air Quality**

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.

#### **T5: Noise**

In cases where significant exposure to noise is likely to arise from development, a Noise Impact Assessment (NIA) will be required as part of a planning application. There will be a presumption against noise generating developments, as identified by a NIA, being located close to noise sensitive developments, such as existing or proposed housing, while housing and other noise sensitive developments will not normally be permitted close to existing noisy land uses without suitable mitigation measures in place to reduce the impact of noise.

#### **H3: Density**

The City Council will seek an appropriate density of development on all housing allocations and windfall sites. All residential development over one hectare must:

1. Meet a minimum density of 30 dwellings per hectare;
2. Have consideration of the site's characteristics and those of the surrounding area;
3. Create an attractive residential environment and safeguard living conditions within the development; and,
4. Consider providing higher densities in the City Centre, around local centres, and public transport nodes.

#### **H4: Housing Mix**

Housing developments of larger than 50 units are required to achieve an appropriate mix of dwelling types and sizes, in line with a masterplan, reflecting the accommodation requirements of specific groups, in particular families, older people and people with particular needs. This mix should include smaller 1 and 2 bedroom units and should be reflected in both the market and affordable housing contributions.

#### **H5: Affordable Housing**

Housing developments of five units or more are required to contribute no less than 25% of the total number of units as affordable housing.

#### **CF2: New Community Facilities**

Proposals for new community facilities shall be supported, in principle, provided they are in locations convenient to the community they serve and are readily accessible, particularly to public transport, pedestrians and cyclists.

#### **NE1: Green Space Network**

The Council will protect, promote and enhance the wildlife, access, recreation, ecosystem services and landscape value of the Green Space Network (GSN), which is identified on the proposals map.

Proposals for development that are likely to erode the character and / or function of the GSN will not be permitted.

Where major infrastructure projects or other developments necessitate crossing the Green Space Network, such development should maintain or enhance the coherence of the network. In doing so, provision should be made for access across roads for wildlife and outdoor recreation.

Masterplanning of new developments should consider the existing areas of GSN and identify new areas incorporating GSN.

Masterplans will determine the location, extent and configuration of the GSN within the area, and its connectivity with the wider network.

## **NE2: Green Belt**

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. There are exceptions to this policy, including:

1. Proposals for development associated with existing activities in the green belt will be permitted but only if certain criteria are met.

2. Essential infrastructure (such as electronic communications infrastructure, electricity grid connections, transport proposals identified in the LDP or roads planned through the masterplanning of opportunity sites) will only be permitted if it cannot be accommodated anywhere other than the Green Belt.

3. Buildings in the Green Belt which have a historic or architectural interest, or a valuable traditional character, will be permitted to undergo an appropriate change of use which makes a worthwhile contribution to the visual character of the Green Belt.

4. Proposals for extensions of existing buildings, as part of a conversion or rehabilitation scheme, will be permitted in the Green Belt with certain provisos.

5. Replacement on a one-for-one basis of existing permanent houses currently in occupation will normally be permitted (with some provisos).

All proposals for development in the Green Belt must be of the highest quality in terms of siting, scale, design and materials. All developments in the Green Belt should have regard to other policies of the Local Development Plan in respect of landscape, trees and woodlands, natural heritage and pipelines and control of major accident hazards.

## **NE4: Open Space Provision in New Development**

The Council will require the provision of at least 2.8ha per 1000 people of meaningful and useful open space in new residential development.

Public or communal space should be provided in all residential developments.

In areas where the Open Space Audit has shown that existing open space is of poor quality, contributions may be sought to enhance existing provision instead of new provision being required.

## **NE5: Trees and Woodlands**

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. Buildings and services should be sited so as to minimise adverse impacts on existing and future trees.

## **NE6: Flooding, Drainage & Water Quality**

Development will not be permitted if:

1. It would increase the risk of flooding: a) by reducing the ability of the functional flood plain to store and convey water; b) through the discharge of additional surface water; or c) by harming flood defences.

2. It would be at risk itself from flooding;

3. Adequate provision is not made for access to waterbodies for maintenance; or

4. It would require the construction of new or strengthened flood defences that would have a significantly damaging effect on the natural heritage interests within or adjacent to a watercourse.

Drainage Impact Assessment (DIA) will be required for new development proposals comprising 5 or more homes or 250m<sup>2</sup> non-residential floorspace.

Surface water drainage associated with development must: 1. Be the most appropriate available in terms of SuDS; and 2. Avoid flooding and pollution both during and after construction.

There is a presumption against excessive engineering and culverting of waterbodies. There will be a requirement to restore existing culverted or canalised water bodies to a naturalised state where this is possible.

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.

### **NE8: Natural Heritage**

Highlights requirement surveys, protection plans and necessary mitigation measures where there is a likelihood of protected species being present.

### **NE9: Access and Informal Recreation**

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.

Wherever possible, developments

should include new or improved provision for public access, permeability and/or links to green space for

recreation and active travel.

### **R2: Degraded & Contaminated Land**

The City Council will require that all land that is degraded or contaminated, including visually, is either

restored, reclaimed or remediated to a level suitable for its proposed use. This may involve undertaking site

investigations and risk assessments to identify any actual or possible significant risk to public health or

safety, or to the environment, including possible pollution of the water environment, that could arise from

the proposals. Where there is potential for pollution of the water environment the City Council will liaise with

SEPA. The significance of the benefits of remediating a contaminated site, and the viability of funding this,

will be taken into account when considering proposals for the alternative use of such sites.

### **R6: Waste Management Requirements for New Development**

All new developments should have sufficient space for the storage of general waste, recyclable materials

and compostable wastes where appropriate. Recycling facilities should be provided in all new superstores

or large supermarkets and in other developments where appropriate. Details of storage facilities and means



of collection must be included as part of a planning application for any development which would generate waste.

**R7: Low & Zero Carbon Buildings & Water Efficiency**

All new buildings, must meet at least 20% of the building regulations carbon dioxide emissions reduction target applicable at the time of the application through the installation of low and zero carbon generating technology.

To reduce the pressure on water abstraction from the River Dee, and the pressure on water infrastructure, all new buildings are required to use water saving technologies and techniques.

**CI1: Digital Infrastructure**

All new residential and commercial development will be expected to have access to modern, up-to-date high-speed communications infrastructure.

**Supplementary Guidance and Technical Advice Notes**

**Supplementary Guidance:**

**Planning Obligations**

**Resources for New Development**

**Trees and Woodlands**

**Air Quality**

**Flooding, Drainage and Water Quality**

**Landscape**

**Natural Heritage**

**Noise**

**Transport and Accessibility**

**Planning Obligations**

**Technical Advice Notes:**

**Natural Heritage**

**Other Material Considerations**

Pitfodels Conservation Area Character Appraisal and Management Plan

**NEXT STEPS**

A report will be prepared by Officers for Full Council with a recommendation assessing the proposed development and making a recommendation to members.

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