

Public Document Pack



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

Town House,
ABERDEEN 11 March 2021

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

The Members of the **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE** are requested to meet remotely on **THURSDAY, 18 MARCH 2021 at 10.00 am.**

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 available on the Committee page on the website.

B U S I N E S S

MEMBERS PLEASE NOTE THAT ALL LETTERS OF REPRESENTATION ARE NOW AVAILABLE TO VIEW ONLINE. PLEASE CLICK ON THE LINK WITHIN THE RELEVANT COMMITTEE ITEM.

MOTION AGAINST OFFICER RECOMMENDATION

- 1.1 Motion Against Officer Recommendation - Procedural Note (Pages 3 - 4)

DETERMINATION OF URGENT BUSINESS

- 2.1 Determination of Urgent Business

DECLARATION OF INTERESTS

- 3.1 Members are requested to intimate any declarations of interest (Pages 5 - 6)

MINUTES OF PREVIOUS MEETINGS

- 4.1 Minute of Meeting of the Planning Development Management Committee of 18 February 2021 - for approval (Pages 7 - 14)

COMMITTEE PLANNER

- 5.1 Committee Planner (Pages 15 - 16)

GENERAL BUSINESS

- 6.1 A Guide to Planning Consents for the Aberdeen Multis - PLA/21/053
(Pages 17 - 36)
- 6.2 Leggart Brae - Pre Determination Hearing (Pages 37 - 80)

DATE OF NEXT MEETING

- 7.1 Thursday 22 April 2021 at 10am.

EHRIAs related to reports on this agenda can be viewed [here](#)
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MOTIONS AGAINST RECOMMENDATION

Members will recall from the planning training sessions held, that there is a statutory requirement through Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 for all planning applications to be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. All Committee reports to Planning Development Management Committee are evaluated on this basis.

It is important that the reasons for approval or refusal of all applications are clear and based on valid planning grounds. This will ensure that applications are defensible at appeal and the Council is not exposed to an award of expenses.

Under Standing Order 28.10 the Convener can determine whether a motion or amendment is competent, and may seek advice from officers in this regard.

With the foregoing in mind the Convener has agreed to the formalisation of a procedure whereby any Member wishing to move against the officer recommendation on an application in a Committee report will be required to state clearly the relevant development plan policy(ies) and/or other material planning consideration(s) that form the basis of the motion against the recommendation and also explain why it is believed the application should be approved or refused on that basis. Officers will be given the opportunity to address the Committee on the competency of the motion. The Convener has the option to call a short recess for discussion between officers and Members putting forward a motion if deemed necessary.

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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.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 18 February 2021. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Boulton, Convener; Councillor Stewart, the Depute Provost, Vice Convener; and Councillors Allan, Copland, Cormie, Greig, MacKenzie, Malik and Radley (as substitute for Councillor Cooke).

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.

MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 21 JANUARY 2021

1. The Committee had before it the minute of the previous meeting of 21 January 2021, for approval.

The Committee resolved:-

to approve the minute as a correct record.

COMMITTEE PLANNER

2. The Committee had before it a planner of future Committee business.

The Committee resolved:-

to note the information contained in the Committee business planner.

STONEYWOOD HOUSE ABERDEEN - 201036

3. The Committee had before it, a report by the Chief Officer – Strategic Place Planning, **which recommended:-**

That the application for listed building consent for the installation of CCTV (partially retrospectively) at Stonewood House Aberdeen, be approved subject to the following conditions:-

Conditions

1. That all camera fixings, and any other fixings relating to the cameras, shall be made with non-ferrous materials only.

Reason: In the interests of preserving the fabric of the listed building.

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2. That the cabling routes on the building for all of the cameras shall be designed to minimise the visibility of that cabling, and cameras shall not be fixed, replaced or allowed to remain other than in accordance with details that have been submitted to, and approved in writing by the planning authority of the cabling routes.

Reason: In the interests of preserving the character and fabric of the listed building.

3. That no cameras shall be fixed, replaced or allowed to remain on the building unless they have been painted in a colour that has been agreed in writing with the planning authority and which blends with the colour of the building or other background in which each camera is set.

Reason: In the interests of preserving the character and fabric of the listed building.

The Committee heard from Lucy Greene, Senior Planner, who spoke in furtherance of the application and answered questions from members.

The Committee resolved:-

to approve the application conditionally.

MARINER HOTEL, 349 GREAT WESTERN ROAD, ABERDEEN - 200794

4. The Committee had before it a report by the Chief Officer – Strategic Place Planning, **which recommended:-**

That the application for planning permission in principle for the conversion and extension of the existing two storey hotel building (Class 7) to form 9 flats, conversion of existing one and half storey hotel building (Class 7) to form a detached dwellinghouse (Class 9), and erection of 2 semi-detached dwellinghouses with associated parking, open space and associated works in existing rear car parking area, at Mariner Hotel, 349 Great Western Road Aberdeen, be approved subject to the following conditions:-

Conditions:-

1. No development shall take place unless a Matters Specified in Condition (MSC) application, including the detailed layout and design of access points, roads, parking areas, buildings and other structures, has been submitted to and approved in writing by the planning authority.

The proposed development shall be in accordance with the overarching layout, siting, design, height and massing principles of roads, paths and buildings established by this grant of the planning permission in principle and comprise:

- a) details of existing and proposed site levels (including cross sections);

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- b) details of the mix of residential unit numbers, type, size and tenure;
- c) details of layout, design and external appearance of –
 - (i) vehicular and pedestrian access points;
 - (ii) all buildings and ancillary structures,
 - (iii) vehicular and motorcycle parking;
 - (iv) short and long-term secure cycle parking;
 - (v) storage and collection arrangements for waste and recyclables; and
 - (vi) boundary enclosures around and within the site.

Thereafter the development shall not be implemented other than in full accordance with the approved details.

Reason – to ensure a satisfactory layout and design of the development and ensure provision of a suitable level of parking.

2. That the 2 dwellinghouses to be erected in the rear curtilage shall be semi-detached, with frontages on the same building line at 11 and 13 Gray Street and be one-and-a-half storey in scale.

Reason - to ensure the development would tie in with the existing character of properties on the eastern side of Gray Street, that the development has an acceptable impact on the character and appearance of the Great Western Road Conservation Area and to ensure compliance with Policy D4 (Historic Environment) in the Aberdeen Local Development Plan 2017.

3. That the 2 semi-detached dwellinghouses and converted detached dwellinghouse shall each have rear garden spaces with a minimum depth of 9 metres.

Reason - to ensure that prospective residents are afforded an adequate level of residential amenity within the development to ensure compliance with Policy D1 (Quality Placemaking by Design) in the Aberdeen Local Development Plan 2017.

4. That the proposed replacement extension to the principal historic building on the site (349 Great Western Road) shall be set no closer to Gray Street than the existing building and should be no higher to eaves than the existing building and the ridge height of the extension shall be lower than the ridge of the existing historic building.

Reason - to ensure the development would have an acceptable impact on character and appearance on the Gray Street street scene and the wider Great Western Road Conservation Area to ensure compliance with Policy D4 (Historic Environment) in the Aberdeen Local Development Plan 2017.

5. That the development shall incorporate the following minimum provision of car parking spaces: 1 space per flat, 2 spaces per house, plus 1 disabled space and 1 visitor parking space.

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Reason - in the interests of ensuring the proposed development is served by an acceptable level of car parking for prospective residents, to ensure that the development does not give rise to further on-street car parking pressures to ensure compliance with Policy T2 (Transport and Accessibility)

6. No development shall take place unless a Matters Specified in Condition (MSC) application including a scheme of hard and soft landscaping covering all areas of public and private open/green space has been submitted to and approved in writing by the planning authority. The scheme shall include details of:
- 1) Those areas reserved as private space and those areas that will be freely accessible for all residents and the general public;
 - 2) Existing and proposed finished ground levels;
 - 3) Existing landscape features, trees, woodland and vegetation to be retained or removed and a scheme for the protection of all trees to be retained within and immediately adjacent to the site;
 - 4) Existing and proposed services and utilities including cables and pipelines;
 - 5) Proposed tree and shrub numbers, densities, locations, species, sizes and stage of maturity at planting.
 - 6) Location, design and materials of walls, fences, gates and street furniture;
 - 7) Arrangements for the management and maintenance of existing and proposed open space, and landscaped areas; and
 - 8) Proposed hard surface finishing materials.

All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of the development or such other date as may be agreed in writing with the Planning Authority.

Any planting which, within a period of 5 years from the completion of the development, is in the opinion of the Planning Authority dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

Reason - in order to integrate the development into the surrounding historic landscape, increasing the biodiversity and recreational value of the site and creating a suitable living environment for future residents.

7. That no development shall take place until a Tree Survey (including Arboricultural Impact Assessment) and Tree Protection Plan (including ground level tree protection details) have been submitted to the Planning Authority by way of a Matters Specified in Condition (MSC) application. Once approved, all tree protection measures shall be implemented in full prior to commencement of development. Furthermore, should the redevelopment of the site entail the removal of the existing car park surface, a Method Statement shall need to be submitted with the aforementioned documents which details how the existing trees Root Protection Area (RPAs) will not be damaged as a result of the development. Once agreed, the

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development shall not be carried out other than in full accordance with the method statement.

Reason - to ensure all protected trees within the site (and Great Western Road Conservation Area) which are character and amenity value to the site and wider surrounding area would not be unduly lost or damaged as a result of the development, to ensure compliance with Policy NE5 (Trees and Woodland) in the Aberdeen Local Development Plan 2017.

8. That any granite down-takings from within the site, including the wall along the south-west boundary, are re-used within the development. Details of where the granite shall be re-used will need to be submitted to the Planning Authority for approval by way of a Matters Specified in Condition (MSC) application prior to commencement of development.

Reason - to ensure the city's granite heritage is maintained for future generations, to ensure compliance with Policy D5 (Our Granite Heritage) in the Aberdeen Local Development Plan 2017.

9. No development shall take place until the applicant/developer has provided full details of the proposed SuDS (Sustainable urban Drainage System) for dealing with surface water to and obtained approval from the Planning Authority by way of a Matters Specified in Condition (MSC) application. Specifically, this should cover means of treating surface water discharged from the site and other measures to be incorporated into the landscaping scheme to minimise surface water build-up. Once approved, all SuDS shall be implemented in full and maintained in use for the lifetime of the development.

Reason - in the interests of preventing localised flooding to the detriment of neighbouring residents' general amenity, to ensure compliance with Policy NE6 (Flooding, Drainage and Water Quality) in the Aberdeen Local Development Plan 2017.

10. No development shall take place in relation to the 2 semi-detached dwellinghouses unless a scheme of water efficiency within the construction of the buildings has been submitted to and approved in writing by the Planning Authority by way of a Matters Specified in Condition (MSC) application. The statement should take into account the advice provided in CIRIA publication C723 (Water sensitive urban design in the UK) and specify the measures proposed to incorporate water saving technology into the development so as to achieve gold standard for water use efficiency in domestic buildings and BREEAM Level 5 for commercial developments as appropriate. Thereafter the development shall be occupied unless the approved measures have been implemented in the construction of the development.

Reason - in order to reduce pressure on water abstraction from the River Dee and the impact on water infrastructure to ensure compliance with Policy R7 (Low and

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Zero Carbon Buildings, and Water Efficiency) in the Aberdeen Local Development Plan 2017.

11. No development pertaining to the 2 semi-detached dwellinghouse shall take place until it has been demonstrated that these dwellinghouses would be constructed to a level of carbon-efficiency which exceeds 20% of building standards at the time of development through the installation of low and zero carbon generating technology.

Reason - to ensure the new standalone set of semi-detached dwellinghouses would be zero or local carbon emitting for the betterment of the natural environment, to ensure compliance with Policy R7 (Low and Zero Carbon Buildings, and Water Efficiency) in the Aberdeen Local Development Plan 2017.

12. Prior to occupation of the development, the development will be served by a modern, up-to-date high-speed communications infrastructure, details of which have been submitted to and approved in writing by the planning authority by way of a Matters Specified in Condition (MSC) application.

Reason - to ensure compliance with Policy CI1 (Digital Infrastructure) in the Aberdeen Local Development Plan 2017.

13. Prior to commencement of development, details of how all car parking spaces shall be at minimum served by a 'passive' Electric Vehicle (EV) charging connection shall be submitted to the Planning Authority by way of a Matters Specified in Condition (MSC) application. Once approved, all car parking spaces shall be implemented in line with the agreed EV connection prior to occupation of the first flat unit or dwellinghouse, whichever is first.

Reason - to ensure the development would be served by appropriate Electric Vehicle charging connection, to ensure compliance with Policy T3 (Sustainable and Active Travel) in the Aberdeen Local Development Plan 2017.

14. Prior to occupation of the first unit, a Residential Travel Pack (RTPI) shall be submitted to the Planning Authority by way of a Matters Specified in Condition (MSC). The development shall not be occupied unless the RTP thereby approved has been issued to each new household.

Reason - to ensure compliance with Policy T3 (Sustainable and Active Travel) in the Aberdeen Local Development Plan 2017.

The Committee heard from Jamie Leadbeater, Planner, who spoke in furtherance of the application and answered various questions from members.

The Convener moved, seconded by Councillor Copland:-
that the application be approved in line with the recommendation.

Councillor Greig moved as an amendment, seconded by the Vice Convener:-

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that the application be refused for the following reasons:-

- (1) the proposal is contrary to adopted Aberdeen Local Development Plan Policy T2 (Managing the Transport Impact of Development) due to the shortfall in parking provision to be provided on site when compared to the parking guidelines set out in the Council's adopted Transport and Accessibility Supplementary Guidance which would exacerbate existing on-street parking to the detriment of safety and residential amenity; and
- (2) the proposal would be contrary to Aberdeen Local Development Plan Policies H1 (Residential Areas) and Policy D4 (Historic Environment) due to the scale and layout of development proposed that is out of keeping with the pattern of surrounding development and would have an adverse impact on the historic character and amenity of the conservation area.

On a division, there voted – for the motion (7) – the Convener and Councillors Allan, Copland, Cormie, MacKenzie, Malik and Radley – for the amendment (2) – the Vice Convener and Councillor Greig.

The Committee resolved:-

to adopt the motion and therefore approve the application conditionally, with consent withheld until a Section 75 legal agreement is secured to ensure the delivery of affordable housing and developer obligations.

DEESIDE GOLF CLUB, BIELSIDE ABERDEEN - 201511

5. The Committee had before it a report by the Chief Officer – Strategic Place Planning, **which recommended:-**

That the application for detailed planning permission for the erection of a single storey maintenance store and formation of perimeter fence and screening bund with associated works to access and yard at Deeside Golf Club, Bielside Aberdeen, be approved subject to the following conditions:-

Conditions:-

1. That no development pursuant to this planning permission shall take place nor shall the building be occupied unless there has been submitted to and approved in writing for the purpose by the Planning Authority an assessment of the noise levels likely within the building, unless the Planning Authority has given prior written approval for a variation. The assessment shall be prepared by a suitably qualified independent noise consultant and shall recommend any measures necessary to ensure a satisfactory noise attenuation for the building. The property shall not be occupied unless the said measures have been implemented in full.

Reason: In the interests of residential amenity.

2. The maintenance store hereby approved shall be coloured dark green in its entirety and remain that colour for as long as it is in situ, unless otherwise agreed in writing.

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Reason: In the interest of protecting the visual amenity of the area.

3. The ballstop fence hereby approved shall be coloured dark green in its entirety and remain that colour for as long as it is in situ, unless otherwise agreed in writing.

Reason: In the interest of protecting the visual amenity of the area.

The Committee heard from Jemma Tasker, Planner, who spoke in furtherance of the application and answered various questions from members.

The Committee resolved:-

to approve the application as per the recommendation, with the following changes:-

- (i) condition one amended to read, "That no development pursuant to this planning permission shall take place nor shall the building be occupied unless there has been submitted to and approved in writing for the purpose by the Planning Authority an assessment of the noise levels likely within the building. The assessment shall be prepared by a suitably qualified independent noise consultant and shall recommend any measures necessary to ensure a satisfactory noise attenuation for the building. The property shall not be occupied unless the said measures have been implemented in full"; and
- (ii) to agree that any application for a variation to the agreed conditions, be referred back to this Committee for determination.

- **Councillor Marie Boulton, Convener**

	A	B	C	D	E	F	G	H	I
1	PLANNING DEVELOPMENT MANAGEMENT COMMITTEE BUSINESS PLANNER The Business Planner details the reports which have been instructed by the Committee as well as reports which the Functions expect to be submitting for the calendar year.								
2	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
3			18 March 2021						
4	Leggart Brae - 201558	To provide advise of requirement for Pre Determination Hearing. Request confirmation as to whether PDMC wish PDH to be at Full Council or PDMC.	On agenda	Alex Ferguson	Strategic Place Planning	Place	1		
5	A Guide to Listed Building Consent for Aberdeen Multi Storeys	To request approval to put the Draft Aberdeen Multis Guidance document out to public consultation	On agenda	Sepi Hajiaoltani	Strategic Place Planning	Place	5		
6			22 April 2021						
7	Chester Hotel, Queens Road Aberdeen - 201454	To approve or refuse the application for formation of external dining area at roof level, including balustrade, decking and associated works		Gavin Evans	Strategic Place Planning	Place	1	D	Awaiting further information from the applicant on potential noise impact. Environmental Health then to review and provide comment.
8	81 Charleston Road North Aberdeen - 200599	To approve or refuse the change of use from Class 3 to hot-food takeaway	On agenda	Alex Ferguson	Strategic Place Planning	Place	1	D	Outstanding information required to be submitted.
9	Stoneywood House - 201037	To approve or refuse the installation of security and deer fencing and entrance wall and gates		Lucy Greene	Strategic Place Planning	Place	1	D	Applicant to provide a tree survey and seek legal advice.
10	Baads Farm - 201480	To approve or refuse the application for change of use of land for erection of temporary chalet/mobile home		Jane Forbes	Strategic Place Planning	Place	1	D	Further information requested from the applicant and still awaited
11	56 Cromwell Road - 200559	To approve or refuse the application for the erection of a single storey ancillary accommodation to the rear.		Jemma Tasker	Strategic Place Planning	Place	1	D	Further information requested from the applicant.
12	PRE APPLICATION FORUM - Causewayend Bridge of Don - 201365	To hear from the applicant in relation to an application for Major residential development of approximately 350 units (at least 25% affordable) with associated infrastructure, open space and landscaping		Gavin Evans	Strategic Place Planning	Place			
13			20 May 2021						
14			17 June 2021						
15			19 August 2021						
16			30 September 2021						
17			04 November 2021						

	A	B	C	D	E	F	G	H	I
	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
2									
18	Committee Annual Effectiveness Report	To report on the committee annual effectiveness report		Lynsey McBain	Governance	Commissioning	GD 8.5		
19			09 December 2021						
20									
21			Future applications to PDMC (date of meeting yet to be confirmed.						
22	Binghill House	To approve or refuse the application for erection of active retirement community (circa 60 units in mix of apartments, cottages and houses and 20-bed nursing home) including small-scale local shop and café, community allotments and associated infrastructure		Gavin Clark	Strategic Place Planning	Place	1		
23	Kings College (February 2021 at the earliest)	To approve or refuse the erection of teaching and learning hall, removal of 1954 book stack extension and kitchen extension to old library (James MacKay Hall), external alterations of Cromwell Tower, Old Senate Wing, Elphinstone Hall Kitchen Extension, Linklater Rooms and 1921 book stack, formation of new teaching and learning spaces within existing buildings and associated public realm works.		Matthew Easton	Strategic Place Planning	Place	1		
24	Kings College (February 2021 at the earliest)	As above but approval or refusal for Listed Building Consent.		Matthew Easton	Strategic Place Planning	Place	1		
25	City Centre Conservation Area Appraisal - results of consultation	The Committee considered draft consultation report at Committee on 21 January 2021 and agreed that the results come back to committee in 12 months.		Ross Wilson	Strategic Place Planning	Place	4		
26	Outside Polmuir Bowling Club, Devanha Gardens	To approve or refuse the application for installation of 20m high telecoms mast and equipment cabinets.		Alex Ferguson	Strategic Place Planning	Place	1		
27	Craighill Primary	To approve or refuse the application for the redevelopment of site to form social housing rented accommodation (99 units), comprising a mix of unit types with associated streets, parking and amenity space		Dineke Brasider	Strategic Place Planning	Place	1		
28	19 South Avenue	To approve or refuse the application for erection of 4 residential units		Dineke Brasider	Strategic Place Planning	Place	1		
29	Leggart Brae	To approve or refuse the application for major residential development of 133 homes, new road junction on to A92, associated infrastructure and		Alex Ferguson	Strategic Place Planning	Place	1		

ABERDEEN CITY COUNCIL

COMMITTEE	Planning Development Management
DATE	18 March 2021
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	A Guide to Planning Consents for the Aberdeen Multis
REPORT NUMBER	PLA/21/053
DIRECTOR	
CHIEF OFFICER	Gale Beatie
REPORT AUTHOR	Sepideh Hajisoltani & Ross Wilson
TERMS OF REFERENCE	5) Adopt non-statutory planning management guidance

1. PURPOSE OF REPORT

- 1.1 To seek approval to consult on the content of a new guide on Planning Consents for the 8 inner-city multi-storey blocks which have recently been listed at Category A by Historic Environment Scotland.

2. RECOMMENDATION(S)

That the Committee:

- 2.1 Approve the content of the Draft 'A Guide to Planning Consents for the Aberdeen Multis' (Appendix 1) for a minimum 6-week period of public consultation.
- 2.2 Instructs the Chief Officer – Strategic Place Planning to report the findings of the public consultation to a future meeting of this Committee, but no later than 12 months of this date.

3. BACKGROUND

3.1 Listed Buildings

- 3.1.1 A listed building is defined by the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as being a building which is included in a list compiled or approved by Historic Environment Scotland (HES).
- 3.1.2 To merit listing, the structure must meet the listing criteria. Once listed they are included on a list of buildings of special architectural or historic interest compiled by HES on behalf of Scottish Ministers. Details of the assessment process for listing applications are available on the HES website [\[link\]](#).

- 3.1.3 It is a criminal offence to demolish, extend or change a listed building. A change to a listed building is caught by the legislation if it is one which would affect its character as a building of special architectural or historic interest. This can include objects or structures fixed to the listed building. It can also include objects or structures located within the curtilage of a listed building. A person wishing to make such a change, extension or demolition of a listed building is required to obtain Listed Building Consent. Primarily, Listed Building Consent is the mechanism by which planning authorities ensure that any changes to a listed building is appropriate and sympathetic to the building's special character.
- 3.1.4 There are three categories of listing according to their relative importance. Category A is the highest category and relates to those buildings of special architectural or historical interest which are outstanding examples of a particular period, style or building type.

3.2 Listing of the Aberdeen Inner-City Multis

- 3.2.1 Eight multi-storey blocks of flats in Aberdeen were designated as Category A listed buildings by HES on 18 January 2021. These concrete buildings were constructed as part of the city's post-Second World War housing programme and are considered by HES to be of significant architectural interest and outstanding examples of Brutalist architectural style in multi-storey housing. The HES report of handling which informed the decision to list is published by HES and is available at [\[link\]](#).

The eight blocks are:

- 1-75 Gilcomstoun Land;
 - 1-72 Porthill Court;
 - 1-126 Seamount Court, shop units at 152-158 (even numbers) Gallowgate, including multi-storey car park to West North Street, Gallowgate;
 - 1-48 Virginia Court;
 - 1-108 Marischal Court;
 - 1-126 Thistle Court;
 - 1-140 Hutcheon Court; and,
 - 1-144 Greig Court.
- 3.2.2 The national list of buildings of special architectural or historic interest is continually being refreshed and new proposals for the post-war period are increasingly being suggested to HES. A number of tower blocks have previously been listed by HES in Scotland in recognition of their particular importance. However, currently there is no dedicated national guidance available for local authorities on how to assess applications for listed building consent or planning permission for post war listed buildings.
- 3.2.3 On 3 February 2021 a report from the Corporate Landlord was presented to the Council's City Growth and Resources Committee (RES/21/025). This report formally advised that Committee of the HES decision to list the above blocks

and set out the impact of this on the Housing Revenue Account. At that meeting Members of the City Growth and Resources Committee agreed (Decision ii) to note advice in relation to the process surrounding how the decision to list could be appealed, and to instruct the Chief Officer – Corporate Landlord to submit an appeal if there were competent grounds to do so.

- 3.2.4 Although Members of the Planning Development Management Committee will no doubt be aware of this ongoing process, Officers consider it important, particularly given the absence of any national guidance on this topic, for the Council as Planning Authority to ensure appropriate local planning guidance is available for these buildings at the earliest possible stage so as to manage queries from residents and apply a consistent approach to decision making.
- 3.2.5 The draft local guidance document before Members today (Appendix 1) attempts to answer a number of expected common questions that homeowners and other stakeholders may have regarding the need for listed building consent and/or planning permission for works to these multi-storey buildings. A ‘traffic light’ system has been used to show how proposed works to these listed buildings will be categorised by the Planning Authority (Green, Amber, Red). We hope this easy-to-use format will be useful for homeowners, planning officers and other stakeholders and will ensure a consistent approach to decision making across the affected blocks.
- 3.2.6 The Draft Guidance document supports Scottish Planning Policy (SPP), Historic Environment Policy for Scotland (HEPS) and the adopted and emerging Aberdeen Local Development Plan (ALDP) in ensuring the sensitive management of the historic environment.

4. NEXT STEPS

4.1 Public Consultation

- 4.1.1 This report seeks approval to proceed with public consultation on the Draft ‘Guide to Planning Consents for the Aberdeen Multis’ over a minimum 6-week period.
- 4.1.2. As a result of COVID-19 restrictions, it is proposed that public consultation on the draft document will be predominately via online methods.
- 4.1.2. During the consultation period the draft document would be made available as follows:
- Publication of document on Aberdeen City Council ‘Consultation Hub’ <https://consultation.aberdeencity.gov.uk/>
 - Issue a press release on the Council’s website advertising the consultation period and how to view and comment on the draft document.

- Press advert placed in the P&J newspaper to advertise the consultation period.
- Publication of a one-off special issue of Multi Matters Newsletter (Tenants' Magazine) to advertise the consultation delivered to flats in all affected multistoreys.
- Consultation with City Centre Multi Storeys Group (with presentations given via Microsoft Teams or similar).
- Notification (email) of the consultation will also be issued to statutory consultees and all relevant Community Councils (Castlehill and Pittodrie, City Centre and George Street) as well as the City-Wide Multi-Storey Group.

4.1.3. Subject to Committee approval, the results of the public consultation will be reported back to a future meeting of this Committee (within 12 months), including any recommended revisions to the Draft document.

4.2. Strategic Environmental Assessment

4.2.1 A Strategic Environmental Assessment (SEA) may be required for the proposed guidance document as it falls within the 'sets the framework for future development consent of projects' remit. A SEA Screening submission is currently underway which will assess whether the draft document is likely to have significant environmental effects. This will be submitted to the Consultation Authorities shortly. The results of this process will be reported back to a future meeting of this Committee alongside the outcomes of the public consultation.

5. FINANCIAL IMPLICATIONS

5.1 The cost associated with the preparation of this document and the public consultation can be met within the existing provisions of the Strategic Place Planning budget.

5.2 As an affected part-owner, Listed Building Consent and/or applications for Planning Permission by Aberdeen City Council (Corporate Landlord) for any of the affected blocks will be considered against the principles set out in the guidance document to be approved.

5.3 From a wider Planning Authority perspective, the decision of Historic Environment Scotland to list these building is likely to lead to an increase in Listed Building Consent applications and queries which will result in added pressure on the finances and staff resources of the Council's planning service. It is hoped that preparation of this guidance document will help mitigate this impact.

6. LEGAL IMPLICATIONS

- 6.1. The guidance document will affect Listed Building Consent and/or applications for Planning Permission, and by consulting on the document's contents any issues with the guidance can be raised before it is adopted.

7. MANAGEMENT OF RISK

Category	Risk	Low (L) Medium (M) High (H)	Mitigation
Financial	Resourcing issue due to an increase in the number of Listed Building Consent applications and potential future introduction of fees for Listed Building Consent by Scottish Government.	M	The guidance document should reduce the number of queries and applications by identifying proposed works that would not affect the special interest or character of these multi storey buildings. Whether or not a fee is to be introduced by the Scottish Government for Listed Building Consent applications is still to be determined.
Legal	Issues with the guidance not dealt with before adoption.	L	Consulting on the guidance document.
Reputational	Not providing guidance opens the possibility of inconsistency and misinformation.	L	In the absence of specific national guidance on buildings of this type, the preparation and approval of the guidance illustrates the Planning Authority's proactive approach.
Environment	Not providing guidance could result in misunderstanding and lost opportunities for sensitive maintenance and management of these multi storey buildings.	M	The guidance document is prepared in order to give clarity on the requirement for Listed Building Consent and/or Planning Permission so these listed buildings are managed sensitively.
Customer	By not providing clear advice the Customer is open to wrong	M	The guidance document will provide much greater clarity, consistency and certainly

	assumptions on the implications of listing on these properties.		and will address common concerns that customers may have.
Employee	By not providing guidance Officers could, over time, provide inconsistent advice.	L	The guidance document provides greater clarity, consistency, and certainty in terms of the requirement for listed building consent and planning permission.
Technology	ICT issues with online materials and surveys	L	Early contact with ICT Service to identify suitable support.

8. OUTCOMES

Local Outcome Improvement Plan Themes	
	Impact of Report
Prosperous Economy	The report seeks approval for public consultation on a guidance document which contributes to implementation of a consistent approach in sensitive management of Aberdeen multi-storey buildings whilst taking into consideration Aberdeen's distinct sense of place which helps strength the identity of Aberdeen for economic investment (Key Driver 1.3).
Prosperous People (Children and Young People)	Public consultation is available to all ages helping to foster inclusive decision making (Key Driver 7.1).
Prosperous People (Adult)	Promoting planning advice that is subject to an inclusive approach of public engagement and consultation gives the opportunity for interested parties to shape and take ownership of policy and advice that guides development in Aberdeen. (Key Driver 7.1)
Design Principles of Target Operating Model	
Customer Service Design	Consultation includes both internal and external stakeholders and will be hosted digitally on the Council's 'Consultation Hub'. Public consultation on Council advice documents ensures they are inclusive.
Organisational Design	The guide will be available to view on the Council's website and the outcomes of the public consultation process will be reported to Committee for transparency. The development of the document also will have

	undertaken internal consultation with colleagues from teams across the Strategic Place Planning Service.
Governance	The guidance document is governed through the Council's Committee Reporting Procedure to ensure transparency and the consultation process allows the creation of an inclusive document.
Workforce	The guidance document allows for a more informed and consistent approach to decision making, saving staff time and is supported by in-house skills on the topic area.
Process Design	This guidance document has been developed due to the absence of specific national guidance on post-war listed buildings.
Technology	The guide would be available as an on-line resource to any interested party.
Partnerships and Alliances	The guidance document will be shaped by engagement and consultation with external interested parties including formally constituted groups in order that everyone interested shapes and can take ownership of the outcome.

9. IMPACT ASSESSMENTS

Assessment	Outcome
Equality & Human Rights Impact Assessment	EHRIA completed (see Appendix 2) - The assessment shows a neutral impact on the protected groups.
Data Protection Impact Assessment	Not required
Duty of Due Regard/ Fairer Scotland Duty	No Applicable

10. BACKGROUND PAPERS

HES Designation Report of Handling

<https://www.historicenvironment.scot/media/7149/aberdeen-multi-storey-flats-report-of-handling.pdf>

Aberdeen Local Development Plan 2017 (ALDP)

https://www.aberdeencity.gov.uk/sites/default/files/LDP_WS_20170328.pdf

Proposed Aberdeen Local Development Plan 2020 (PALDP)

<https://www.aberdeencity.gov.uk/sites/default/files/2020-05/Proposed%20Aberdeen%20Local%20Development%20Plan%202020.pdf>

11. APPENDICES

Appendix 1 – A Guide to Planning Consents for the Aberdeen Multis (Draft Document for consultation)

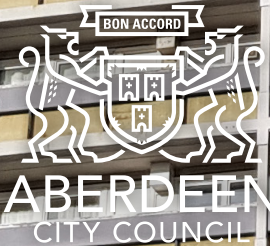
Appendix 2 – Equalities & Human Rights Impact Assessment (EHRIA) Summary

12. REPORT AUTHOR CONTACT DETAILS

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A Guide to Planning Consents for the Aberdeen Multis



March 2021

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2. Listing	5
3. What Listing Means	5
4. When is Consent Required?	5
5. Further Information	7



1. Introduction

1.1. Eight multi-storey blocks of flats in Aberdeen have been designated as Category A-listed buildings by Historic Environment Scotland (HES). These concrete buildings were constructed as part of the city's post-Second World War housing programme, and are considered by HES to be outstanding examples of Brutalist architectural style. The buildings were found to meet the criteria for listing and were designated by HES on 18 January 2021.

1.2. Who is this guide for?

This guide provides clarification on what Category A designation means for these buildings, their owners and the people who live in them. Listing will usually only affect you if you want to make changes to a listed building. Depending on the works you plan to carry out, you may need Listed Building Consent or Planning Permission from Aberdeen City Council as the Planning Authority before starting work. This guide provides more information on what may or may not require consent.

1.3. Why has a guide been produced?

We have put together this guide to answer some anticipated questions from those who live in, or care for, these listed buildings.

Most people associate listing with more historic buildings, Victorian or earlier examples, constructed from traditional materials. There are however many examples of Modern and Post-Modern buildings that have been selected for listing across Scotland. The lists of buildings of special architectural or historic interest are continually being refreshed and new proposals for the post-war period are increasingly being suggested to HES.

Several post-war tower blocks across Scotland have been previously listed to recognise their particular importance. Listing designations have implications on the requirement for Listed Building Consent and may raise various questions in terms of maintenance and alterations.

This guidance has been prepared to provide clarification on managing change sensitively to meet the needs of these particular listed multi-storey buildings. There is currently no specific national guidance on the management of change to post war buildings, however if any such guidance is prepared by Historic Environment Scotland then this guidance will be reviewed and updated if required.

1.4. What status does this guide have?

This is a Non-Statutory Planning Guidance document which means it has been prepared to provide detail on an emerging topic and can be updated as required. This guidance supports Aberdeen Local Development Plan Policy D4 (Historic Environment) and, once adopted, will be a material consideration in decision making.

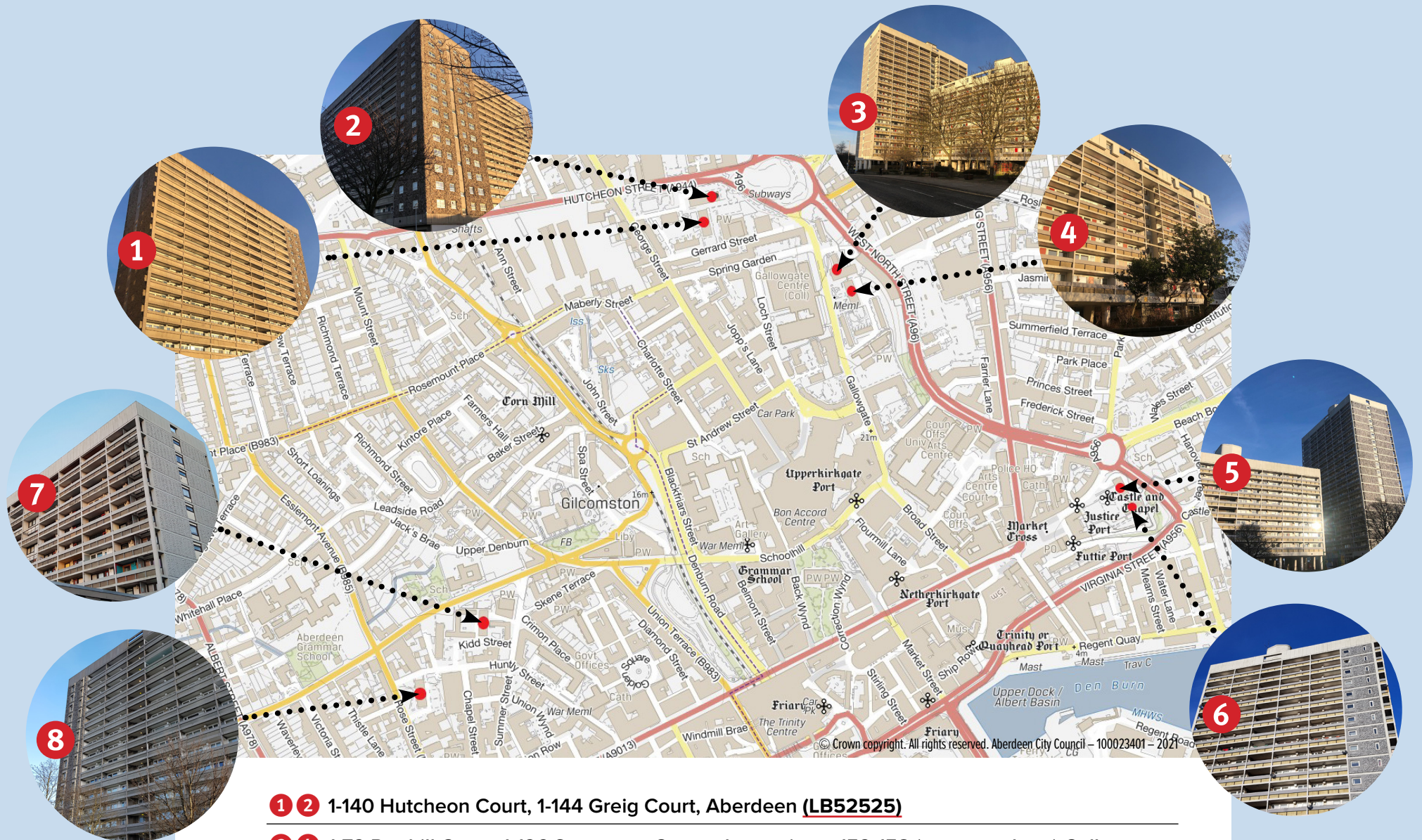
1.5. Who do I contact with any questions?

If you have any questions, please contact Aberdeen City Council Strategic Place Planning:

Email: pi@aberdeencity.gov.uk

Tel: 01224 523470

www.aberdeencity.gov.uk/services/planning-and-building



1 2 1-140 Hutcheon Court, 1-144 Greig Court, Aberdeen ([LB52525](#))

3 4 1-72 Porthill Court, 1-126 Seamount Court, shop units at 152-158 (even numbers) Gallowgate, including multi-storey car park to West North Street, Gallowgate, Aberdeen ([LB52524](#))

5 6 1-48 Virginia Court, 1-108 Marischal Court, Aberdeen ([LB52523](#))

7 1-75 Gilcomstoun Land, Aberdeen ([LB52522](#)) **8** 1-126 Thistle Court, Aberdeen ([LB52531](#))

2. Listing

2.1. What is a Listed Building?

Historic Environment Scotland lists buildings of special architectural or historic interest. Listing is carried out under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. To merit listing, the structure must meet the listing criteria. Once listed they are included on a list of buildings of special architectural or historic interest compiled by HES on behalf of Scottish Ministers. The policy which explains the selection criteria for listing can be found in Annex 1 of the HES [Designations Policy and Selection Guidance](#).

2.2. Which Multis Blocks have been Listed?

Eight inner-city multi-storey blocks of flats have been designated by Historic Environment Scotland at five separate sites. One of the listings at Gallowgate (Porthill Court and Seamount Court) also includes an associated parade of shops and a multi-storey car park. The listings are all Category A. This is the highest category of listing in Scotland for buildings of special architectural or historical interest and includes outstanding examples of a particular period, style or building type.

The buildings were listed due to Historic Environment Scotland considering them to be of significant architectural interest and outstanding examples in Scotland of the modernist New Brutalism style in multi-storey housing. A 'Report of Handling', which informed the decision to list, is published on the [Historic Environment Scotland Portal](#). The Listed Building Records explain why the buildings have been listed.

3. What Listing Means

Listing will usually only affect you if you want to make changes to a listed building. Depending on the works you plan to carry out, you may need Listed Building Consent or Planning Permission from the Planning Authority before starting work. The Planning Authority in Aberdeen is part of Aberdeen City Council. There is currently no charge to apply for Listed Building Consent, and you apply in much the same way as for Planning Permission, i.e. submitting an application form and plans of the proposed work. You can submit your application online using the Scottish Government's ePlanning website. Historic

Environment Scotland advise on Listed Building Consent applications when asked to do so by the Planning Authority.

Importantly, it is a criminal offence to demolish or extend a listed building without Listed Building Consent. It is also a criminal offence to alter a listed building in any way which would affect its character as a building of special architectural or historic interest unless you have Listed Building Consent. This can all include objects or structures fixed to the listed building.

3.1. Role of Aberdeen City Council's Corporate Landlord

Listing a building does not affect routine repairs and maintenance and does not add an additional requirement on owners to maintain their buildings. As before, the Housing Team at Aberdeen City Council are responsible for managing the programme of repair and maintenance of the Multis. To request a repair contact:

Aberdeen City Council, Housing

Tel 03000 200 292

www.aberdeencity.gov.uk

4. When is Consent Required?

In this guide we have used a traffic light system to show how works to the Aberdeen Multis will be categorised.

GREEN – examples of works where Listed Building Consent / Planning Permission will not be required and do not need discussion with the Planning Authority.

AMBER – examples of works which need an initial discussion with the Planning Authority to see if Listed Building Consent / Planning Permission is required.

RED – examples of works which will need Listed Building Consent and/or Planning Permission application(s).

Please note that these categories are applicable to the Aberdeen Multi-storey Buildings only and have been prepared with due recognition of their particular special architectural and historic interest. This guide is not applicable to other listed buildings across the city, proposals for which will be considered on their own individual merits.

GREEN

Green works are works to the Multis which the Planning Authority would consider are always acceptable and would not affect the character of the building or its special architectural or historic interest. These could be works to communal areas or communal property led/carried out by Aberdeen City Council as majority building owner or works carried out by individual flat owners / tenants (depending on the tenancy agreement). For example:

Green works by individual flat owners / tenants:

- Internal redecoration and modernisation of individual flats – for example new front or interior doors, wallpaper, painting, flooring, bathrooms, kitchens and new lighting and cabling.
- replacement windows / external (outside) doors where these use the same materials, have the same method of opening, and have the same proportions as the existing windows or external doors.
- the removal or alteration of non-structural internal walls within a flat.
- like-for-like works replacing elements of shopfronts (applicable to the Gallowgate blocks).

Green works by owners (normally led or carried out by Aberdeen City Council) to communal areas or communal property:

- Routine maintenance and repairs to the outside of the buildings where these use the same materials and details as currently exist, and where the work carried out matches exactly what was there previously.
- replacement windows / external (outside) doors where these use the same materials, have the same method of opening, and have the same proportions as the existing windows or external doors.
- non-invasive cleaning and repainting of the exterior (outside) if there is no obvious change in colour.
- interior repair / upgrade / modernisation / redecoration to communal areas (including entrance areas, stairs, lifts, and undercroft facilities, such as laundry and storage buildings).
- the removal or alteration of non-structural internal walls.
- repair and replacement of existing utilities.

AMBER

Amber works are where advice should be taken from the Planning Authority to find out if an application for Listed Building Consent and/or Planning Permission is needed. For example:

Amber works by individual flat owners / tenants:

- individual flat window / external (outside) door replacement where these will not use the same materials as the existing ones, or do not have the same method of opening or the same proportions.
- structural alterations to interior layout of flats and maisonettes (such as taking down a load bearing wall).

Amber works by owners (normally led or carried out by Aberdeen City Council) to communal areas or communal property:

- localised repair / replacement of concrete frame / panels, granite aggregate, and balcony parts which do not match exactly what was used previously.
- Localised repair/replacement of existing roof installations which do not match exactly what was used previously.
- individual flat window / external (outside) door replacement where these will not use similar materials, have the same method of opening, or have the same proportions as the existing.
- thermal upgrade programmes.
- minor adaptation (introduction of ramps or handrails) to exterior or interior communal areas to improve accessibility / meet Equality Act 2010 standards.
- comprehensive new utilities scheme affecting more than one flat – for example heating, plumbing, electrical systems etc.
- undercroft works such as resurfacing, repaving, minor new facilities (stores, bike-sheds).
- replacement or new lighting, cabling, CCTV cameras, replacement or new signage (all exterior only).
- structural alteration to interior layout of flats and maisonettes (such as taking down a load bearing wall).
- installation of exterior telecommunication equipment.
- installation of communal/shared satellite dishes.

RED

Red works will require Listed Building Consent and Planning Permission and include alterations or demolition works that would affect the special architectural or historic interest of the buildings. Most of these examples would be led or carried out by Aberdeen City Council as majority building owner. The requirement for consent does not mean that the works will not be able to proceed but full assessment in line with relevant policy and guidance will be required first.

Red works by individual flat owners:

- balcony alterations.
- the installation of individual satellite dishes.

Red works by owners (normally led or carried out by Aberdeen City Council) to communal areas or communal property:

- comprehensive exterior refurbishment schemes, such as window / door replacement where these will not use the same materials, have the same method of opening, or have the same proportions as the existing.
- extensive non “like-for-like” repair and/or replacement of concrete frame/panels, granite aggregate.
- introduction of new external cladding.
- balcony alterations, including infill screens/glazing,
- new roof additions,
- alterations/extensions to undercroft areas, e.g. involving significant infill of open space and enclosure of concrete piers.
- comprehensive fire safety upgrades, including major works such as stair tower additions.
- major thermal upgrade schemes which impact on external appearance.
- major interior alterations, such as reconfiguration of original crossover plan for maisonettes.
- wholesale demolition or substantial demolition of building.

The above lists are presented as guidance and are not exhaustive. If you have any doubt regarding the need for consent then the Planning Authority should be consulted in the first instance. Works to communal areas will still require a “scheme decision” by the owners in line with the Tenements (Scotland) Act 2004.

4.1. Building Standards

Some works listed above may also require a Building Warrant. This should be clarified with Building Standards through the Application Support Team.

Aberdeen City Council, Strategic Place Planning

Tel 01224 523470

Email pi@aberdeencity.gov.uk

www.aberdeencity.gov.uk/services/planning-and-building

5. Further information

You can find further details on policy and guidance in the following links:

[Historic Environment Scotland Designation Policy and Selection Guidance Scotland’s Listed Buildings](#)

[Historic Environment Policy for Scotland \(HEPS\)](#)

[Managing Change in the Historic Environment](#)

[Aberdeen Local Development plan](#)

If you want this document translated into another language or format (including Braille, large print, audio disk or BSL DVD) please contact us via email or telephone number listed below.

Jeżeli ten dokument jest wymagany w innej wersji językowej lub formacie (w dużym druku lub na dyskiecie audio) proszę się skontaktować z

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Ma tha thu ag iarraidh eadar-theangachadh den sgrìobhainn seo ann an cànan neo cruth eile (clò mòr neo clàr clainneach) feuch an cuir thu fios gu

If you are deaf or have a hearing impairment, you can still communicate with the Council via Text Relay by dialling 18001 + telephone number:

Application Support Team
01224 523470



6- EHRIA Summary (See Para.6 of the Guide.)	
Report Title	<div style="border: 1px solid black; padding: 5px; margin: 5px 0;"> <p>A Guide to Planning Consents for the Aberdeen Multis Report Number: PLA/21/053</p> </div>
Assessment Rating	<p>RED – <input type="checkbox"/></p> <p>RED AMBER - <input type="checkbox"/></p> <p>AMBER - <input type="checkbox"/></p> <p>GREEN - X</p>
Assessment not required	<p>Evidence The purpose of the report is to seek approval to put the Guide to Planning Consents for the Aberdeen Multis out for public consultation.</p> <p>Equality: There should be no direct impact on equality as the process of engagement in developing the proposals should mean all interested parties have been inclusively brought into the production of the Guide to Planning Consents for the Aberdeen Multis.</p> <p>Human Rights: There should be no direct impact on human rights as the process of engagement in developing the proposals should mean all interested parties have been inclusively brought into the production of the Guide to Planning Consents for the Aberdeen Multis.</p> <p>Human Rights: There should be no direct impact on human rights as the process of engagement in developing the proposals should mean all interested parties have been</p>

	inclusively brought into the production of the City Centre Conservation Area Character Appraisal.
Assessment completed	N/A
Review of function impact	All aspects of the Guide to Planning Consents for the Aberdeen Multis will be reviewed by the author if HES prepares a guidance for assessing Listed Building Consent and Planning Applications for modern buildings.

7- Action Planning (See Para. 7 of the Guide.)

Identified Risk and to whom:	Recommended Actions:	Responsible Lead:	Completion Date:	Review Date:
<p>Continued risk assessment</p> <p>All aspects of the Guide to Planning Consents for the Aberdeen Multis will be reviewed by the author if HES prepares a guidance for assessing Listed Building Consent and Planning Applications for modern buildings.</p>	<p>Revisit EHRIA process</p> <p>Upon future revision the Guide to Planning Consents for the Aberdeen Multis will be subject to further EHRIA.</p>	<p>Sepideh Hajisoltani for Gale Beattie Chief Officer Strategic Place Planning</p>	<p>30 June 2021</p>	<p>If HES publishes guidance on assessing modern buildings.</p>

8 - Sign off (See Para.8 of the Guide.)

Completed by (Names and Services):	<p>Sepideh Hajisoltani – Planner – Conservation Masterplanning, Design & Conservation Team</p> <p>Ross Wilson – Senior Planner - Conservation Masterplanning, Design & Conservation Team</p>
---	--

Signed off by (Head of Service):	Gale Beattie – Chief Officer Strategic Place Planning
Only sections 6, 7 and 8 will be attached to the committee report The full EHRIA will be published on Aberdeen City Council's website under http://www.aberdeencity.gov.uk/xeq_EHRIA_Search.asp Please send an electronic format of the full EHRIA without signature to: SHoward@aberdeencity.gov.uk	

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PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

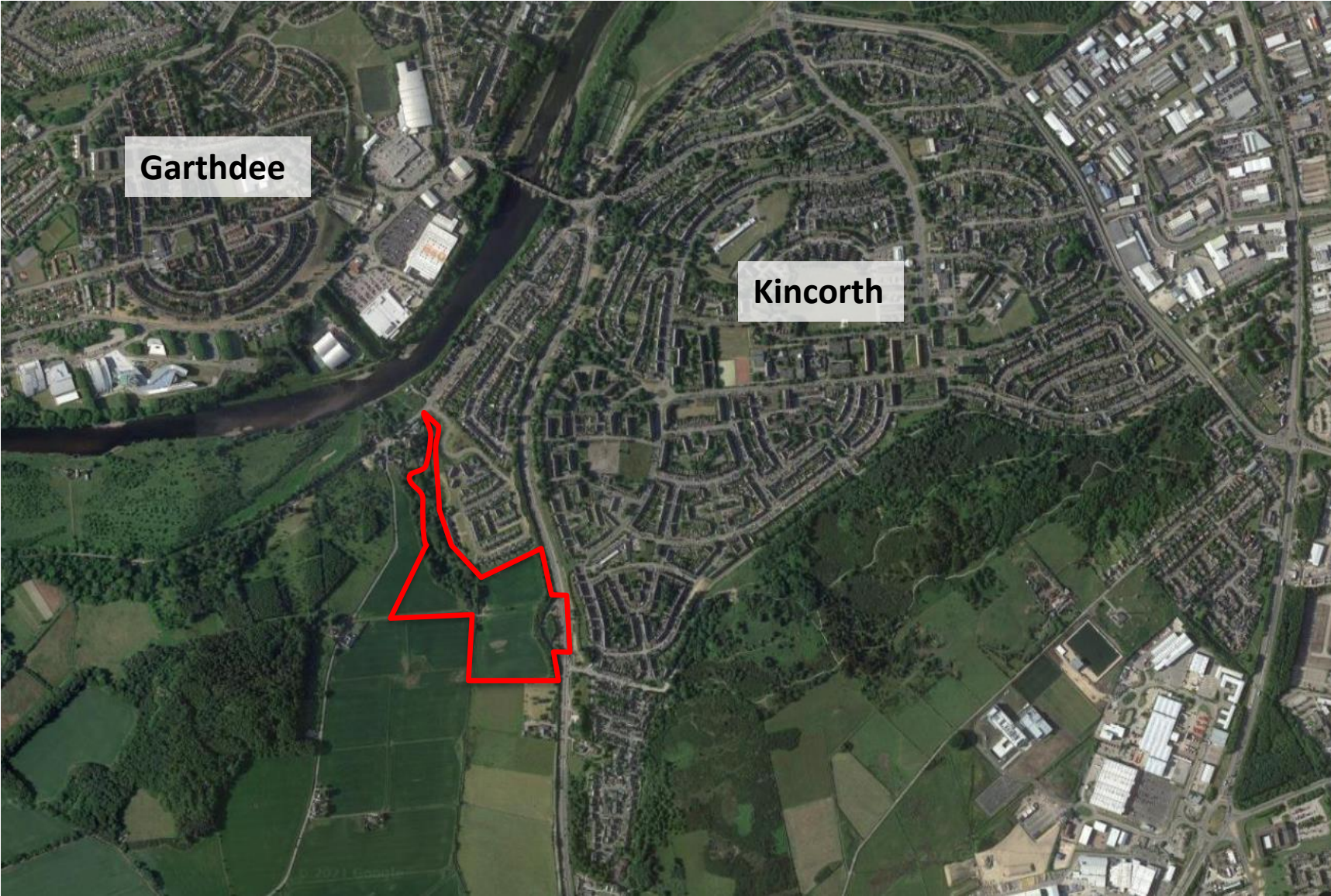


Residential development (133 units) with associated landscaping and parking and supporting ancillary infrastructure

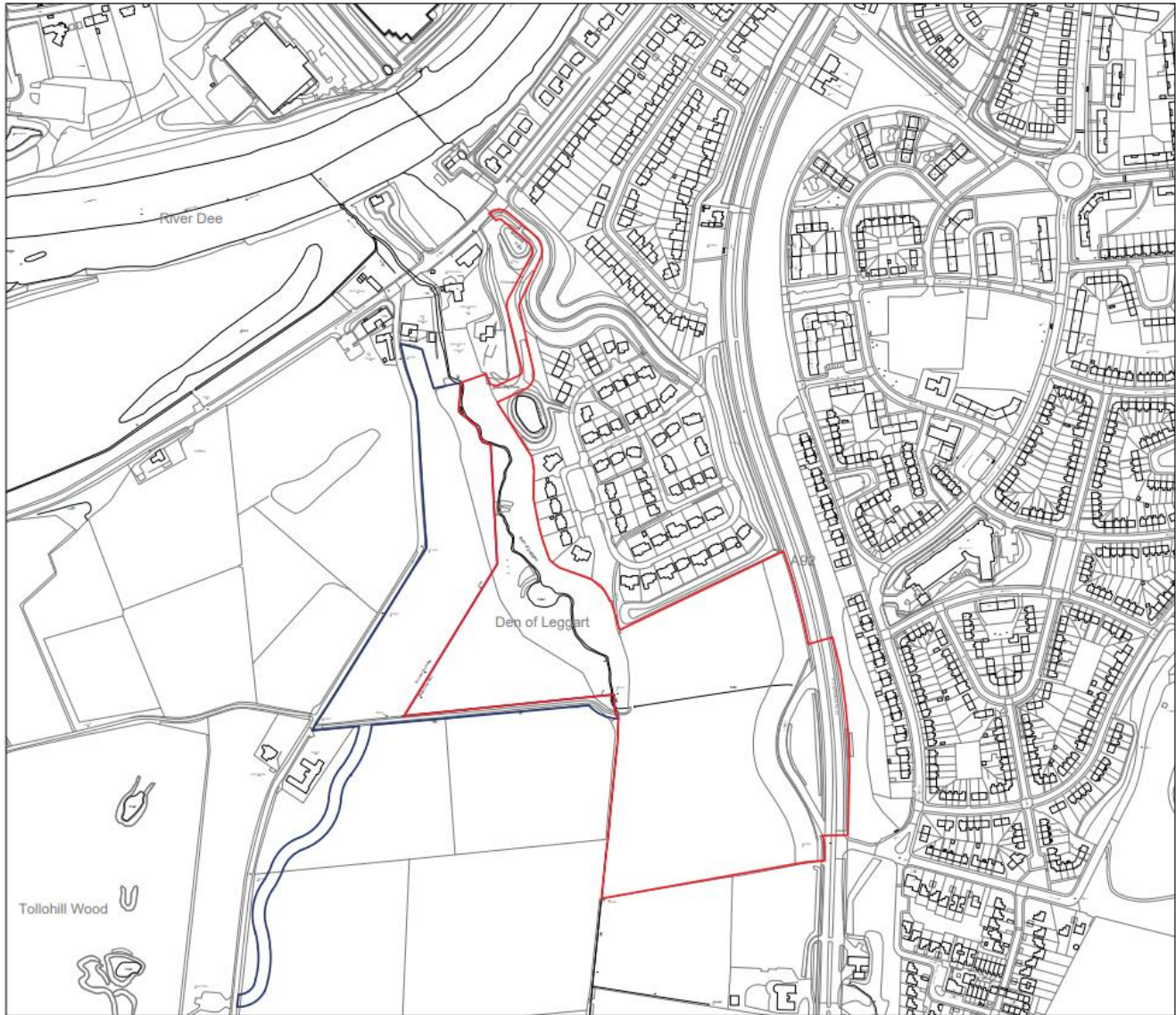
Land to the South and South-West of Deeside Brae (Leggart Brae)

Detailed Planning Permission
201558/DPP

Location – Wider Context



Location Plan



Existing Site Context



Site Photos



FIG 1 View of site from the exiting entrance.



FIG 2 Den of Leggart on the middle ground.



FIG 2 Den of Leggart on the middle ground.



FIG 3 Existing woodland and hedging along A92 Road.



Site Photos

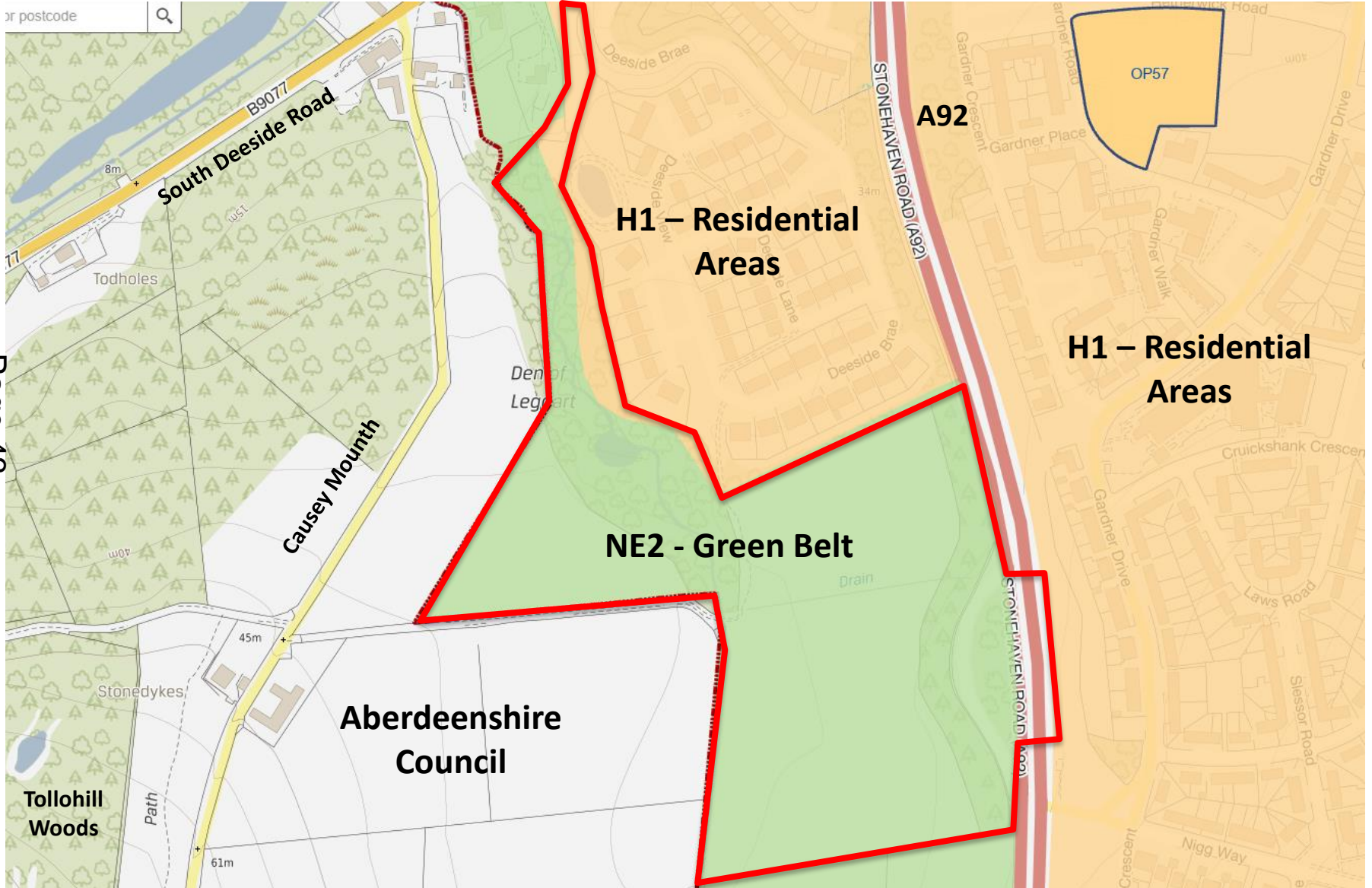


The Bridge of Dee carries the A92 across the river in to Aberdeen. The Den of Leggart forms the backdrop in this view.

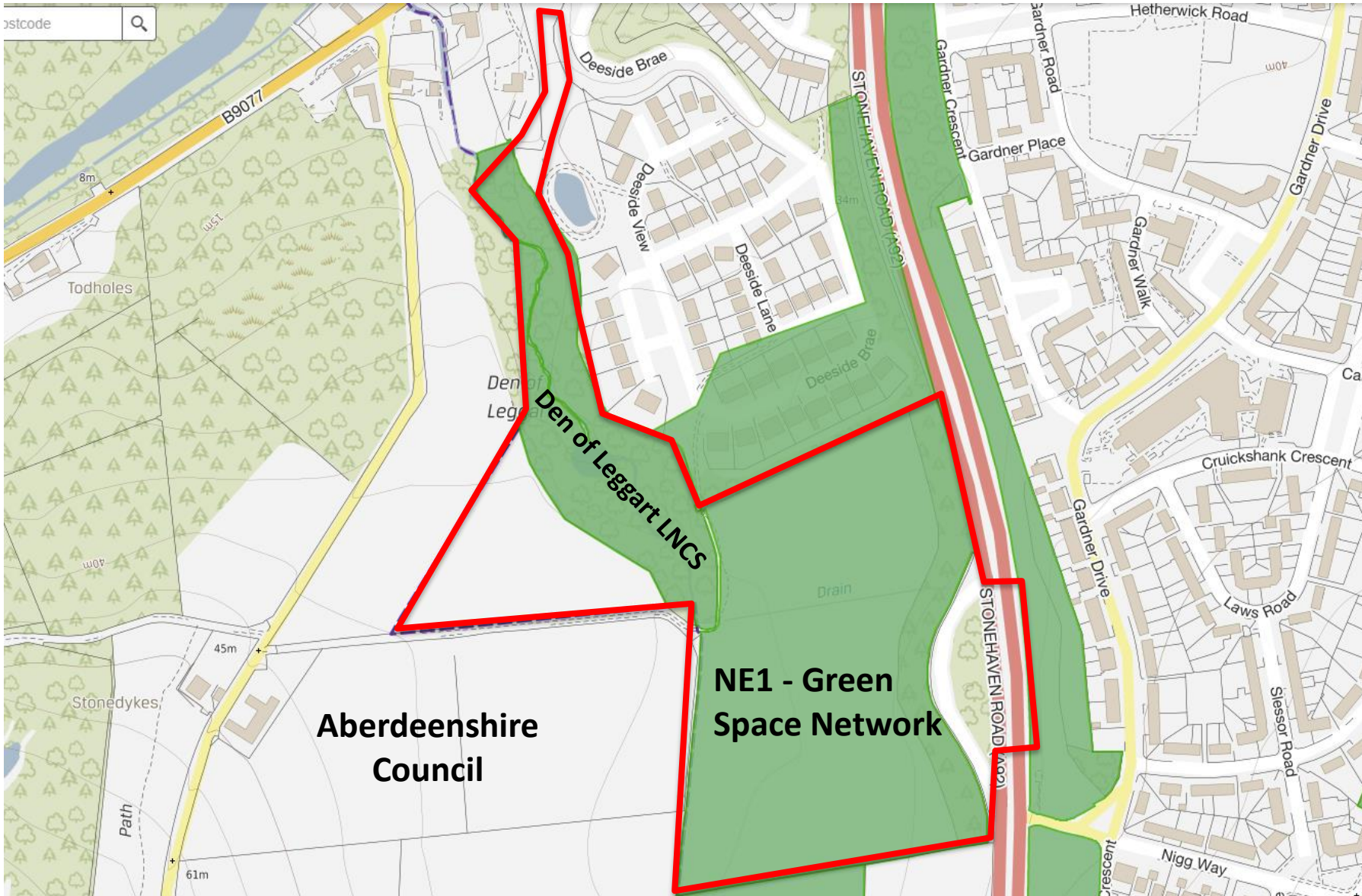
The Den of Leggart forms a gentle bowl-shaped valley in which the Burn of Leggart is deeply incised and hidden deep within ancient woodland



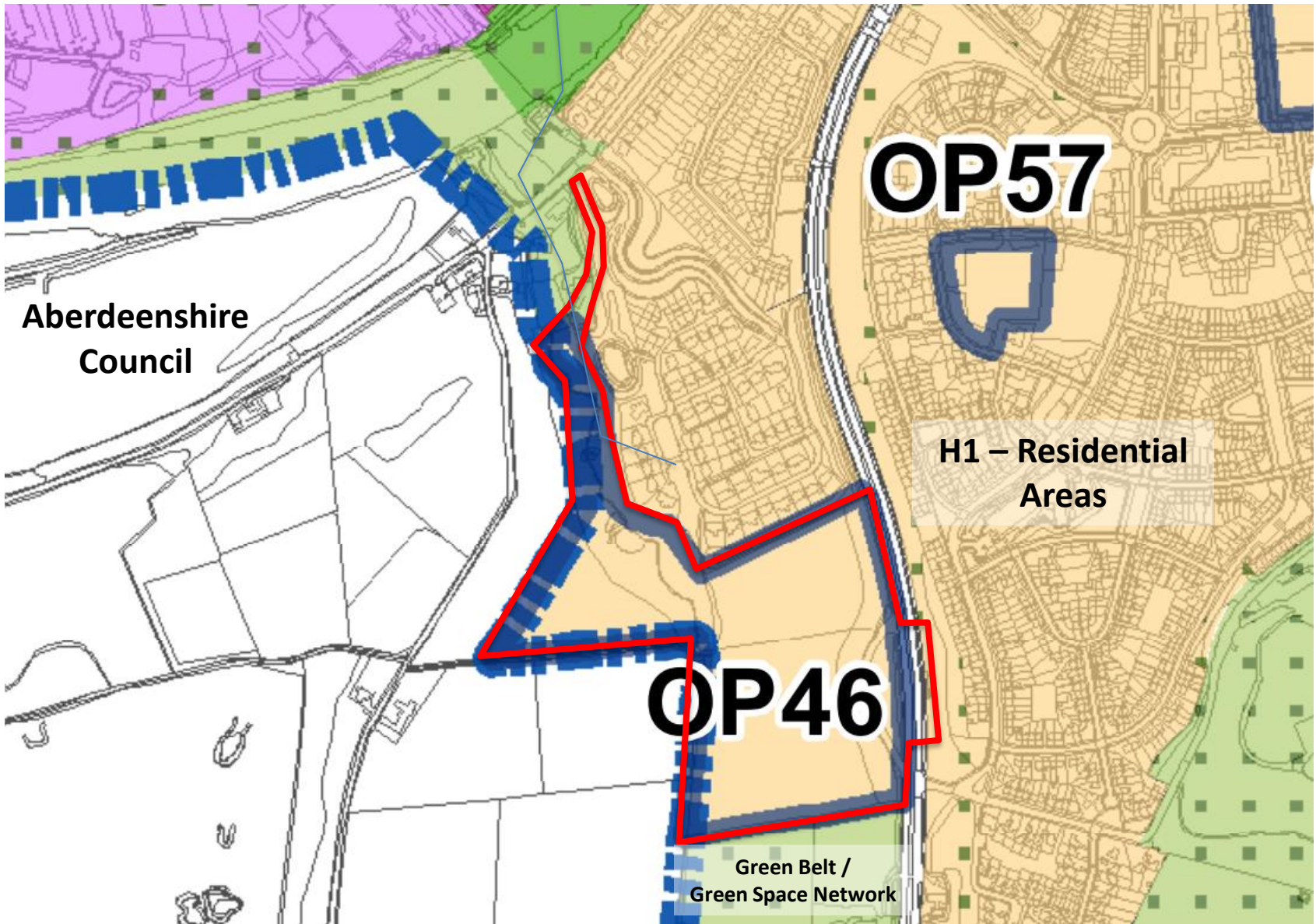
ALDP 2017 Zoning



ALDP 2017 Zoning continued



PALDP 2020 Zoning



Proposed Site Plan



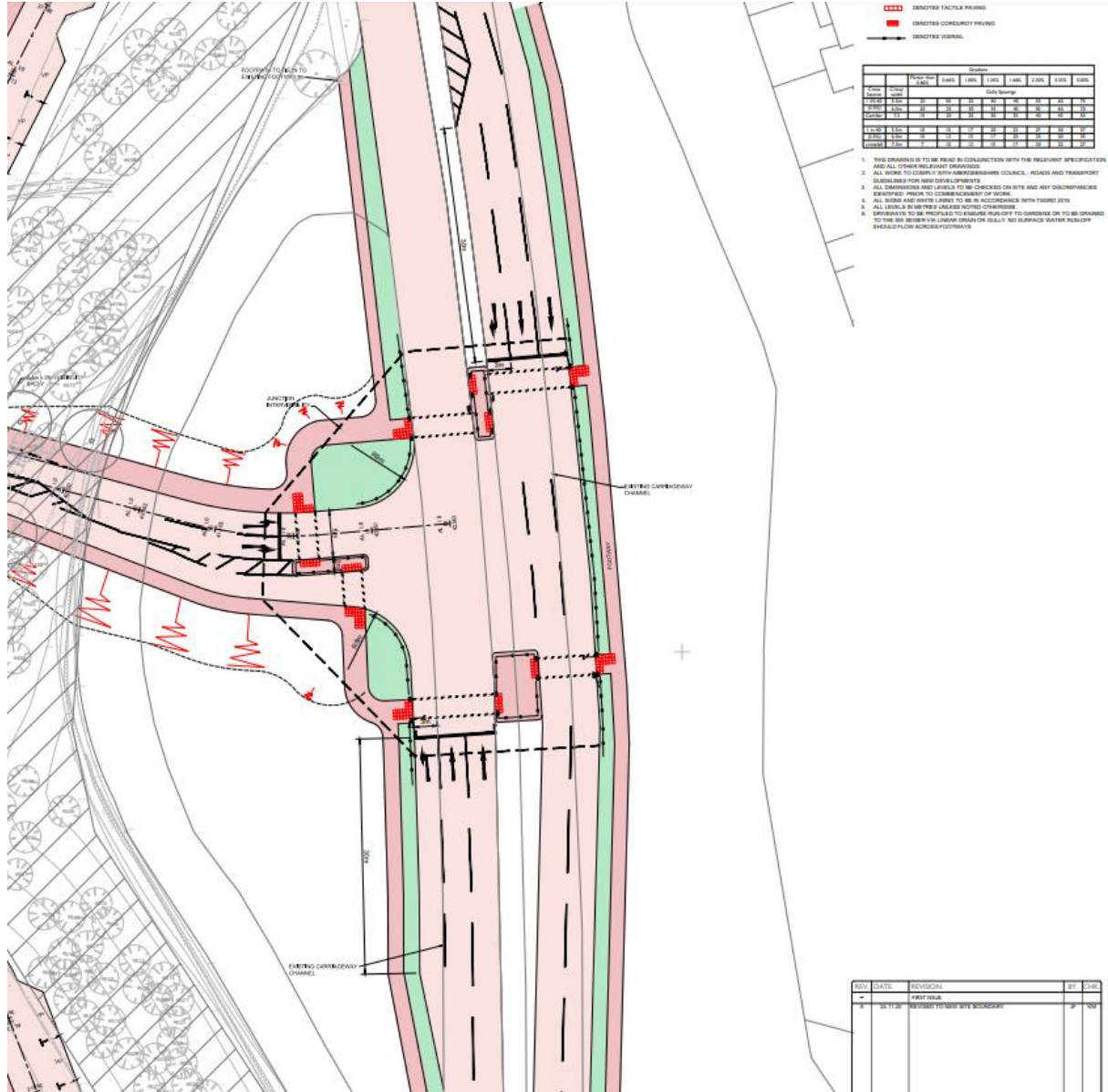
Proposed Site Plan – Housing Areas



Proposed Site Plan – Northern footpath link



Proposed A92 signalised junction



House Types – Indicative images



Flats – Indicative images



Existing & Indicative Proposed views – Tollohill Woods



V12 Tollohill Wood 0.5km from the site. The proposed development is prominent .

Existing view
View after development



Long distance views – Craigievar Road



V3 Craigievar Road 0.7km from the site. The proposed development is visible and noticeable, as a small part of a much wider view.

Existing view
View after development



Long distance views – Montrose Drive



V4 Montrose Drive 0.5km from the site. The proposed development is visible and noticeable, as a small part of a much wider view.

Existing view



View after development



Background

- Application was subject to Pre-Application Consultation
- Applicants and officers presented to ACC Pre-Application Forum in August 2020
- Pre-Application Consultation Report forms part of the application submission

Aberdeen Local Development Plan

- Site zoned within an 'NE2' Green Belt area in the ALDP
- Policy NE2 states presumption against development unless essential infrastructure or small-scale development (house extensions, replacement dwellings etc)
- NE2 makes no provision for new residential use
- Large portion of site is also zoned as Green Space Network (Policy NE1) and the Den of Leggart is a Local Nature Conservation Site (LNCS)
- NE1 states presumption against development that would erode or destroy the character and function of the Green Space Network
- Proposal represents a 'significant departure' from Development Plan
- Proposed ALDP is a material consideration in assessment. This reallocated the site for residential development of approx. 150 units.
- PALDP is yet to undergo examination and adoption.
- Significant departure necessitates a Pre-Determination Hearing – prior to recent legislative change, required to be determined by Full Council. Now PDMC may conduct hearing and determine, or refer to Full Council.

Representations

- 121 representations received, all objecting or raising concerns

Main matters raised:

- Contrary to SPP and the City & Shire Strategic Development Plan
- Contrary to Green Belt and Green Space Network policies in ALDP
- The application is premature in terms of the PALDP
- The site was noted as being 'undesirable' for housing in the Main Issues Report
- The site could be removed from the PALDP without resulting in a housing land supply deficit
- The development would have a significant detrimental impact on the landscape
- The development would be detrimental to road safety and would impact on traffic flows into and out of the city, exacerbating congestion in the Bridge of Dee area
- The site is in an unsustainable location – most residents would drive

Representations continued

- The increased traffic and congestion would exacerbate poor air quality
- The development would pose an increased flood risk
- No safe routes to school
- Impact on ecology and natural habitats
- Impact on amenity of neighbouring properties
- Impact on access and informal recreation
- No low & zero carbon technologies are proposed

One positive aspect noted:

- Proposal to provide pedestrian / cycle link between Leggart Terrace and Tollohill Woods is welcomed.

Consultee responses

- Aberdeenshire Council object
- ACC Archaeology request two conditions
- ACC Developer Obligations request contributions toward:
 - Core Path Network
 - Healthcare Facilities
 - Community Facilities
- ACC Education – Sufficient capacity in Abbotswell Primary and Lochside Academy
- ACC Environmental Health – Noise Impact Assessment accepted. Further information required Re: Air Quality
- Housing Strategy – Affordable Housing tenure is not acceptable. Requires to be amended
- ACC Roads Development Management object
- SEPA – no response yet
- Kincorth and Leggart Community Council – no response

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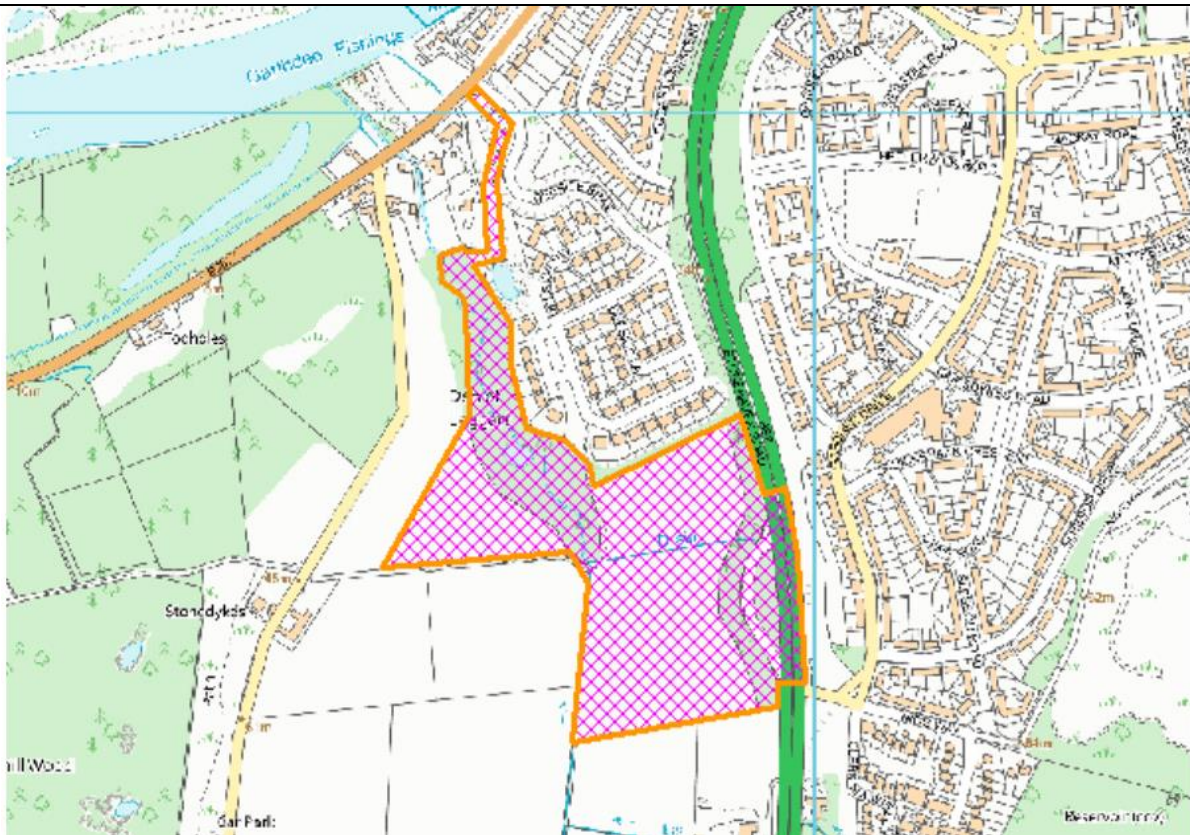


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 18 March 2021

Site Address:	Land to South and South-west of Deeside Brae, Aberdeen.
Application Description:	Residential development (133 units) with associated landscaping and parking and supporting ancillary infrastructure
Application Ref:	201558/DPP
Application Type	Detailed Planning Permission
Application Date:	18 December 2020
Applicant:	Manfield Limited (A Comer Company)
Ward:	Kincorth/Nigg/Cove
Community Council:	Kincorth and Leggart
Case Officer:	Alex Ferguson



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1. PURPOSE OF REPORT

This report considers whether planning application 201558/DPP, which triggers the statutory criteria requiring that a Pre-Determination Hearing be held, should be determined by the Planning Development Management Committee or if it would be advisable for the Pre-Determination Hearing and determination to be carried out by Full Council.

2. RECOMMENDATION(S)

That the Committee:

- 2.1 Note the contents of the report; and
- 2.2 Agree that the application be subject of a statutory pre-determination hearing by a special meeting of the Planning Development Management Committee (PDMC) and that the application is then determined at a subsequent scheduled PDMC meeting.

3. BACKGROUND

- 3.1 A report to the 30th April 2020 meeting of the Planning Development Management Committee (report no. GOV/20/087) set out the process to be followed for reporting to this Committee and referral to Full Council where the relevant criteria for Pre-Determination Hearings are triggered. The recommendations of that report were agreed by the Committee.

4. APPLICATION BACKGROUND

4.1 Site Description

The application site predominantly 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 on a north-south axis through the central and northern section of the site which also includes an existing layby immediately to the west of the A92 dual carriageway, as well as a section of the A92 itself. To the north of the Den of Leggart, the site incorporates a winding strip of land that incorporates an informal (grassed) pedestrian path between the Den and Leggart Terrace, running adjacent to the vehicular carriageway that forms the entrance to Deeside Brae.

The site is bound to the east by the A92 with Kincorth beyond, to the north by the Deeside Brae housing development and Leggart Terrace, to the west by the 'Causey Mounth' minor road and to the south by open, arable fields. The site straddles the Aberdeen City Council (ACC) administrative boundary with Aberdeenshire Council (AC), which follows the Leggart Burn until it enters the Den of Leggart. The boundary then extends c. 200m westward before returning to the Den and again following the route of the Leggart Burn until it enters the River Dee approximately 200m to the north.

The area of land within the ACC boundary is approximately 9.6 Hectares in size and aside from the Den of Leggart Local Nature Conservation Site (LNCS), it mostly comprises open, arable agricultural fields, with an established tree belt forming the eastern edge of the site with the A92. An 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.

The entirety of the site is zoned in the adopted Aberdeen Local Development Plan 2017 (ALDP) as Green Belt land, with the exception of the informal winding path adjacent to Deeside Brae in the northern part of the site, which lies within Residential Land. The eastern portion of the site and the Den of Leggart are also zoned as Green Space Network.

The southern and western parts of the site have been zoned as Residential land and allocated as an Opportunity Site (OP46) for 150 homes in the Proposed Aberdeen Local Development Plan 2020 (PALDP). The PALDP content was agreed by Full Council on 2 March 2020. The PALDP was subject to public consultation from 20 May to 31 August 2020 and responses to the Plan are currently being reviewed.

The proposed development site extends beyond the Aberdeen City Council boundary and into Aberdeenshire to the west.

4.2 Relevant Planning History

The majority of the site that lies within the Aberdeen City Council administrative boundary is allocated as an opportunity site (OP46) for 150 houses in the Proposed Aberdeen Local Development Plan (PALDP).

A Proposal of Application Notice (PoAN) was submitted for this development 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.

The applicants presented their pre-application proposals for the site to the ACC Planning Development Management Committee (PDMC) Pre-Application Forum on 20 August 2020.

At the time of writing, a concurrent planning application (APP/2020/2492) for works to the west of the application site is pending determination by Aberdeenshire Council. The application seeks detailed planning permission for upgrades to (widening of) the Causey Mounth road, the formation of a new access road, cycle & footpaths and associated landscaping. All of the works are proposed in conjunction with the current application to Aberdeen City Council.

4.3 Description of Proposal

This application seeks Detailed Planning Permission (DPP) for the development of 133 homes (86 dwellings and 47 flats), the formation of a new signalised junction on the A92, formation of foot & cycle paths and associated infrastructure and landscaping.

The housing development would be split into two distinct parts:

- East of the Leggart Burn

100 homes are proposed to be built in the c. 4 Ha field that lies to the east of the Leggart Burn, comprising 78 dwellings and 22 flats. The eastern part of the site would see four residential streets set to the north and south of a main access road, also lined with some dwellings, that would provide access to the site via a new signalised junction on the A92 to the east. This part of the site would contain a mix of

house types and sizes, including large detached dwellings, semi-detached dwellings and terraced flats. A Sustainable Drainage System (SUDS) basin would be sited adjacent to the Den of Leggart in the north-western corner, adjacent to an access path linking into Deeside Brae to the north.

- West of the Leggart Burn

The remaining 33 units would be sited on the land to the west of the Leggart Burn and the Den of Leggart, comprising 9 detached dwellings and 24 flats within the Aberdeen City Council area. The 24 flats would be spread between two 3-storey blocks adjacent to the western edge of the Den of Leggart, forming the western edge of the development. The western and eastern parts of the site would be separated by the Den of Leggart and connected only by a non-motorised pedestrian and cycle path crossing. The western part of the development is proposed to be accessed by vehicles from the Causey Mounth to the west within Aberdeenshire, the upgrades and access road for which are subject of the separate application to Aberdeenshire Council. A further SUDS basin would be sited immediately to the north of the two blocks of flats.

The dwellings would all be 2 / 2½ storeys in height with a mix of designs and sizes (detached, semi-detached and terraced). The prevailing architectural style would be contemporary, taking design cues from local precedents. A total of 33 affordable units are proposed across the site.

Aside from a buffer strip adjacent to the Leggart Burn in the eastern portion of the site, all open space would be sited outwith the application site, in a strip of land within Aberdeenshire that runs from the Den of Leggart in the north to the Tollochill Woods car park in the south.

There would be a footpath link connecting into the Deeside Brae development to the north and a footpath running around the eastern side of the blocks of flats in the western part of the site. A crossing (presumed to be a bridge, although further detail is required) is also proposed to be installed across the northern edge of the Den of Leggart. This would provide a pedestrian and cycle link between the western portion of the development and Leggart Terrace to the north, via the strip of land in Aberdeenshire.

4.4 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=QL4ENUBZMYE00>

- Pre-Application Consultation (PAC) Report
- Planning Statement
- Design & Access Statement
- Transport Assessment
- Noise Impact Assessment
- Air Quality Impact Assessment
- Flood Risk Assessment
- Drainage Impact Assessment

- Tree Survey and Arboricultural Impact Assessment
- Road Safety Report
- Landscape and Visual Appraisal
- Design Access Audit Report
- Cycle Audit Report
- Convenience Retail Needs Analysis
- Accommodation Schedule
- Affordable Housing appendix
- Ecological Impact Assessment
- Archaeological and Cultural Heritage Desk Study Assessment
- Landscape and Biodiversity Management Plan

4.5 Pre-Application Consultation

This application is accompanied by a Pre-Application Consultation Report, as required for all planning applications for major developments.

Due to the Covid-19 pandemic restrictions in place at the time, it was not possible for the applicants to undertake an in-person public consultation event. As such, the applicants held a statutory pre-application consultation event online (at www.leggartbrae.com), on 6th August 2020, between 4pm and 8pm. Advertisements were placed in the Press & Journal and the Evening Express on 30th July, giving advance notice of the consultation event. Notices were also sent to the local Ward Councillors (including to those in neighbouring wards in both the City and Shire), to the local MSP and MP's. Copies were also sent to the local and neighbouring Community Councils. Notices advertising the event were also sent to 1356 local properties in the area surrounding the application site.

A selection of indicative site layouts and other information including a list of Frequently Asked Questions were presented on the dedicated pre-application website in advance of the online consultation event. The online consultation event then included a 'live-chat' function, during which members of the project team were available to answer questions. Online questionnaire forms were also made available for completion by website visitors. A total of 314 people visited the website between the 30th of July and the 28th of August, with approximately 80 people visiting the website on the 6th of August when the live event was held. In total 13 questionnaire/feedback forms were returned and 7 'live-chat' conversations were held during the live event. The responses are summarised in the PAC report, along with the applicants' commentary on whether/how the proposal has taken them into account.

On 20th August 2020, the applicants gave a presentation to the Council's Pre-Application Forum. The main themes raised related to:

- Whether the affordable housing would be provided on-site or via a financial contribution;
- Ensuring the design of any on-site affordable housing is tenure-blind;
- Provision of Fibre-to-the-Premises (FTTP) broadband;
- The site is at risk of flooding on SEPA flood maps;
- What impact the development would have on school capacity;
- Whether there has been any consideration for providing a local retail use within the development;
- Proximity, access and impact on local healthcare facilities;
- Proximity to leisure facilities;
- Whether the development could provide, or contribute toward, a new pedestrian link

- across the River Dee; and
- Whether the properties would be freehold or leasehold.

4.6 Requirement for a Pre-Determination Hearing

The proposed development is classed a 'major development' in terms of The Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009. The proposal is considered to be a Significant Departure from the Development Plan by virtue of it being a major residential development located on a site zoned as Green Belt, where Policy NE2 of the Aberdeen Local Development Plan 2017 (ALDP) applies. A large part of the site is also zoned as Green Space Network, thus Policy NE1 of the ALDP is also applicable.

Policy NE2 does not allow for residential development (other than house extensions and one-for-one replacement dwellings), therefore the proposal for a major residential development of 133 homes is significantly contrary to Policy NE2. The proposed development may also erode the character and function of an area of Green Space Network, contrary to Policy NE1, thus the proposals represent a significant departure from the adopted Development Plan.

Under Regulation 27 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 there is a requirement to hold a Pre-Determination Hearing before such applications may be determined.

A previous requirement for such applications to be determined by Full Council has been removed by the recently revised legislation under the Planning (Scotland) Act 2019, and in March 2020 the Council delegated authority for these statutory hearings and determinations to PDMC as part of the Scheme of Governance review. It is therefore for Members to decide whether the hearing and subsequent determination of this application are conducted in front of PDMC, or whether there are any particular issues that would warrant referral to Full Council in this instance.

The purpose of such hearings is to afford both the applicant and those who have made written representation on the proposed development the opportunity to present their views directly to the Members of the Council, prior to the determination of the application.

4.7 CONSULTATIONS

Aberdeenshire Council – Object for the following reasons:

- The site was identified in Aberdeen City Council's Main Issues Report 2019 (MIR) as being "undesirable", in response to a development bid for 235 homes (ref: B13/08 – Royal Devenick Park);
- Bid 13/08/OP46 is part of a larger development proposal in Aberdeenshire, identified in Aberdeenshire's MIR as bid sites KN069-072, Banchory-Devenick for up to 1310 homes, commercial and employment land, and a primary school. These bids, KN069 to KN072, were also not identified as preferred sites due to issues relating to landscape setting, loss of green belt, impact on natural heritage, distance from facilities, and accessibility and infrastructure concerns. These issues were also identified in the City's MIR for site B13/08 (OP46).

- Development of the application site will result in the unnecessary loss of green belt land and could have long-term negative implications on the green belt;
- The application site is not well related to any settlement and is in essence a standalone site which shoehorns into one of the last remaining landscape buffers at the edge of Aberdeen City and Aberdeenshire. The development of the site would result in suburbanisation in a highly sensitive and visible landscape.
- The site is in an environmentally sensitive area, which provides important habitat and green corridor between River Dee and Tullo Hill. It is also located within the Green Space Network, includes the Den of Leggart Local Nature Conservation Site, and the proposal could result in the loss of trees, including ancient woodland.
- The proposed development could also have a cumulative negative impact on the River Dee, a Special Area of Conservation, from surface water runoff.
- ACC's Main Issues Report stated that the site is "not well-related to any settlement; it is poorly located to public transport and community facilities, and therefore would be car dependent." As such, the site is contrary to the Strategic Development Plan which seeks to reduce travel distances and make walking, cycling and public transport more attractive to people.
- There are concerns in respect of infrastructure, road network capacity and deliverability. Aberdeenshire Council's Transportation Service has advised that works, including the widening of the Causey Mounth would be necessary, junction visibility improvements, two points of road access would be required to accord with Aberdeenshire Council's standards for access, and there are pinch points to the north of the Causey Mounth with Leggart Terrace (the B9077), which would appear to be outwith the site proposer's control.
- Aberdeenshire Council believe that the site can be removed from the ACC Proposed Aberdeen Local Development Plan (PALDP) without creating a deficit in the housing allowance. Thus there is no strategic need or requirement to release the site for housing and its development would be premature at this time.
- Due to the foregoing concerns the proposal would not constitute the right development in the right place and the application is therefore contrary to Scottish Planning Policy (SPP).

Archaeology Service – No objection. There are references within records to the presence of historic Aberdeen City boundary stones within the site that require to be identified and retained in their existing location. Conditions are required in respect of providing protective fencing around the stones during construction works and for the implementation of a programme of archaeological works prior to the commencement of development.

ACC - City Growth – No response.

ACC - Contaminated Land Team – No objection and no comments.

Dee District Salmon Fishery Board – No response.

Aberdeen International Airport – No objection. The proposed development would not conflict with aerodrome safeguarding criteria. Request that the applicant is made aware of the requirement to comply with the British Standard Code of Practice for the safe use of cranes.

ACC - Developer Obligations – The following developer obligations are required, to be secured via legal agreement:

- Core Path Network - £45,905
- Healthcare Facilities - £71,202
- Community Facilities - £225,637

The Core Path contribution is required toward the delivery of Aspirational Core Path 9 and/or the enhancement of Core Path 79.

The Healthcare contribution is required towards the internal reconfiguration of the Cove and Kincorth Medical Practice, or other such healthcare facilities serving the development.

The Community Facilities contribution would go towards the creation of additional capacity at the Kincorth Community Centre.

No Education contribution is required as the schools to which the development would be zoned (Abbotswell Primary and Lochside Academy) both have sufficient capacity to accommodate the expected number of additional pupils.

No Open Space contribution is sought as the open space requirements for the development would be met on-site.

ACC - Education – No objection. The site is zoned to Abbotswell Primary School and Lochside Academy. Latest forecasts indicate there is sufficient capacity at both schools to accommodate the number of pupils expected to be generated by this development.

ACC - Environmental Health – Further information is required in respect of the applicant's Air Quality Impact Assessment, with regard to the impact of the new signalised junction onto the A92 on traffic flows and local pollutant levels. A Dust Management Plan is required to ensure adequate construction-phase dust control measures (this can be conditioned).

The findings of the applicant's Noise Impact Assessment (NIA) are accepted, subject to the implementation of the recommended mitigation measures which include: The installation of an acoustic barrier adjacent to the A92, the provision of specified glazing with acoustic properties throughout the development and the provision of acoustic trickle vents in certain properties.

Environmental Health also recommend an advisory note in respect of construction hours, in order to protect the amenity of neighbouring residential properties.

ACC - Structures, Flooding and Coastal Engineering – Require further information to be submitted before finalising comments on flooding and drainage.

ACC - Housing Strategy – The applicant's proposed affordable housing tenure (mid-market rent) is not acceptable to the Council as it does not meet the city's housing need and demand. The affordable housing provision should be reviewed, with the Council's preference being for social rented accommodation. The developer should enter into early

discussions with a Registered Social Landlord (RSL) regarding the purchase of the affordable homes. The mix of affordable units also requires to be reviewed as there is very little requirement for 2-bed flats in the city. Furthermore, a minimum of 15% of all new affordable housing is required to be fully wheelchair accessible.

ACC - Estates Team – The land comprising the layby to the west of the A92 appears to be in Council ownership. This requires to be confirmed by the Council's Legal Team however and if the land is indeed owned by ACC then the applicant shall require to enter into separate discussions with the Council, as Corporate Landlord, regarding the possible acquisition of the land required. No roads infrastructure shall take place on the land in question until such time as appropriate paperwork is in place.

Police Scotland – No objection.

ACC - Roads Development Management Team (RDM) – Object to the application on the basis that the new signalised junction onto the A92 would have a detrimental impact on traffic flows into and out of the city on a major arterial route. RDM also have concerns that the junction would result in the loss of an existing layby which is well-used by HGV drivers as a stopping place on entry to the city, and that the development could preclude the potential future delivery of a new link road connecting the A92 with South Deeside Road – one of several options that have been highlighted as a possible solution to deal with traffic congestion issues in the Bridge of Dee area in a Bridge of Dee Scottish Transport Appraisal Guidance (STAG) study.

RDM have reviewed the Drainage Impact Assessment and consider it to be acceptable with regard to SUDS provision.

RDM have also request amendments and the submission of additional information before finalising their comments, including the following:

- A Residential Travel Pack (including details of Safe Routes to School)
- Details of compliance with emergency vehicle access (for developments of more than 50 units, two accesses are required)
- Details of surfacing for all footpaths;
- Details of the footway proposed to cross the Den of Leggart and the incorporation of rest platforms where the gradient is excessive; and
- Additional detailed comments have been on the internal roads layout in respect of parking, junctions, road safety and refuse vehicle access.

RDM also note that the following upgrades to localised infrastructure would be required:

- Upgrade of the existing footway on the western side of the A92, providing pedestrian and cycle access to the Bridge of Dee roundabout to the north and the Charleston flyover to the south;
- The upgrade and relocation of existing bus stops on the A92 to encourage the use of public transport and to minimise the risk to road safety (one bus stop would be too close to the new junction)

Scottish Environment Protection Agency (SEPA) – No response due to SEPA having been the victim of a significant cyber-attack in late 2020 which has resulted in the loss of systems. As a result, SEPA are not providing responses to planning application consultations at the time of writing. It is anticipated that SEPA will be in a position to provide comments on the application prior to the Pre-Determination Hearing in due course.

Scottish Water – No objection. There is sufficient capacity in the Nigg PFI Waste Water Treatment works to accommodate the proposed development. Scottish Water are unable to confirm capacity in the Invercarnie Water Treatment works at this time however and request that the applicant engages with Scottish Water to allow a full appraisal of the proposals with regard to water capacity.

ACC - Waste and Recycling – No objection at this stage. Request further information (swept path analyses) from the applicant in order to demonstrate that refuse vehicles could adequately turn within the site.

Aberdeen City & Shire Strategic Development Planning Authority – No response.

Kincorth and Leggart Community Council – No response.

5. REPRESENTATIONS

One hundred and twenty-one (121) representations have been received in relation to this application, including from the Cults, Bielside and Milltimber Community Council, the North Kincardine Rural Community Council (in Aberdeenshire) and The Woodland Trust. The representations all state objection or raise concern in relation to the proposed development. The issues raised in the representations can be summarised as follows:

National Planning Policy

- The development is contrary to Scottish Planning Policy

Aberdeen City and Shire Strategic Development Plan

- The development is inconsistent with the Aberdeen City & Shire Strategic Development Plan - specifically the following policies:
 - Shaping Development in the Countryside (Chapter 5)
 - Natural Heritage and Landscape (Chapter 8, Policies E1 and E2)
 - The Historic Environment (Chapter 9, Policies HE1 and HE2); and
 - Protecting Resources (Chapter 10)

Principle

- The site is zoned as Green Belt in the adopted Aberdeen Local Development Plan 2017 (ALDP) and the proposal is contrary to Policy NE2 (Green Belt) of the ALDP;
- The site is not allocated for housing in the ALDP;
- The site is zoned as Green Space Network and the development would be contrary to Policy NE1 (Green Space Network) of the ALDP.

Allocation in the Proposed Aberdeen Local Development Plan (PALDP)

- The site was noted as being 'undesirable' in the 2019 Main Issues Report;
- The site was allocated as an Opportunity Site (OP46) for 150 homes by Members as a late addition, contrary to the recommendation of the ACC Planning Service;
- There were numerous objections to the allocation of the site in the PALDP submitted in the public consultation period, which are yet to be addressed;
- The application is premature and undemocratic as the PALDP is not adopted and has not yet undergone Examination;
- The site was allocated by Councillors without any rationale and at a stage of the PALDP which avoided full scope for public feedback;

- The applicants are presuming that there are no representations to the PALDP that oppose the allocation of the site for housing;
- Aberdeen City Council have chosen to ignore their own policies on Green Belt, Natural Heritage and Landscape in allocating the site in the PALDP.

Housing Supply & Demand

- The site could be removed from the PALDP without resulting in a deficit in housing land supply;
- The development of the greenfield site is unnecessary. Greenfield sites should be protected unless absolutely necessary, with ample brownfield sites in the city that should be developed first;
- A nearby site at Loirston has already been identified for a new community. It should be built out before allocating land west of the A92;
- The city's housing market is saturated and no further housing is required.

Cumulative Impacts

- The development would contribute toward the cumulative, incremental erosion of the green belt;
- The recent expansion of Portlethen to the west of the A92 and of Badentoy Industrial Park means there is no scope for the southern extension of the green belt outwards to compensate for the loss of green belt within the city.

Transport & Accessibility

- The development of the site for housing would be unsustainable as it would be almost entirely accessed by car, contrary to the Council's 'Green' policies;
- The site is poorly served by public transport;
- The proposed walking and cycling provision would be used for recreation but would not be suitable for practical daily use, particularly by users with mobility issues, due to the steep gradients involved;
- The pedestrian and cycle access would be inadequate until such time as the Bridge of Dee and associated roundabouts have been upgraded as they are currently cycle and pedestrian unfriendly;
- Developer contributions should be required in order to enable upgrades to local infrastructure is active travel is to be promoted;
- The existing path from Deeside Brae to Tollohill Woods is well-used by the public and access to it should be maintained during construction works;
- The development would be spilt into two parts, with no vehicular access between the two;
- The new signalised junction onto the A92 would have a detrimental impact on traffic flows on a key arterial route into and out of the city, exacerbating existing congestion issues in the Bridge of Dee area;
- Although mitigation measures at the Bridge of Dee roundabout are recommended in the Transport Assessment, they are not noted in the applicant's plans;
- The suggested mitigation measure of widening the road widths at the Bridge of Dee roundabout would impact detrimentally on pavement widths in the area;
- The width of Leggart Terrace was reduced on entry to the Bridge of Dee roundabout a few years ago yet the applicant's Transport Assessment does not include this change in its simulations;
- The amount of additional traffic generated by the development would be significant;
- Access should only be taken from the A92, with no access from the Causey Mounth;
- There would be insufficient parking within the site, which would lead to overspill parking on the access road and verges;

- Each property should have access to cycle storage or a garage;

Road Safety

- The proposals would lead to increased usage of the Causey Mounth road (in both north and south directions), to the detriment of road safety (including cyclists);
- The applicant's Transport Assessment quotes crashmap.co.uk as a source of registered road accidents in the area, but that website only includes accidents reported to the police and not more minor accidents.

Access to facilities and amenities

- The site has no nearby facilities and/or amenities such as schools, retail, health, hospitality and leisure.

Landscape

- The development (and the two blocks of flats in the western portion in particular) would eradicate the classic view of Aberdeen from the Causey Mounth/Tollohill Woods, with the Bridge of Dee and the application site in the foreground;
- The site forms an important landscaped edge to the city at present;
- The City Council previously took a decision not to extend the Deeside Brae development further south, in order to avoid it being visible from Tollohill Woods. Why is this now deemed desirable?;
- The development would have a significant detrimental impact on the landscape character of the area and on key views;
- No visualisations have been provided from receptors in the Pittfodells and East Cults areas, despite lying in the Zone of Theoretical Visibility as outlined in the applicant's Landscape and Visual Appraisal.

Procedural Matters

- The planning application was lodged in late December 2020 during the coronavirus lockdown and the festive period, at a time when the Council Planning department is closed for nearly 2 weeks. The timing of the application appears to be an attempt to avoid proper consultation with the public;
- As all residents in the Deeside Brae development would be affected by the proposals, all properties in Deeside Brae should have been notified on the application;
- Why was the application due to be considered at the Planning Committee in January / February 2021, prior to the Full Council meeting in March to discuss public consultation responses to the PALDP?;
- There was no pre-application consultation except for an insufficient online consultation held in August 2020 which lacked sufficient detail of the proposal;
- There are possible irregularities in the planning system which need to be scrutinised.

Aberdeenshire Council

- Aberdeenshire Council have formally objected to the allocation of the site in the PALDP;
- The proposal is contrary to the Aberdeenshire Local Development Plan;
- Aberdeenshire Council adhered to their Planning Officers' recommendation that the developer bid by the applicant for housing in the Shire was undesirable;
- The development would create a precedent for further housing development in the Shire;

- As Aberdeenshire Council object to the proposals and consider that an access to the site from the Causey Mounth would be inappropriate due to road safety concerns, the provision of the access is not guaranteed;
- The widening of the Causey Mounth is not desirable, nor feasible due to the narrow nature of the junction with South Deeside Road.

Environment / Natural Heritage

- The site hosts wildlife and natural habitats. The development would have a significant detrimental impact on the habitats of numerous species of animal that use the site at present;
- The development would eradicate a significant portion of Green Space Network area no. 73;
- The Den of Leggart LNCS would be compromised by the development, including from a resultant increase in human recreational activity;
- No amount of mitigation could resolve the impact the development would have on habitat connectivity;
- The development could have an adverse impact on the qualifying features of the River Dee Special Area of Conservation;
- Construction phase works could harm the Den of Leggart.

Trees

- The Den of Leggart is designated as ancient woodland and the development would cause damage to, and the deterioration of, the woodland;
- There should be a 30m buffer zone between existing trees in the Den and any new development, in order to avoid root damage and to minimise the risk of pollution to the tree roots;
- The non-motorised path across the Den would result in the loss of trees.

Design / Layout

- The development layout is not optimised and is an artefact of the irregular City/Shire boundary;
- Three storey housing would be totally out of character within the context of the surrounding area;
- The two blocks of 12m high flats, clad in white brick and zinc, would be incongruous and sited in the most prominent location within the site;
- Little attention has been paid to using suitable building materials for the new buildings, with yellow/brown buff brick not appropriate for the context of the surrounding area which generally sees mostly granite or white rendered buildings.

Air Quality

- The resultant impact on traffic flows from the new junction on the A92 would lead to an increase in localised air pollution;
- Increased air pollution could adversely affect localised edible flora.

Amenity

- The pedestrian/cycle bridge through the Den of Leggart would allow for residential properties to the north to be overlooked, to the detriment of their privacy;
- Noise emissions from increased vehicular traffic as a result of the development would have a detrimental impact on neighbouring residential properties;
- The proposal would result in the loss of the existing earth bund that lines the southern edge of the Deeside Brae development and gives protection to residents from noise from the A92;

- A row of three-storey houses adjacent to Deeside Brae would overlook existing properties and result in a reduction of natural daylight receipt;
- The increased usage of the path link into Deeside Brae would harm amenity;

Flooding and Drainage

- The large SUDS basin next to Deeside Brae would increase the risk of flooding to Deeside Brae and the Den of Leggart;
- ACC Officers flagged the Leggart Burn as being prone to a high risk of flooding in their Development Options Assessment of the development bid for the site;
- There are existing flooding issues that have affected Mill Cottage and there is concern that the development would exacerbate those existing issues.

Developer Obligations

- The developer has made no contribution toward the construction of a separate pedestrian crossing over the River Dee.

Affordable Housing

- The proposals for affordable housing would not create a sustainable integrated community, nor meet residents' current and changing needs.

Safe Routes to School

- The nearest schools are situated on the opposite side of the A92 and access for schoolchildren would be unsuitable.

Informal recreation & Health and Wellbeing

- The development would result in the loss of green space that is well-used by members of the public for informal recreation and contributes toward mental health and wellbeing;
- The development would harm the existing

Economic Benefit

- The development would be of no economic benefit to the city.

Wider Development

- The developer has the ambition to build a much larger housing development in the Banchory Devenick area, mostly within Aberdeenshire. The developer is intending on using Aberdeen City Council to secure the first phase of development, that would then set a precedent for further development in the area.

Low & Zero Carbon Technology

- The proposals do not include any environmental provisions such as solar panels, EV charge points, heat pumps etc.

Climate Change

- The proposals do not adequately address elements of the Council's Local Outcome Improvement Plan (LOIP) – principally the aim to reduce carbon emissions due to the climate change emergency;
- Any decision on the application should be delayed until after the Scottish Climate Change Assembly's recommendations with respect to fair and effective changes to Homes and Communities have been made to the Scottish Government.

Non-material considerations

- The development would have a negative impact on existing house prices;

- The proposed path between the Den of Leggart and Leggart Terrace runs over land not owned/controlled by the applicant, with no attempts having been made to gain rights over the land;
- The developer proposes to remove an existing earth bund which is not in their ownership;
- The money spent on the development would be better spent on building a better bridge over the River Dee;
- The timing of the application and the willingness of the developer to play Aberdeen City Council off against Aberdeenshire Council suggests an unethical developer who is only interested in profit with no responsibility for the greater good of the city.

Positive aspects

In addition to the above concerns and issues raised, one respondent did note that the intention to provide a dedicated pedestrian and cycle link between Tollochill Woods and Leggart Terrace is laudable.

6. MATERIAL CONSIDERATIONS

6.1 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.

6.2 National Planning Policy and Guidance

- National Planning Framework 3 (NPF3) 2014
- Scottish Planning Policy (SPP) 2020
- Creating Places (architecture and place policy statement)
- Designing Streets (2010)

6.3 Aberdeen City and Shire Strategic Development Plan 2020 (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 sustainable economic growth, the need to use resources more efficiently whilst protecting our assets and taking on the urgent challenges of climate change. To achieve those objectives, the SDP aims to:

- make sure the area has enough homes and job opportunities to support the level of services and facilities needed to maintain and improve quality of life;
- protect and, where appropriate, enhance our valued assets and resources, including biodiversity, the historic and natural environment and our cultural heritage;
- help create and support sustainable mixed communities, and the provision of associated infrastructure, which will meet the highest standards of placemaking, urban and rural design, and cater for the needs of the whole population;
- encourage opportunities for greater digital connectivity across the City Region; and,

- make the most efficient use of the transport network, reducing the need for people to travel and making sure that walking, cycling and public transport are available and attractive choices.

6.4 **Aberdeen Local Development Plan 2017 (ALDP)**

- B4: Aberdeen Airport
- C11: Digital Infrastructure
- D1: Quality Placemaking by Design
- D2: Landscape
- D4: Historic Environment
- H3: Density
- H4: Housing Mix
- H5: Affordable Housing
- I1: Infrastructure Delivery & Planning Obligations
- NE1: Green Space Network
- NE2: Green Belt
- NE3: Urban Green Space
- NE4: Open Space Provision in New Development
- NE5: Trees and Woodland
- NE6: Flooding, Drainage & Water Quality
- NE8: Natural Heritage
- NE9: Access and Informal Recreation
- R2: Degraded & Contaminated Land
- 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

6.5 **Supplementary Guidance and Technical Advice Notes**

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

6.6 **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 final content of the next 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. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether –

- these matters have been subject to public consultation through the Main Issues Report and Proposed LDP consultation; and,
- the level of representation received in relation these matters as part of the Main Issues Report and Proposed LDP consultation; and,
- the relevance of these matters to the application under consideration.

The foregoing can only be assessed on a case by case basis.

The area of the site on which housing is proposed to be built is zoned as 'residential' in the Proposed Aberdeen Local Development Plan 2020 (PALDP). In the PALDP the site is also allocated as Opportunity Site (OP46), described as follows:

'Housing opportunity for 150 houses. Flood Risk Assessment required. A Habitats Regulations Appraisal is required to accompany development proposals in order to avoid adverse effects on the qualifying interests of the River Dee SAC. As part of this process it is likely a Construction Environmental Management Plan will also be required.'

The PLDP therefore supports the principle of residential development on the site.

The allocation of the site was not proposed by Officers through the Main Issues Report (MIR), therefore there were no representations received regarding the site as part of the MIR.

The allocation of the site in the PALDP at the Full Council meeting on 2 March 2020 attracted a significant number of third-party objections (189) during the public consultation period on the PALDP between May and August 2020, including a formal objection from Aberdeenshire Council.

The following policies of the PALDP are relevant to the assessment of the application:

- B3 (Airport and Perwinnes Radar)
- C11 (Digital Infrastructure)
- D1 (Quality Placemaking)
- D2 (Amenity)
- D4 (Landscape)
- D5 (Landscape Design)
- D6 (Historic Environment)
- H1 (Residential Areas)
- H3 (Density)
- 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)
- R2 (Degraded and Contaminated Land)
- 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)

6.7 Other Material Considerations

Den of Leggart LNCS

The Den of Leggart is designated as a Local Nature Conservation Site (LNCS).

Housing Land Audit 2020 – Aberdeen City & Aberdeenshire Councils, December 2020

The Housing Land Audit (HLA) illustrates the scale and characteristics of the housing land supply in Aberdeen City and Aberdeenshire. It is used to determine if there is sufficient land available for housing development and also to inform the planning of future infrastructure such as roads, schools and drainage.

Local Transport Strategy (2016-2021)

The vision for the Local Transport Strategy is to develop “A sustainable transport system that is fit for the 21st Century, accessible to all, supports a vibrant economy, facilitates healthy living and minimises the impact on our environment”. Its five associated high-level aims are:

1. A transport system that enables the efficient movement of people and goods.
2. A safe and more secure transport system.
3. A cleaner, greener transport system.
4. An integrated, accessible and socially inclusive transport system.
5. A transport system that facilitates healthy and sustainable living.

These are underpinned by five identified outcomes. By 2021 Aberdeen’s transport system should have:

- A. Increased modal share for public transport and active travel;
- B. Reduced the need to travel and reduced dependence on the private car;
- C. Improved journey time reliability for all modes;
- D. Improved road safety within the City;
- E. Improved air quality and the environment; and,
- F. Improved accessibility to transport for all.

Access from the South – [Bridge of Dee Study – STAG Part 2 Appraisal](#)

The Access from the South study looks at various options for an alternative crossing to the existing Bridge of Dee. One option indicates a new link road from the A92 to the B9077 at Leggart Terrace, through the application site.

7. DISCUSSION

- 7.1 As described above, following legislative change there is no longer a statutory requirement for applications concerning a significant departure from the Development Plan to be subject to determination by Full Council. The Planning Development Management Committee may therefore opt to determine an application itself, or to refer the matter to Full Council. The agreed procedures require this report to make a recommendation, and it is suggested that relevant factors for consideration in reaching that include: the level of representation attracted by an application; the scale of development proposed; the nature and extent of the resultant departure from the Development Plan.
- 7.2 The scale of the proposal, at 133 units, is such that it represents a 'major development' in terms of the relevant hierarchy of developments. It is however notable that other recent applications of a similar scale and level of objection were considered by the Planning Development Management Committee, rather than being referred to Full Council.
- 7.3 As regards the nature of the departure from the Development Plan, this principally relates to the zoning of the site as Green Belt and the relevant policy NE2 not providing for residential development of this scale in this location. Whilst this clearly does represent a significant departure from the Development Plan, the site is rezoned as residential land and allocated as an opportunity Site (OP46) for 150 homes in the Proposed Aberdeen Local Development Plan (PALDP). Although the PALDP is yet to undergo Examination and thus remains unadopted at this stage, its content is a material consideration.
- 7.4 Taking account of the scale of the proposal, the level of public representation and the Proposed Local Development Plan, it is considered that the Planning Development Management Committee is equipped to provide the necessary public scrutiny via a statutory Pre-Determination Hearing and determination of the application thereafter, and that referral to Full Council would not be necessary in this instance.

8. NEXT STEPS

A hearing will be arranged in accordance with the Committee's instructions, subject to there being interest in attending from those who have made representation in relation to the application.

Following any hearing, a report will be prepared by officers for Full Council or PDMC (as per Committee's instruction). This will include an assessment of the proposed development and make a Recommendation to Members as regards determination of the application.

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