

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 02 December 2021

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

The Members of the **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE** are requested to meet in **Council Chamber - Town House** on **THURSDAY, 9 DECEMBER 2021 at 10.00 am**. This is a hybrid meeting and Members may also attend remotely.

Members of the press and public are not permitted to enter the Town House at this time. The meeting will be webcast and a live stream can be viewed on the Council's website. [Link to live stream.](#)

FRASER BELL
CHIEF OFFICER - GOVERNANCE

BUSINESS

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 5 - 6)

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 7 - 8)

MINUTES OF PREVIOUS MEETINGS

- 4.1. Minute of Meeting of the Planning Development Management Committee of 4 November 2021 - for approval (Pages 9 - 14)

COMMITTEE PLANNER

- 5.1. Committee Planner (Pages 15 - 16)

GENERAL BUSINESS

WHERE THE RECOMMENDATION IS ONE OF APPROVAL

- 6.1. Detailed Planning Permission for change of use from class 7 (hotels and hostels) to student accommodation generis - 31 St Andrews Street Aberdeen (Pages 17 - 42)

Planning Reference – 211263

All documents associated with this application can be found at the following link and enter the reference number above:-

[Link.](#)

Planning Officer: Aoife Murphy

WHERE THE RECOMMENDATION IS ONE OF REFUSAL

- 7.1. Detailed Planning Permission for the residential development (100 units) with associated landscaping and parking and supporting ancillary infrastructure - Leggart Brae (land to the south and south west of Deeside Brae), Aberdeen (Pages 43 - 124)

Planning Reference – 201558

All documents associated with this application can be found at the following link and enter the reference number above:-

[Link](#)

Planning Officer: Alex Ferguson

- 7.2. Detailed Planning Permission - change of use of land for siting of 2 caravans for temporary period (retrospective) - Baads Farm Aberdeen (Pages 125 - 148)

Planning Reference – 211469

All documents associated with this application can be found at the following link and enter the reference number above:-

[Link.](#)

Planning Officer: Jane Forbes

OTHER REPORTS

- 8.1. Prime Four Business Development Framework - PLA/21/316 (Pages 149 - 196)

DATE OF NEXT MEETING

- 9.1. Thursday 20 January 2022 at 10am

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

Website Address: aberdeencity.gov.uk

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

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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 xxx, 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, 4 November 2021. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Boulton, Convener; and Councillors Allan, Cooke, Greig, Henrickson (as substitute for Councillor Cormie), Macdonald (as substitute for Councillor Malik), MacKenzie, Radley (as substitute for Councillor Copland and Wheeler (as substitute for the Vice Convener, Councillor Stewart, the Depute Provost).

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 30 SEPTEMBER 2021

1. The Committee had before it the minute of the previous meeting of 30 September 2021, for approval.

The Committee resolved:-

to approve the minute as a correct record.

MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE PRE DETERMINATION HEARING OF 9 SEPTEMBER 2021

2. The Committee had before it the minute of the Pre-Determination Hearing of 9 September 2021, for approval.

The Committee resolved:-

to approve the minute as a correct record.

COMMITTEE PLANNER

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

The Committee resolved:-

to note the information contained in the Committee business planner.

COMMITTEE ANNUAL EFFECTIVENESS REPORT - COM/21/260

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

4 November 2021

4. The Committee had before it the annual committee effectiveness report, which presented the annual report for this Committee, to enable Members to provide comment on the data contained within.

The report recommended:-

that the Committee –

- (a) provide comments and observations on the data contained with the annual report; and
- (b) to note the annual report of the Planning Development Management Committee.

Members discussed the annual report and highlighted that reports presented to this committee were always written clearly and were easy to understand and digest.

The Committee resolved:-

- (i) to offer their gratitude to officers for providing clear and concise reports that were easy to read and understand, for their consideration; and
- (ii) to otherwise approve the recommendations contained in the report.

PROPOSED ABERDEEN LOCAL DEVELOPMENT PLAN 2020 - DRAFT ABERDEEN PLANNING GUIDANCE (MASTERPLANS AND DEVELOPMENT FRAMEWORKS) - PLA/21/256

5. The Convener advised that this item had been withdrawn from the agenda and would be presented at a future meeting of the Committee.

1 MOUNTHOOLY WAY ABERDEEN - 211054

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

That the application for detailed planning permission for the formation of an external access stair with balustrade at 1 Mounthooly Way, Aberdeen, be approved subject to the following conditions:-

Conditions

- 1. Finishes / construction details

No development shall take place pursuant to this planning permission unless construction details and finishes/colours of the proposed metal stair/balustrade; any relocated gas meter enclosure; the proposed glazed door / framing on the building facade, including detailed cross sections and demonstrating the relationship with the masonry, have been submitted to, and approved in writing, by the Planning Authority. Thereafter the development shall be carried out in accordance with the details so agreed.

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4 November 2021

Reason: In the interest of visual amenity and to ensure a satisfactory design quality of the development.

2. Boundary Treatment / Landscaping

No development shall take place pursuant to this planning permission unless a further scheme of soft landscaping/boundary treatment works for the site has been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include:-

- The location / extent of new tree / shrub / hedge / soft ground cover planting;
- A schedule of planting to comprise species, plant sizes and proposed numbers and density;
- Details of any boundary treatments (e.g. walling / railing / gate / fencing);
- Proposed hard landscaping (e.g. paviers) associated with the access path;
- A programme for the completion and subsequent establishment of the proposed landscaping / boundary works.

All 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, in the opinion of the Planning Authority is 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: To ensure the implementation of a satisfactory scheme of landscaping/boundary treatment which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

The Committee heard from Robert Forbes, Senior Planner, who spoke in furtherance of the application and answered various questions from members.

The Committee resolved:-

to approve the application conditionally.

1E BANK STREET ABERDEEN - 210905

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

That the application for detailed planning permission for the change of use to a hot food takeaway (sui generis) at 1E Bank Street Aberdeen, be refused for the following reasons:-

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4 November 2021

The proposed change of use, relative to the existing road layout and parking situation was considered to have a detrimental impact on the local highway conditions on Bank Street and its junction with South College Street – a main thoroughfare, especially in relation to parking, servicing and deliveries to and from the unit. The increased pressure on existing parking spaces by visitors, delivery drivers and delivery/servicing vehicles would reduce capacity for parking for existing residents living in nearby properties, thus resulting in a detrimental impact on their residential amenity.

The proposal was thus considered to be contrary to policies T2 (Managing the Transport Impact of Development) and H1 (Residential Areas) of the 2017 Aberdeen Local Development Plan; policies T2 (Managing the Transport Impact of Development); T3 (Parking); H1 (Residential Areas) and D2 (Amenity) of the 2020 Proposed Local Development Plan and Supplementary Guidance: Transport and Accessibility.

The Committee heard from Dineke Brasier, Senior Planner, who spoke in furtherance of the application and answered various questions from members.

The Committee resolved:-

to refuse the application.

GRANDVILLE, 58 VICTORIA STREET DYCE - 210815

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

That the application for detailed planning permission for the partial change of use of the existing guest house to form class 3 (food and drink) and the installation of a flue at Grandville 58 Victoria Street, Dyce, be refused for the following reason:-

That the proposal, would be contrary to Policy H1 – Residential Areas of the Aberdeen Local Development Plan 2017 for the reason that the proposed use would be unacceptability located within and not suited to an existing residential area whereby it would have an adverse impact on the general residential amenity of the area and specifically a significant adverse impact on the level of amenity currently enjoyed by the occupants of the adjacent property, namely 56 Victoria Street, due to the increased and significant level of activity and thus disturbance, arising from customers entering and leaving the premises, including during the evening and night time.

The Committee heard from Aoife Murphy, Senior Planner, who spoke in furtherance of the application and answered various questions from members.

The Committee resolved:-

to refuse the application.

4 MILLTIMBER BRAE EAST ABERDEEN - 210717

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

4 November 2021

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

That the application for detailed planning permission for splitting of a feu and the erection of a two storey dwelling house with garage and canopy, including access and car parking with associated works, at 4 Milltimber Brae East Aberdeen, be refused for the following reasons:-

The proposal would not respect the existing building line nor the overall density or the established pattern of development of the immediate area; would be detrimental as a single development to the character of the area; and would set an unwelcome precedent for similar developments in the immediate area which would cumulatively erode the existing character and amenity of the area.

Furthermore, the proposal failed to leave sufficient space between the existing tree stock and the proposed dwelling to allow for future retention. On the basis of the above, it was considered that the proposal failed to accord with Policies D1 (Quality Placemaking by Design), H1 (Residential Areas), and NE5 (Trees and Woodlands) of the Aberdeen Local Development Plan 2017; the associated Supplementary Guidance: 'The Sub-Division and Redevelopment of Residential Curtilages' and 'Trees and Woodlands'; and Policies D1, H1 and NE5 of the proposed Aberdeen Local Development Plan 2020. It was considered that there were no material planning considerations of sufficient weight that warrant approval of the application contrary to the above policy and guidance.

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

The Committee resolved:-

to refuse the application

- **Councillor Marie Boulton, Convener**

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	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			09 December 2021						
4	Leggart Brae - 201558	To approve or refuse the application for major residential development of 133 homes, new road junction on to A92, associated infrastructure and	On agenda	Alex Ferguson	Strategic Place Planning	Place	1		
5	Baads Farm - 211469	To approve or refuse the application for change of use of land for siting of 2 caravans for temporary period (retrospective)	On agenda	Jane Forbes	Strategic Place Planning	Place	1		
6	31 St Andrews Street - 211263	To approve or refuse the application for change of use to student accommodation.	On agenda	Aoife Murphy	Strategic Place Planning	Place	1		
7	Prime Four Business Park Development Framework	Updated development framework for the remaining part of Prime 4 Business Park	On agenda	Laura Robertson	Strategic Place Planning	Place	4		
8			20 January 2022						
9	15 Maberly Street - 210697	To approve or refuse the application for the erection of 17 flats.		Robert Forbes	Strategic Place Planning	Place	1		
10			Future applications to PDMC (date of meeting yet to be finalised).						
11	Orchard Cottage, 1 The Orchard	To approve or refuse the application for replacement windows		Dineke Brasier	Strategic Place Planning	Place	1		
12	OP51, Peterculter - 190314	To approve or refuse the proposed residential development including mix of private, affordable and retirement housing consisting of approximately 49 homes with associated access roads and landscaping.		Gavin Evans	Strategic Place Planning	Place	1		
13	33 Holburn Street - 201409	To approve or refuse the change of use to from class 1 (shops) to class 3 (food and drink) with hot food take away (sui generis) including installation of vents and 3no. wall mounted air condition units with associated works		Gavin Clark	Strategic Place Planning	Place	1		
14	36 Raeden Crescent 210972	To approve or refuse the application for the proposed 2 storey extension to the rear		Roy Brown	Strategic Place Planning	Place	1		
15	Quattro House Wellington Circle - 210973	To approve or refuse the application for residential redevelopment of site to form 96 flats with associated car parking and open space		Alex Ferguson	Strategic Place Planning	Place	1		

	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									
16	Wellington Road Cove - 211072	To approve or refuse the application for residential development (27 units)		Robert Forbes	Strategic Place Planning	Place	1		
17	56 Park Road - 211224	To approve or refuse the application for erection of 47 flats		Robert Forbes	Strategic Place Planning	Place	1		
18	Millbank House - 211430	To approve or refuse the application for conversion to form 10 flats		Robert Forbes	Strategic Place Planning	Place	1		
19	Former Cults Railway Station, Station Road Cults - January or February - 211587	To approve or refuse the installation of takeaway food kiosk and outdoor seating area		Gavin Clark	Strategic Place Planning	Place	1		
20	Former Treetops Hotel site - February at earliest - 211528	To approve or refuse the residential development of 89 units (including 25% affordable) comprising 54 houses and 35 flats over 3, 4 and 6 storey blocks and associated roads and parking, drainage infrastructure, open space and landscaping.		Matthew Easton	Strategic Place Planning	Place	1		
21	West Cults Farm - 211490	To approve or refuse the application for erection of dwellinghouse		Dineke Brasier	Strategic Place Planning	Place	1		
22	Albyn Hospital - 211019/DPP and 211020/LBC	To approve or refuse the erection of two storey extension with plant room to rear; erection of entrance extension with ramp to front and side; alterations to car parking and landscaping and other associated works		Matthew Easton	Strategic Place Planning	Place	1		
23	Aberdeen Local Development Plan 2022 – Draft Aberdeen Planning Guidance: Masterplans and Planning Briefs	This report presents draft Aberdeen Planning Guidance for the Proposed Local Development Plan for approval and consultation.		Andrew Brownrigg	Strategic Place Planning	Place	4 and 5		
24	PRE APPLICATION FORUM - Causewayend Bridge of Don - 201365 - date to be confirmed.	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			

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE



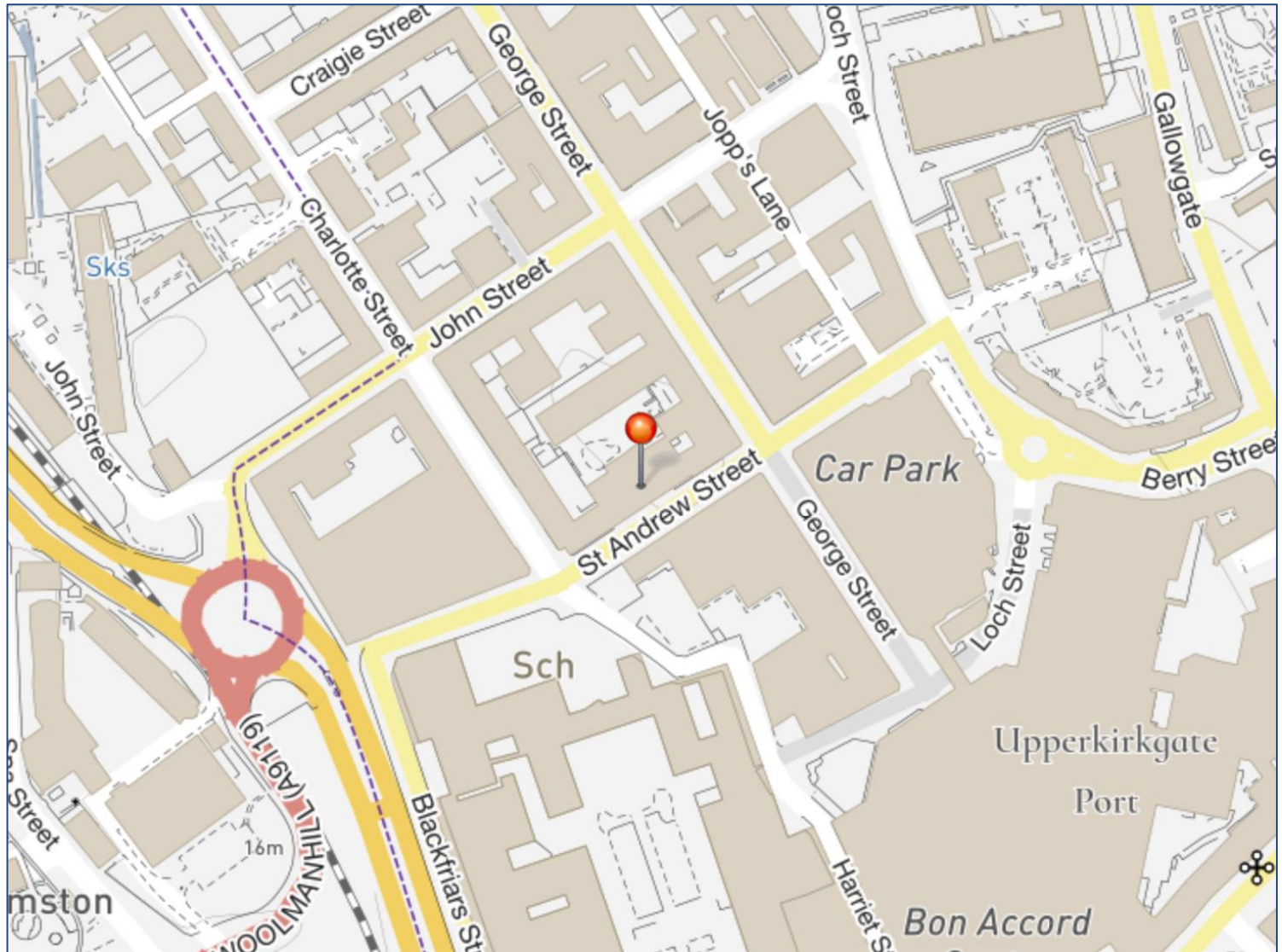
9 December 2021

Change of use from class 7 (hotels and hostels) to student accommodation (sui generis)

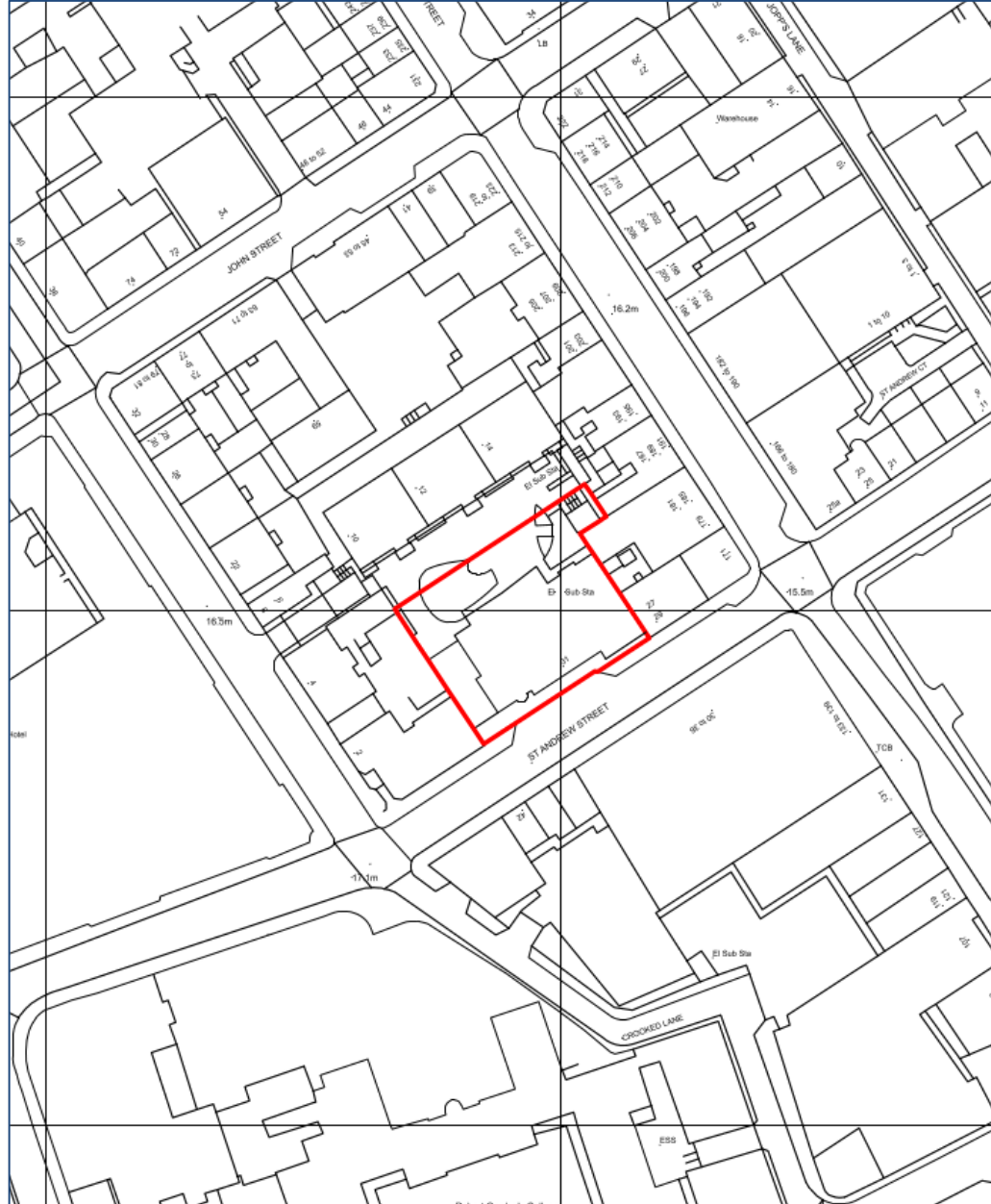
31 St Andrew Street, Aberdeen, AB25 1JA

Application reference: 211263/DPP

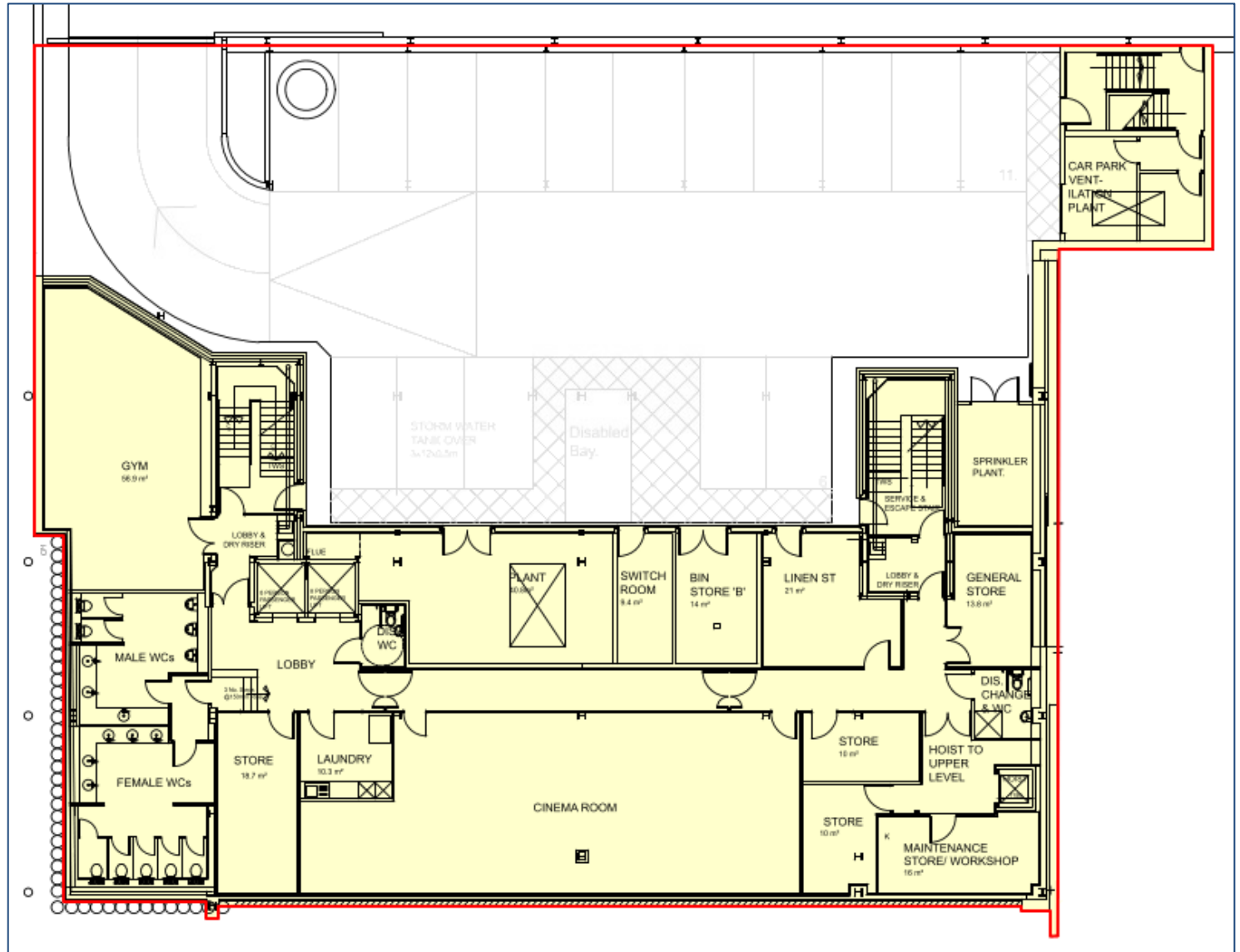
Site Location (GIS) – Wider Context



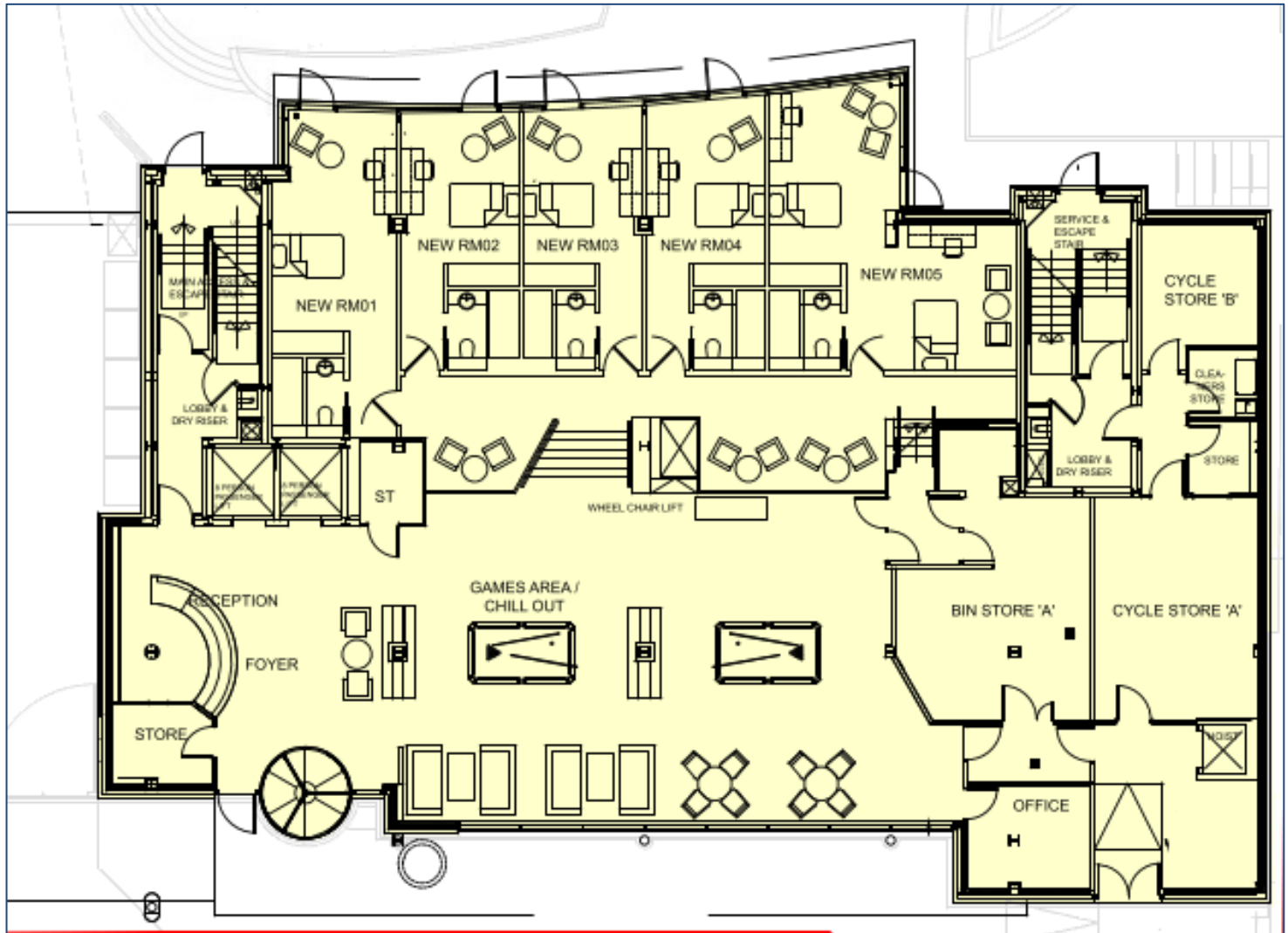
Site Location



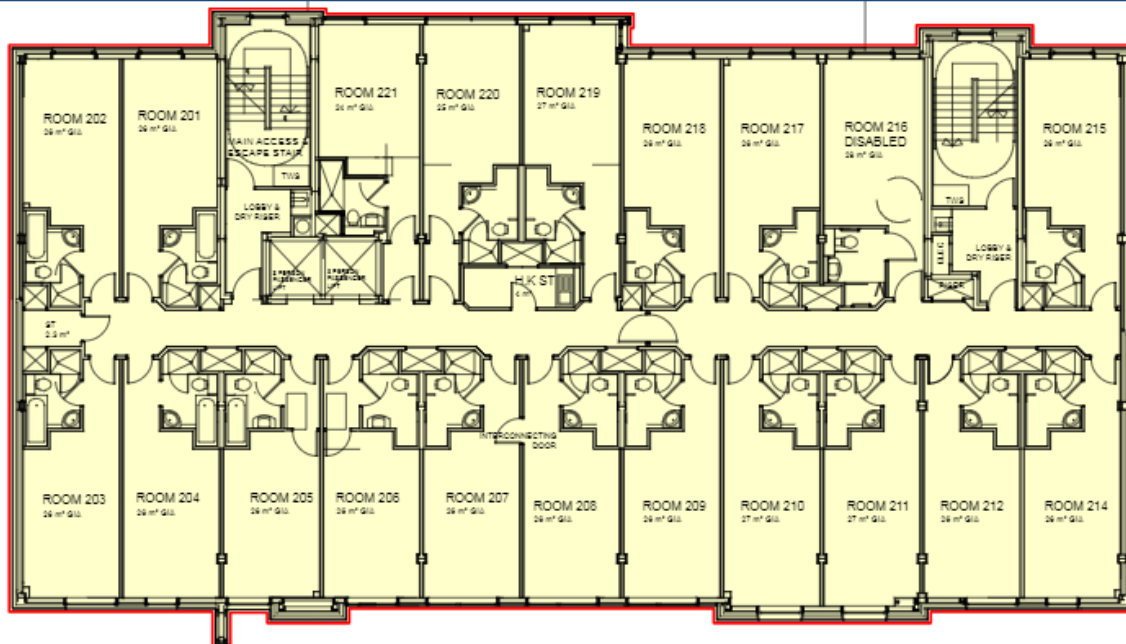
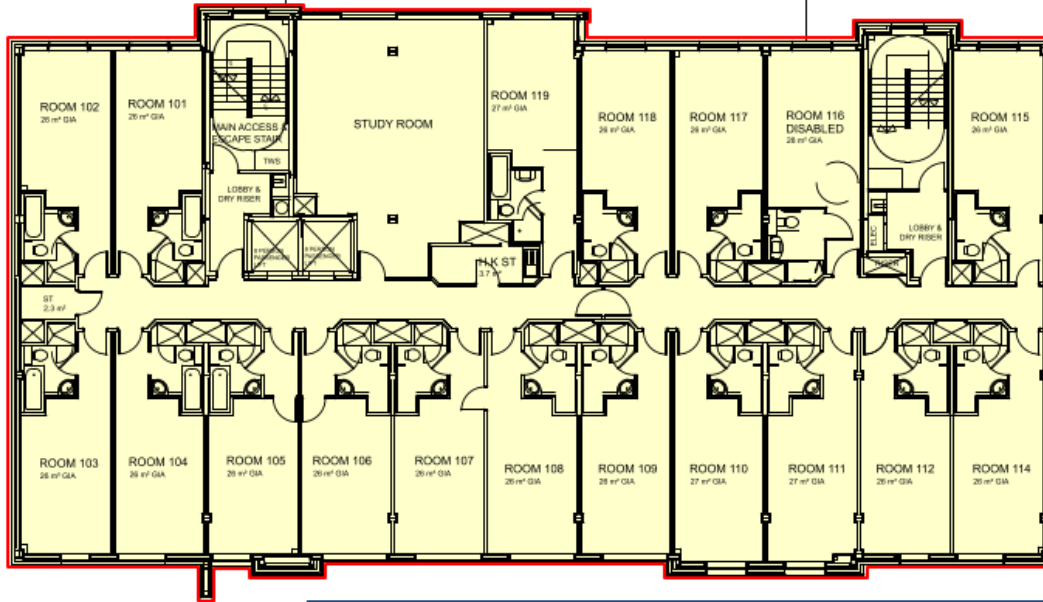
Proposed Floor Plans - Basement



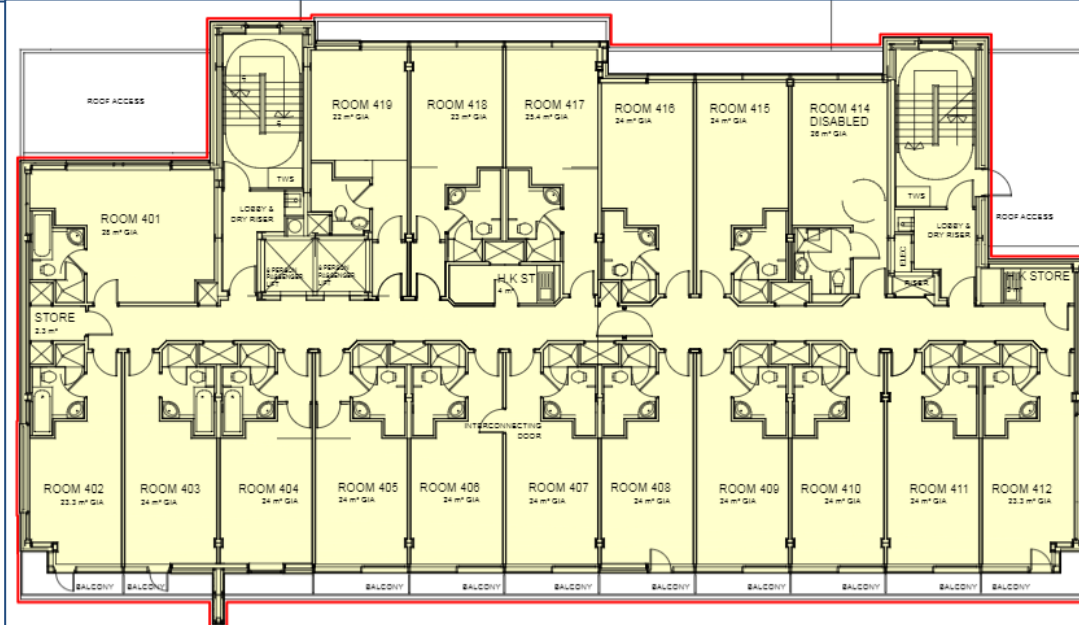
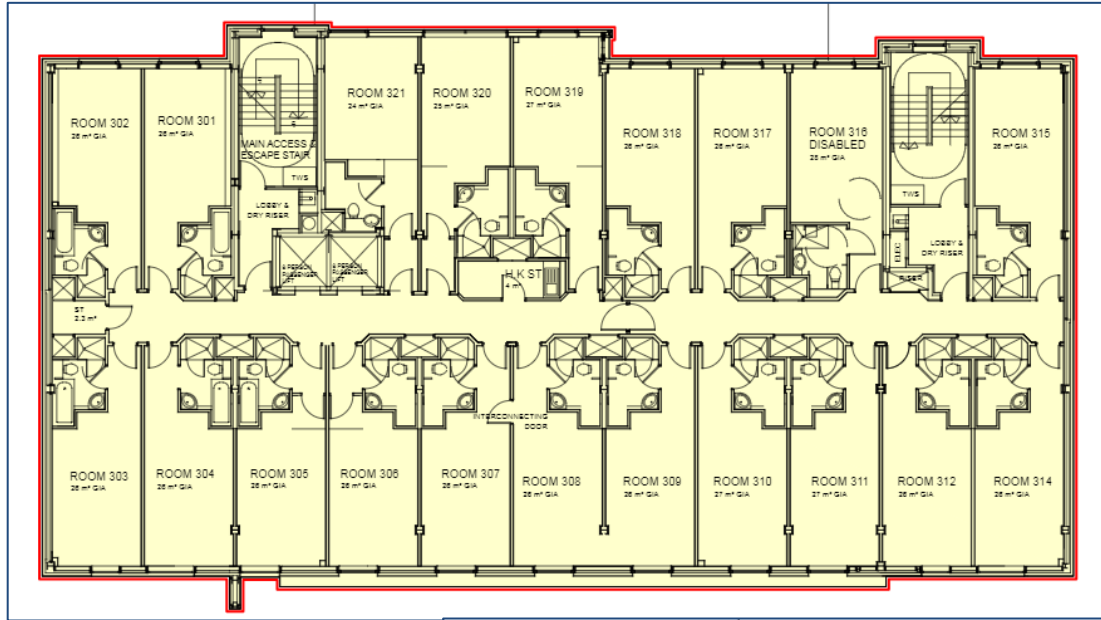
Proposed Floor Plans - Ground



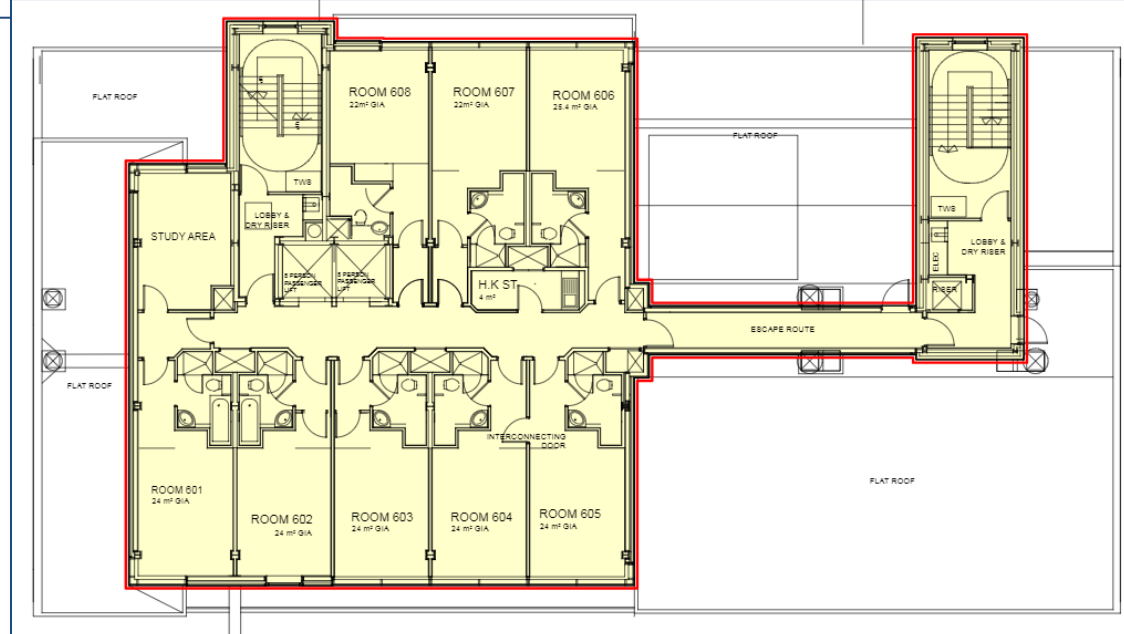
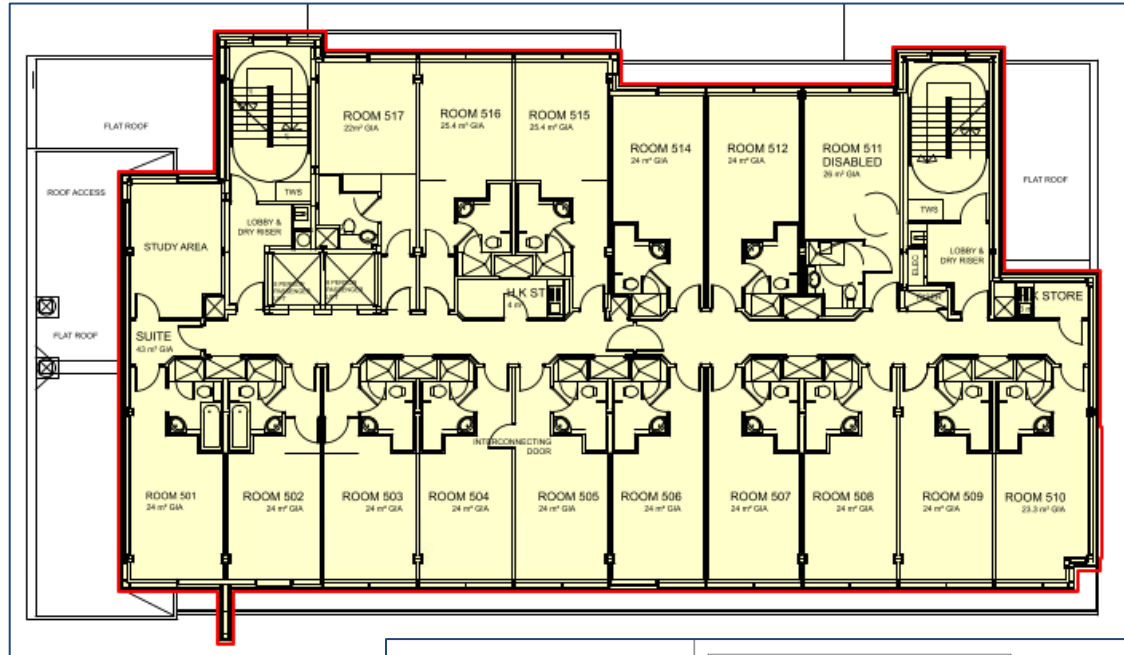
Proposed Floor Plans – First and Second



Proposed Floor Plans – Third and Fourth



Proposed Floor Plans – Fifth and Sixth



Site Photo – Front Elevation



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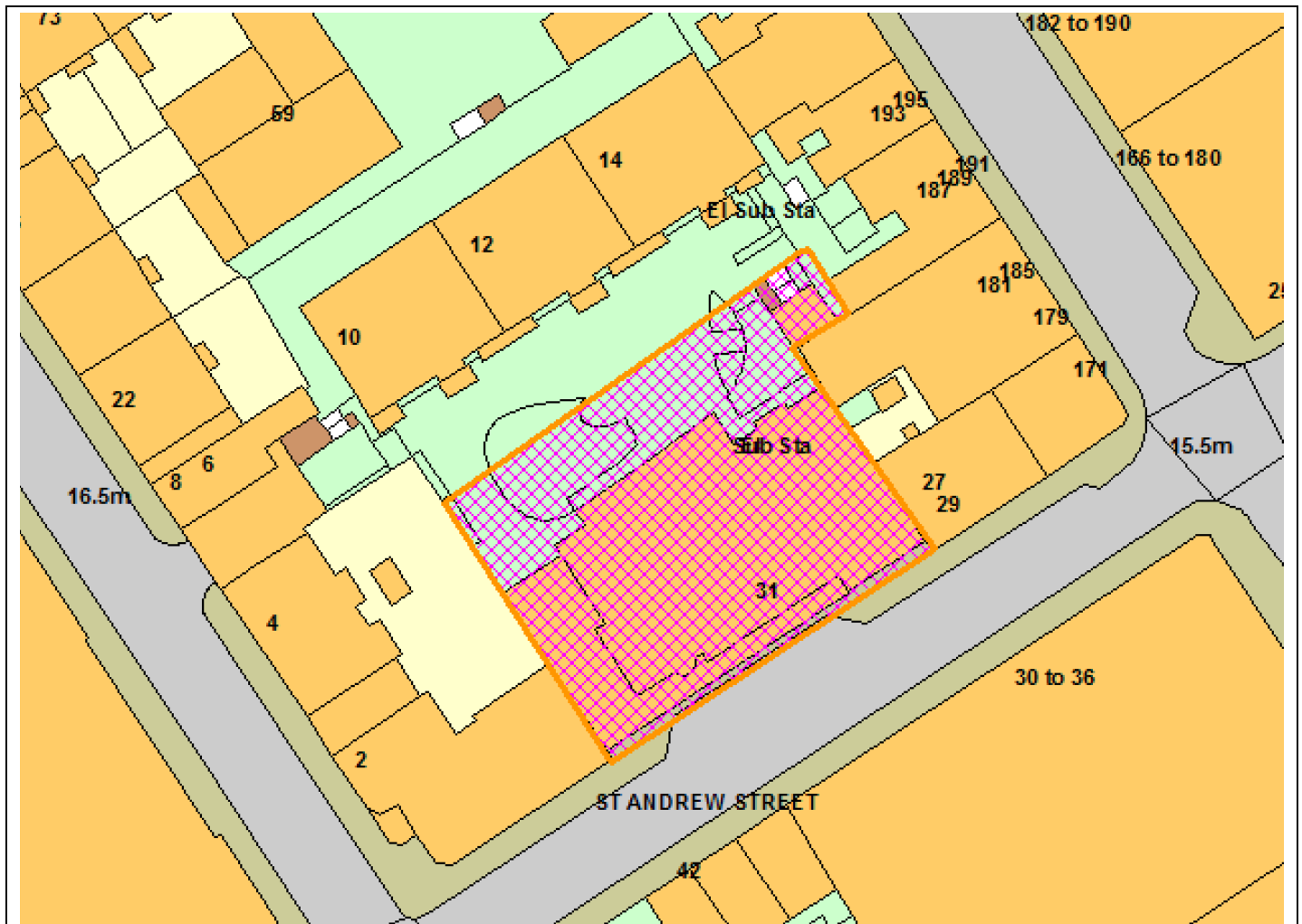


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 9 December 2021

Site Address:	31 St Andrew Street, Aberdeen, AB25 1JA
Application Description:	Change of use from class 7 (hotels and hostels) to student accommodation (sui generis)
Application Ref:	211263/DPP
Application Type	Detailed Planning Permission
Application Date:	30 August 2021
Applicant:	Optimal Student (Aberdeen City) LLP
Ward:	George Street/Harbour
Community Council:	George Street
Case Officer:	Aoife Murphy



RECOMMENDATION

Approve Conditionally with Legal Agreement.

APPLICATION BACKGROUND

Site Description

The site located on the northwest side of St Andrew Street, within the city centre boundary and currently comprises a 7 storey building currently falling within Class 7 – Hotels and Hostels of the Use Classes Order. The building previously operated as the Hilton Garden Inn hotel, which subsequently closed in March 2020 and the building now lies vacant. The building itself is of a modern design with a pend style entrance providing access to the courtyard to the rear. Underground parking (17 spaces of which are associated with the existing hotel) are available with access provided off Charlotte Street to the northwest.

The site is bound by residential properties to the north and southwest, while to the northeast and south, beyond the public road, lies a mix of uses including residential and Class 1 retail units. A Class 3 use can also be found on the corner on St. Andrew Street and George Street. St. Andrew Street is one way to car traffic, but does allow for two way traffic for buses and cyclists.

The Union Street Conservation Area lies approximately 25m to the west, but the site is not located within its boundary.

Relevant Planning History

A6/0265 – Detailed Planning Permission to erect a residential and commercial development comprising 56 flatted units and 2 shop units, approved 23 June 2006.

A7/1026 – Detailed Planning Permission for a proposed 100 bedroom hotel with licensed bar and restaurant, approved 10 June 2008.

Other permissions have been granted but relate to the lighting and signage and not relevant to this application.

211130/DPP – Detailed Planning Permission for change of use from class 7 (hotels and hostels) to student accommodation (sui generis), withdrawn 25 August 2021.

APPLICATION DESCRIPTION

Description of Proposal

Planning permission is sought for a change of use from a hotel to student accommodation (sui generis), which would provide a total of 105 rooms, 5 of which would be accommodated on the ground floor, 18 on the first, 20 on the second, third and fourth floors respectively, 16 on the fifth and finally 8 on the sixth floor. Study rooms have also been shown on the first, fifth and sixth floors. No details of the layout of the rooms have been provided, apart from the location of the ensuite, but the supporting planning statement advises that each room will have its own kitchenette.

Additional amenities/facilities are proposed on the basement and ground floors and include a 17 car parking spaces, bin stores, cycle stores (26 spaces), gym, cinema room, additional W/C's, laundry, linen store and games areas/chill out area, as well as a reception and office space.

No external alterations are proposed to the existing building.

Amendments

None.

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=QYNLI1BZFW00>

- Aberdeen Student Market
- Economic Justification Statement
- Management Plan
- Revised Management Plan
- Supporting Planning Statement

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because there have been more than six timeous objections received and an outstanding objection from the community council.

CONSULTATIONS

ACC - Contaminated Land Team – no comment/observations.

ACC - Developer Obligations – has advised that contributions towards healthcare facilities (£36,351) will be required.

ACC - Environmental Health – no comment/observations.

ACC - Roads Development Management Team – has no objections to the proposal, subject to conditions. The Service notes the provision of 17 car parking spaces and 36 cycle spaces and notes the location of the development within the city centre, while also accepting the location of the proposed bin stores.

ACC - Waste and Recycling – has advised that the proposed development will require the following:

- 9 x 1280L General Waste bin;
- 9 x 1280L Recycling waste bin; and
- 3 x Food waste containers.

All communal kitchens will also receive a kitchen caddy, biobags and associated information for their food waste. All bins will need to be presented either on Charlotte Street or St Andrew Street for collection.

George Street Community Council – has objected to the proposal and raise concerns regarding loss of amenity for surrounding residential properties due to anti-social behaviour and incompatible lifestyles between the existing and proposed uses, lack of amenities for future occupants, issues relating to parking, safety concerns. The community council also notes that the applicant made no attempt to liaise with its members regarding the proposal.

REPRESENTATIONS

42 representations have been received all objections to the proposal. However, it is noted that 3 of these are duplicates resulting in a total of 39 representations. The matters raised can be summarised as follows –

- Impact on residential amenity
- Residential use not compatible with student accommodation
- Proposed use not compatible with other uses in the area
- Noise from the proposed use
- Impact on visual amenity
- Overlooking of courtyard
- Impact on health and wellbeing of residents of residential properties
- Inadequate parking facilities
- No details of what the remaining car parking will be used for if development is ‘no parking’
- Location and usability of cycle store
- Lack of and inadequate waste facilities - leading to litter and vermin issues
- Road safety concerns
- Existing congestion on Charlotte Street
- Impact on/blocking of existing emergency access
- Location is not sufficient for the students
- Location of development in respect to Robert Gordon’s University
- Sufficient level of student accommodation in the city
- Management plan is contradictory and inadequate

The following matters were raised that are not considered to be material planning considerations:

- Site plan not consistent with title deeds
- Anti-social behaviour within the communal courtyard
- Confusion regarding withdrawn application 211130/DPP
- Management of the combined complex (residential units and hotel) not addressed
- Comments regarding title deeds and its specific mention of “Hotel Property” and restrictions regarding use of communal courtyard
- Future market for hotels in the city
- Redevelopment of site into residential flats
- Value of residential properties affected & development would affect the leasing of neighbouring residential flats
- No property portfolio for company
- Costs of maintaining residential properties would increase
- Residents note that the only way the proposal would be acceptable is if the applicant purchased the entire complex
- Issues relating to smoking facilities resulting from lack of facilities
- Lack of kitchen facilities will result in an increase in the use of electrical goods and reliance in external food companies, i.e. takeaways
- Students would be on site longer than hotel guests c. 41 weeks of the year
- Impact on broadband speed

MATERIAL CONSIDERATIONS

Legislative Requirements

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that where, in making any determination under the planning acts, regard is to be had to the provisions of the

Development Plan and that determination shall be made in accordance with the plan, so far as material to the application unless material considerations indicate otherwise.

National Planning Policy and Guidance

Scottish Planning Policy (SPP)

Aberdeen Local Development Plan 2017

Policy NC1 - City Centre Development – Regional Centre

Policy H2 - Mixed Use Areas

Policy D1 - Quality Placemaking by Design

Policy D4 - Historic Environment

Policy I1 - Infrastructure Delivery and Planning Obligations

Policy T2 - Managing the Transport Impact of Development

Policy T3 - Sustainable and Active Travel

Policy NE4 - Open Space Provision in New Development

Policy R6 - Waste Management Requirements for New Development

Policy CI1 - Digital Infrastructure

Supplementary Guidance (SG) and Technical Advice Notes (TAN)

Planning Obligations SG

Transport and Accessibility SG

Green Space Network and Open Space SG

Resources for New Development SG

Materials TAN

Student Accommodation TAN

Proposed Aberdeen Local Development Plan (2020)

The Proposed Aberdeen Local Development Plan (Proposed ALDP) was approved at the Council meeting of 2 March 2020. A period of representation in public was undertaken from May to August 2020 and the Proposed ALDP has since been submitted to the Scottish Government Planning and Environmental Appeals Division for Examination in Public. The Proposed ALDP 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 –

- such matters have or have not received representations as a result of the period of representations in public for the Proposed ALDP;
- the level of representations received in relation to relevant components of the Proposed ALDP and their relevance of these matters to the application under consideration.

The foregoing can only be assessed on a case-by-case basis. The site also falls within OP91 and the following policies are relevant to the this application:

Policy VC1 - Vibrant City

Policy H2 - Mixed Use Areas

Policy D1 - Quality Placemaking

Policy D2 - Amenity

Policy D6 - Historic Environment

Policy R5 - Waste Management Requirements from New Developments

Policy H7 - Student Accommodation Developments

Policy I1 - Infrastructure Delivery and Planning Obligations

Policy T2 - Sustainable Transport

Policy T3 - Parking

Other Material Considerations
City Centre Masterplan

EVALUATION

Principle of Development

Prior to assessment the principle of development, it is important to note that the re-use of a disused brownfield city centre site accords with the presumption in favour of development that contributes to sustainable development as expressed by SPP and correlates with the aim of the Aberdeen Local Development Plan. Furthermore, the Student Accommodation TAN states that the Council aims to take a positive and proactive approach to new student accommodation to ensure that they are in suitable locations in terms of accessibility and amenity impacts on the surrounding area.

Given the site's location within the city centre, Policy NC1 - City Centre Development – Regional Centre must be considered and advises that development within the city centre must contribute towards the delivery of the vision for the city centre as a major regional centre as expressed in the City Centre Masterplan and Delivery Programme, but the site itself is not specifically designated for development within the City Centre Masterplan. However, it is noted that the masterplan seeks to accommodate a growing residential community, which will aid the vision of increasing the footfall of the wider area through the day and into the evening. Overall, it is considered that the proposal seeks to enhance the viability and vitality of the city centre through the provision of student accommodation. As such the proposal is considered consistent with Policy NC1 - City Centre Development – Regional Centre and the City Centre Masterplan.

In order to assess a development of this nature, the TAN highlights a number of requirements that should be considered, these are as follows:

- A. The development meets an identified need for the type of accommodation proposed;
- B. The development should be in a location that is easily accessible to the higher education campuses by sustainable transport modes;
- C. The development should be designed in a way that does not conflict with adjacent properties or the general amenity of the surrounding area;
- D. The layout, standards and facilities provided within the development are of high standards; and
- E. The development scheme has an appropriate Management Plan in place.

All criteria highlighted above will be considered in the evaluation below.

Identified Need and Principle of Development

In terms of Criteria A of the TAN and the requirement for an identified need for such a development, the applicant has submitted a document regarding the need for such further student accommodation, this is in the form a report prepared by Knight Frank for Q4 of 2020, which provides information on all student accommodation in Aberdeen. The report outlines that there are 21,838 students in Aberdeen across the two universities, however it is noted that this number is based on data from 2018/2019. In terms of accommodation there are 19 University scheme's and 24 private schemes equating to a provision of 8,235 beds across the city. With 16% living at home, there appears to a significant percentage, approximately 62%, unable to access student accommodation. While it is noted that a recent scheme was approved on Langstane Place providing 44 beds and a further scheme currently being assessed by the Planning Service on Justice Mill Lane, but given the date of the report and data it is unlikely that these schemes would have been included. Nevertheless, a further 44 beds will not substantially reduce the percentage

of those unable to gain access student accommodation. In light of the information submitted, it is considered that there is an identified need for such a development within Aberdeen City.

Given that a need has been highlighted and while consideration has been given to the city centre under Policy NC1, the Planning Service must also assess the proposal against the site's land use policy, which in this case is Policy H2 - Mixed Use Areas. Policy H2 advises that where there are applications for a change of use within these areas, they must take into account the existing uses and character of the surrounding area and avoid undue conflict with the adjacent land uses and amenity. Where "housing" is proposed, a satisfactory residential environment should be created which should not impinge upon the viability or operation of existing businesses in the vicinity.

The character of the surrounding area is dominated by a mix of uses including residential and commercial uses, reflecting its city centre location. It is therefore considered that given the existing range of uses in the area, the development would not detract from the existing character. Furthermore, it is considered that the proposed use is similar to a residential use given the length of time the occupants would be staying there.

With regards to amenity and the potential impact from the development on other uses, Environmental Health has considered this application and has highlighted no concerns or requested any further information.

In terms of the development being designed in a way that does not conflict with adjacent properties or the general amenity of the surrounding area as highlighted by the criteria C of the TAN, it is considered that the proposed accommodation would operate as a similar to that of residential accommodation, in that students would have leases lasting between 9 to 12 months, rather than being used for long term use. While the intensification of the site would increase as a result of this change of use, given its similarities to residential use, it is not anticipated that there would be sufficient noise emitted from the building to substantially impact on the levels of general amenity currently enjoyed by those living in the surrounding residential accommodation, noting that the location of this development is within the city centre rather than a purely residential area. In terms of the communal area, whilst it is appreciated that this could be utilised by the occupants, to what extent cannot be established, however, the submitted management plan aims to restrict its use to ensure that there is no impact on neighbouring properties.

A substantial number of the submitted representations relate to impact on amenity, these appear to be associated to anti-social behaviour, a factor which has the potential to impact amenity, however, it in itself is not a material planning consideration. Nevertheless, the applicant has submitted a management plan which highlights how anti-social behaviour will be dealt with should it be an issue. Additionally, it is noted in the submitted representations that conditions and duties of the title deeds are in place, which restrict the use of the communal area with respect to "ball games, private parties or any activity or event or use which might cause a nuisance to the occupiers or proprietors of the Hotel property or the Flat properties". Therefore, in terms of amenity, it is not anticipated that there would any undue impact as a result of this proposal that would cause the Planning Service to have any concerns and should such issues arise, it would be for the management team to address. Additionally, in light of the information above, there appears to be mechanisms in place that would deal with any 'anti-social' activities should they occur.

In terms of overlooking and impact on privacy on those surrounding the property, it is not considered that this would be an issue given the current arrangement on site. Those rooms that face south overlook the public road and in relation to those looking north, these look onto the existing communal courtyard, shared by this property and surrounding residential properties, with the properties to the north located some 17m away. So, while the rooms would be occupied for longer periods than if the hotel was still in use, it is not considered that the potential for overlooking

would increase substantially to cause concern. As such, it is considered that there would be a negligible impact on the current levels of amenity.

In light of this, it is considered that the proposed use would be an acceptable addition to this mixed use area and is in compliance with Policy H2 – Mixed Use Area.

While there is no specific policy within the current Local Development Plan regarding student accommodation, the Proposed Local Development Plan contains a new policy for such developments, Policy H7 - Student Accommodation Developments, which advises that proposals for new student accommodation development will be supported in principle where;

1. The location is accessible by means of walking, cycling, wheeling and public transport to the university or college facilities;
2. The proposals offer appropriate facilities; in particular providing an appropriate level of amenity space, refuse/ recycling storage space and secure bike storage facilities; and
3. There will be no significant adverse impact to the amenity of the surrounding area.

While points 1 and 2 will be considered elsewhere in this evaluation, it is considered that point 3 has been sufficiently addressed under this section of the report.

Taking into account criteria A and C of the Student Accommodation TAN, the current land use designation and point 3 of Policy H7 of the Proposed Local Development Plan, it appears that the proposal would be sited in a suitable location and would have no undue impact on the character and amenity of the surrounding area. As such and subject to the remaining criteria of the TAN and Policy H7 being met, it would appear that the principle of development can be supported by the Planning Service.

Design, Impact on the Historic Environment and Amenity of Future Residents

The Aberdeen Local Development Plan and Policy D1 - Quality Placemaking by Design request that all development respect and consider the context of the surrounding area. In this case, an existing building will be re-used with no external alterations proposed. The re-use of the building also complies with a number of the essential qualities of a development, in that it is adaptable, accessible, safe and resource efficient. As such, the Planning Service is satisfied with the development from a design perspective and considers that there will be no impact on the surrounding visual character of the area.

While not located in a conservation area, the development is located close to the boundary of the Union Street Conservation Area, however, given the existing building will be re-used, it is considered that there would be no impact on the historic environment and therefore is considered compliant with Policy D4 - Historic Environment.

While the amenity of the surrounding area was considered above, the amenity of the future occupants also needs to be assessed. Given that the existing building was specifically built as a hotel, where occupants are there on a short term basis, the Planning Service need to consider whether the amenity for those potentially using the rooms will be sufficient. Policy D2 of the Proposed Aberdeen Local Development Plan looks specifically at this aspect of proposals and seeks to ensure that the principles relating to amenity are applied to all relevant developments. The Proposed plan outlines that poor amenity can have detrimental impacts on health and wellbeing and that buildings must be fit for purpose and meet the needs of users and occupiers.

In terms of daylight, it is recognised that all rooms are single aspect with a substantial number of rooms facing north. However, given the layout of the development and taking into account the distance of the site from the properties to the north, it is considered that the existing arrangements

would allow for sufficient daylight into the proposed rooms. Those rooms that face south do not raise any concerns.

Turning to outlook, it is considered that the south elevation has an appropriate and acceptable level, while it is recognised that these windows overlook the public road and buildings beyond, consideration must be given to the fact that this is a city centre location, in which a slightly reduced outlook is a typical consequence of developing brownfield sites owing to surrounding densities. The outlook to the north is also considered acceptable as it overlooks the communal courtyard with properties beyond some 17m away, raising no concerns.

Overall, it is considered that the amenity of future residents is acceptable and in compliance with Policy D2 of the Proposed Local Development Plan.

Accessibility and Parking

In terms of accessibility, two aspects will be considered, the site's accessibility and whether the development should be in a location that is easily accessible to the higher education campuses by sustainable transport modes, the latter of the two being a requirement of the Student Accommodation TAN.

Overall, it is considered that the site is readily accessible by sustainable and active travel modes due to its location within the city centre and in close proximity to main arterial routes, i.e. George Street and Union Street, allowing access into and out of the city, as well as Aberdeen's bus and rail station at Union Square. In terms of access higher education campuses, it is considered that due to the site's location, both campuses are accessible via public transport, with bus routes running from the city centre to both Aberdeen and Robert Gordon Universities. Additionally, both campuses can be accessed via the city's cycle network.

Additionally, a travel plan has been submitted in support of the proposal, outlining details relating to the aforementioned aspects and providing specific details regarding bus routes and times. However, while details have been submitted a full travel pack/plan would be required if the application was to be approved and would identify measures to be implemented in relation to encouraging sustainable and active modes of transport.

The 17 parking spaces, including 1 disabled space, that currently exist, are being retained for the proposed change of use and are located at basement level. The Roads Service has advised that such a provision (including disabled parking) is in-line with the Transport and Accessibility SG, which requires 1 per resident staff member, plus 1 per 10 students for city centre developments. As this parking provision is already in place considered acceptable.

Several representations have highlighted concerns regarding the level of parking proposed, labelling it as inadequate, but that is not considered to be the case. The provision of 17 spaces exceeds the Council's standards by a few spaces, however given the spaces already exist, the provision can be accepted. Further representations state that no details of how the remaining car parking will be used should the development is deemed to have 'no parking'. While it has not been outlined how the parking will be utilised at this stage, there is no requirement for the applicant to do this and will be for the management team to control and enforce, but the Planning Service will be recommending a condition is attached to any approval so that the parking is only used in association with the proposed student accommodation

Further representations highlight concerns regarding road safety, the impact on existing congestion on Charlotte Street as a result of the development and potential impact on or blocking of existing emergency access. In terms of road safety, this has not been raised by the Roads team as an issue and given that the number of rooms are similar to that which were provided in

the hotel, it is not expected that there would be any additional impact on road safety. Further to this it is not expected that this development would give rise to further congestion on the surrounding streets. The submitted management plan does provide information regarding the period of time when students would be checking in/checking out, but outlines procedures the management team intends to put in place to reduce any potential impact. With regards to the potential blocking up of the emergency access, this would again be for the management team to control and ensure that there was no impact on the existing access should it be required for emergencies.

Cycle stores have also been shown on the submitted plans, these would be located on the ground floor and accessed via St. Andrew Street or from inside the building, making them clearly accessible to students residing here. Cycle store A has capacity for 28 bikes, while store B has capacity for 8 further bikes, totalling 36 spaces in total. This complies with the criteria outlined in the SG and is therefore acceptable. It is noted that a representation has highlighted concerns regarding the location and usability of the cycle stores given their locations, but it is considered normal that cycle stores would be located behind doors, this does not warrant this aspect of the proposal as unacceptable.

Overall, it is noted that subject to conditions the Roads Development Management Team has no objection. Having given full consideration to the above, it is considered that the proposal, subject to suitable conditions, is in compliance with Policy T2 - Managing the Transport Impact of Development, Policy T3 - Sustainable and Active Travel, Transport and Accessibility SG and Criteria B of Student Accommodation TAN.

Developer Obligations

As per the requirements of Policy I1 - Infrastructure Delivery and Planning Obligations a Developer Obligations Assessment has been carried out which advises that, if the application is being approved, contributions would be sought towards healthcare facilities (£36,351).

Access to Amenities

Criteria D of the TAN and Policy H7 requires the access to amenities to be considered, taking into account layout, standards and facilities provided within the development. While a number of elements will be considered below, such as open space, provision waste facilities, energy efficiency and flexibility, it is noted that some have already been addressed within this evaluation.

Facilities have been proposed within the basement and ground floor level of the building, additionally, the site is located in a city centre location with a multitude of amenities on its doorstep. As such, the proposal is considered acceptable in that the development would provide some communal amenities within the building, which would be complementary to the use of student accommodation and for the sole use of those residents, it would also be located within the city centre therefore providing excellent accessibility to other amenities outwith the site. As such the aspect of access to amenities is considered acceptable.

Open Space

It is noted that students would have access to the communal area to the rear of the site, with some rooms on the ground floor having direct access via doors on the north elevation. Furthermore, the site would be located in close proximity to the Union Terrace Gardens, as well as other areas of open space within the city, it is therefore considered that residents will have adequate access to external amenity space. As such, the proposal is considered compliant with Policy NE4 - Open Space Provision in New Development, Policy NE1 Green Space Network and Open Space SG.

Waste

With respect to Policy R6 - Waste Management Requirements for New Development, the proposed development has provided two bin storage areas on the basement and ground floor levels, with specific layouts provided. This has been reviewed by the Council's Waste and Recycling Service and is considered acceptable. All bins will need to be presented either on Charlotte Street for collection.

Energy Efficiency and Flexibility

In respect of energy efficiency, given that the building is existing and will be re-used, there is no requirement for the development to submit an energy statement as per the requirements of Policy R7 - Low and Zero Carbon Buildings.

Turning to flexibility, the TAN states that "all applications for student accommodation will be conditioned to limit occupancy to students", as such, if the application was to be approved, a condition regarding this would be attached.

Overall, it is considered that these aspects highlighted above are acceptable an incompliance with the criteria D of the TAN and Policy H7.

Other Matters

Owing to the nature of the site within the city centre, the Planning Service is satisfied that the proposal meets the requirements of Policy CI1 - Digital Infrastructure in that it would have access to modern, up-to-date high-speed communications infrastructure.

Finally, Criteria E of the TAN requires the development to have an appropriate management plan in place. A management plan has been submitted and provides information on the management of the development in terms of staffing, access, noise, anti-social behaviour, out of hours management, security as well as the moving in and moving out process. The details are considered to be acceptable and meet the aforementioned criteria.

Community Council and Representations Comments

George Street Community Council has objected to the proposal and raise concerns regarding loss of amenity for surrounding residential properties due to anti-social behaviour and in-compatible lifestyles between the existing and proposed uses, lack of amenities for future occupants, issues relating to parking, safety concerns. The community council also notes that the applicant made no attempt to liaise with its members regarding the proposal. The initial comments raised by the community council have been addressed above. With regards to the comments regarding lack of communication, there is not legislative requirements for the applicant to liaise with the community or community council.

A number of concerns have been highlighted through the submitted representations, some of which have been addressed above, however, those that have not mentioned above will now be considered.

- Impact on residential amenity – *addressed above.*
- Residential use not compatible with student accommodation – *this is not considered to be the case, all over Aberdeen City student and residential accommodation are sited in close proximity to each other and co-exist without any impact.*
- Proposed use not compatible with other uses in the area – *addressed above.*
- Noise from the proposed use - existing disruptions from student accommodation at Woolmanhill – *addressed above.*

- Impact on visual amenity – *given that no changes are proposed to the building, it is not considered that there would be any impact on visual amenity.*
- Overlooking of courtyard – *addressed above.*
- Impact on health and wellbeing of residents of residential properties – *given that the proposed use is student accommodation, it is not considered that there would be any impact the health and wellbeing of existing residents.*
- Inadequate parking facilities – *addressed above.*
- No details of what the remaining car parking will be used for if development is ‘no parking’ – *addressed above.*
- Location and usability of cycle store – *addressed above.*
- Roads Safety concerns – *addressed above.*
- Existing congestion on Charlotte Street – *addressed above.*
- Impact on/blocking of existing emergency access – *addressed above.*
- Lack of and inadequate waste facilities – leading to litter and vermin issues – *adequate provision has been shown. Should there be litter or vermin issues then this would need to be addressed by the management team.*
- Location is not sufficient for the students – *addressed above.*
- Location of development in respect to Robert Gordon’s University (RGU) – *addresses above, RGU is considered assessable via public transport and other sustainable modes of transport.*
- Sufficient level of student accommodation in the city – *addressed above.*
- Management plan is contradictory and inadequate – *the plan is considered to be sufficient for the assessment of this application.*

The following matters were raised that are not considered to be material planning considerations, but the Planning Service can provide some information on each point.

- Site plan not consistent with title deeds - red site line looks to split communal area – *ownership is not a material planning consideration, but the red line does not physically split the communal area, but is required to take in all land relevant to the application.*
- Anti-social behaviour within the communal courtyard – *addressed within the management plan.*
- Confusion regarding withdrawn application 211130/DPP – *the previous application was withdrawn due to issues with the red line boundary, which could not be amended under that application owing to the extent of the changes.*
- Management of the combined complex (residential units and hotel) not addressed – *this is a civil matter.*
- Comments regarding title deeds and its specific mention of “Hotel Property” and restrictions regarding use of communal courtyard – *this is a civil matter.*
- Future market for hotels in the city – *the Planning Service does not have any remit to stop an applicant applying for a change of use, but must assess that application in respect of the relevant policies and guidance.*
- Redevelopment of site into residential flats – *that proposal is not before the Planning Service for assessment.*
- Value of residential properties affected & development would affect the leasing of neighbouring residential flats – *not a material planning considered so cannot be taken into account.*
- No property portfolio for company – *this is not a material planning consideration, but there is no requirement for the applicant to have a property portfolio.*
- Costs of maintaining residential properties would increase – *this is a civil matter.*
- Residents note that the only way the proposal would be acceptable is if the applicant purchased the entire complex – *this is not a material planning consideration.*
- Issues relating to smoking facilities resulting from lack of facilities – *this is not a material planning consideration, but it is noted that this aspect is covered in the management plan, stating that “smoking is not permitted anywhere within the building”.*

- Lack of kitchen facilities will result in an increase in the use of electrical goods and reliance in external food companies, i.e. takeaways – *Kitchens are provided within each room.*
- Students would be on site longer than hotel guests c. 41 weeks of the year – *noted and considered above.*
- Impact on broadband speed – *this would be a matter for Open Reach to ensure there is capacity and individual providers to ensure speeds.*

Proposed Aberdeen Local Development Plan

In relation to this particular application, the majority of the policies in the Proposed Aberdeen Local Development Plan 2020 substantively reiterate those in the adopted Local Development Plan, apart from Policy H7 - Student Accommodation Developments and D2 - Amenity. However, it is considered that the elements and criteria of both have been considered suitably addressed and overall the development is considered to be acceptable.

Heads of Terms of any Legal Agreement

The applicant has confirmed in writing that they are agreeable to the Heads of Terms outlined above and these contributions will be secured via a Legal Agreement.

Conclusion

The proposal is considered to be a development which would see enhancements to the viability and vitality of the City Centre through the provision of student accommodation and it is not considered that there would be any undue impact on the character and amenity of the surrounding area. The existing building will remain unchanged and there would be no impact on the historic environment. Further to this there are no concerns regarding amenity for future residents. Given the above and the proposal's compliance with all relevant policies of the current and Proposed Local Development Plans and associated TAN and SG's, it is considered that the proposal is acceptable and is therefore recommended for approval subject to conditions and a legal agreement securing the aforementioned developer obligations.

RECOMMENDATION

Approve Conditionally with Legal Agreement.

REASON FOR RECOMMENDATION

The proposed change of use has been assessed against the relevant policies and guidance and in terms of the principle of development it is considered that there is an established need within Aberdeen for further student accommodation. Furthermore, it is considered that this development would improve the viability and vitality of the city centre, with no impact on the character or amenity of the surrounding area mixed used area. A sufficient level of parking, including car and cycle spaces, are being provided and the site is accessible by sustainable modes of transport to the city's main arterial routes and its established Universities. The site can also provide a sufficient provision of waste storage facilities. While the site can provide access to the communal area associated with the building, there is also access to public gardens and parks in and around the city. The site can also provide access to amenities both those proposed within the building and those located within the city.

Overall, it is considered that the proposal complies with Policy NC1 - City Centre Development – Regional Centre, Policy H2 - Mixed Use Areas, Policy D1 - Quality Placemaking by Design, Policy D4 - Historic Environment, Policy I1 - Infrastructure Delivery and Planning Obligations, Policy T2 - Managing the Transport Impact of Development, Policy T3 - Sustainable and Active Travel, Policy NE4 - Open Space Provision in New Development, Policy R6 - Waste Management Requirements

for New Development and Policy CI1 - Digital Infrastructure of the Aberdeen Local Development Plan 2017, the associated Technical Advice Note on Student Accommodation and Supplementary Guidance on Planning Obligations, Transport and Accessibility, Green Space Network and Open Space and Resources for New Development and the City Centre Masterplan.

The proposal is also considered consistent with the Proposed Aberdeen Local Development Plan 2020, specifically Policy H7 - Student Accommodation Developments and D2 - Amenity, with all other policies substantively reiterating those in the adopted Local Development Plan.

CONDITIONS

1. Student Accommodation Restrictions/occupancy

The student accommodation hereby granted planning permission shall not be occupied other than by students. In this case students are defined as those persons attending higher educational institutions within the City of Aberdeen.

Reason: The development is not suitable in planning terms for use as permanent residential accommodation due to the absence of provision of affordable housing, amenity areas, and car parking.

2. Management Plan

The student accommodation hereby granted planning permission shall not be occupied unless it is being operated in full accordance with all measures identified within the Management Plan, hereby approved or any other draft submitted to and approved in writing by the planning authority.

Reason - In the interests of ensuring the provision of adequate amenity for occupants of the development and avoiding conflict with nearby uses.

3. Travel Plan

The building shall not be occupied unless a Travel Plan for the use here by approved has been submitted to and approved in writing by the planning authority. The Travel Plan shall encourage more sustainable means of travel and shall include mode share targets. It shall identify measures to be implemented, the system of management monitoring review, reporting and duration of the incorporated measures designed to encourage modes other than the private car. The building shall not be occupied unless the measures set out in its approved Travel Plan have been implemented in full.

Reason: In the interests of encouraging a more sustainable means of travel to and from the proposed development.

4. Car Parking

That the 17 car parking spaces associated with the building shall only be used for purposes relating to the student accommodation hereby granted planning permission and should not be for any other purpose.

Reason: In order to ensure that the spaces are only used for the use hereby approved.

5. Cycle Parking

The student accommodation hereby granted planning permission shall not be occupied unless the cycle storage provision, as shown on drawing 4035 101 B and subsequent details shows on drawing 4035 105 and 4035 106, has been implemented in full accordance with said

scheme, unless otherwise agreed in writing with the planning authority, and retained in perpetuity.

Reason: In the interests of encouraging more sustainable modes of travel.

6. Communal Facilities

The student accommodation hereby granted planning permission shall not be occupied unless the communal facilities (i.e. cinema, laundry, gym and games area etc.) as shown on the approved basement and ground floors, drawing references 4035 100 B and 4035 101 B or such other facilities as may be approved in writing by the planning authority have been implemented and are thereafter available for use.

Reason: In order to ensure provision of a live street frontage and ensure provision of adequate amenity for occupants

7. Waste

That the building shall not be brought into use unless the communal recycling/food waste/residual waste bin storage area shown on the following drawings, reference 4035 100 B, 4035 101 B, 4035 107 and 4035 108, hereby approved has been provided in accordance with the approved details. Once provided, the communal storage area shall thereafter be permanently retained.

Reason: To ensure that suitable provision is made for the storage of recycling, food waste and residual waste bins.

ADVISORY NOTES FOR APPLICANT

Waste

Specific points

- The bins in the basement bin store will need to be presented on Charlotte Street for collection.

General points

- No excess should be stored out with the containment provided. This is fly tipping.
- Large item collections can be arranged by visiting www.aberdeencity.gov.uk
- Further information can be found in the Waste Supplementary Guidance available at: <https://www.aberdeencity.gov.uk/sites/default/files/2020-07/7.1.PolicySG.ResourcesForNewDevelopmentUpdateJuly2020.pdf>

Specific development completion points

- Developers must contact Aberdeen City Council wasteplanning@aberdeencity.gov.uk a minimum of **ONE** month before properties will be occupied.
 - This is to ensure that the properties be registered on the CAG (Council Address Gazetteer). Without this registration, we cannot add to our in-cab waste vehicle systems for collections to be made.
 - This is to ensure that bins are ordered and delivered in time for residents moving in. Bins must be on site prior to residents moving into properties.
- A Purchase Order should be raised with Aberdeen City Council using the above pricing details and we will provide further guidance for purchasing the bins.
- Please submit a PO for the bins you require. No calls offs please.

In the final stages of completion, a representative from Aberdeen City Council's Waste team will assess the site to ensure that all of our considerations have been implemented.

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PLANNING DEVELOPMENT MANAGEMENT COMMITTEE



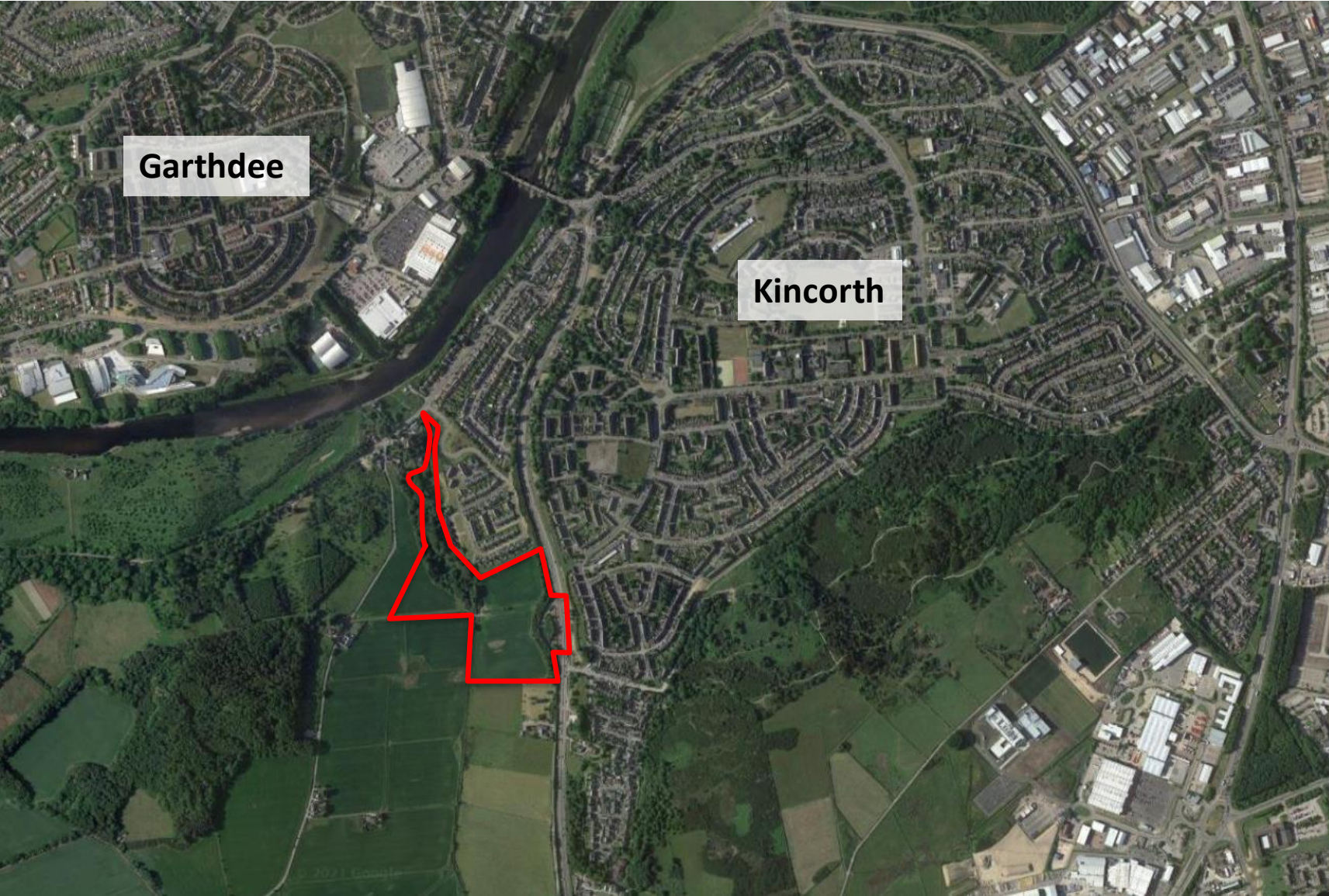
Planning Development Management Committee

Residential development (100 units) with associated landscaping and parking and supporting ancillary infrastructure

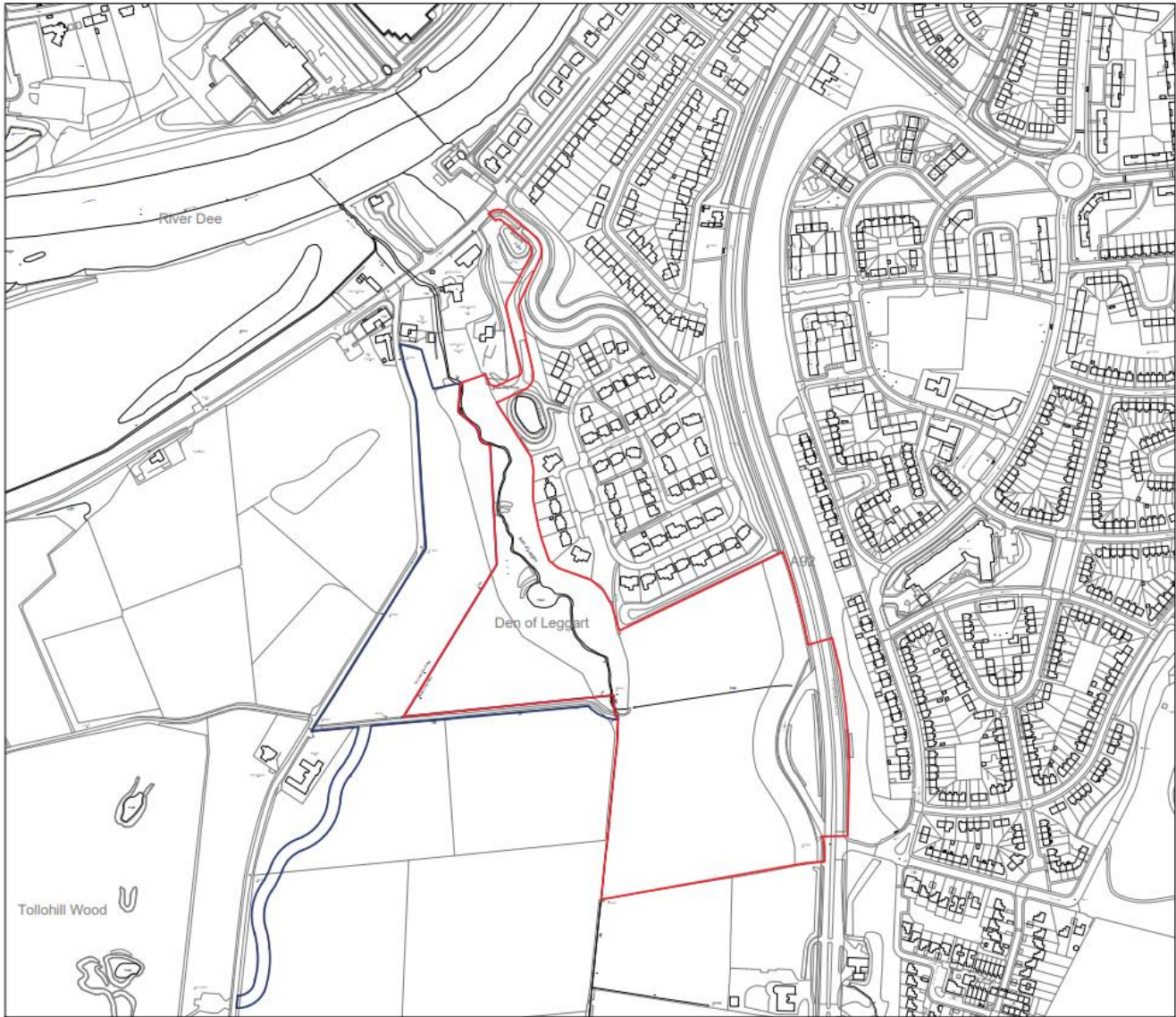
Land to the South and South-West of Deeside Brae (Leggart Brae)

Detailed Planning Permission
201558/DPP

Location – Wider Context



Location Plan



Existing Site Context



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

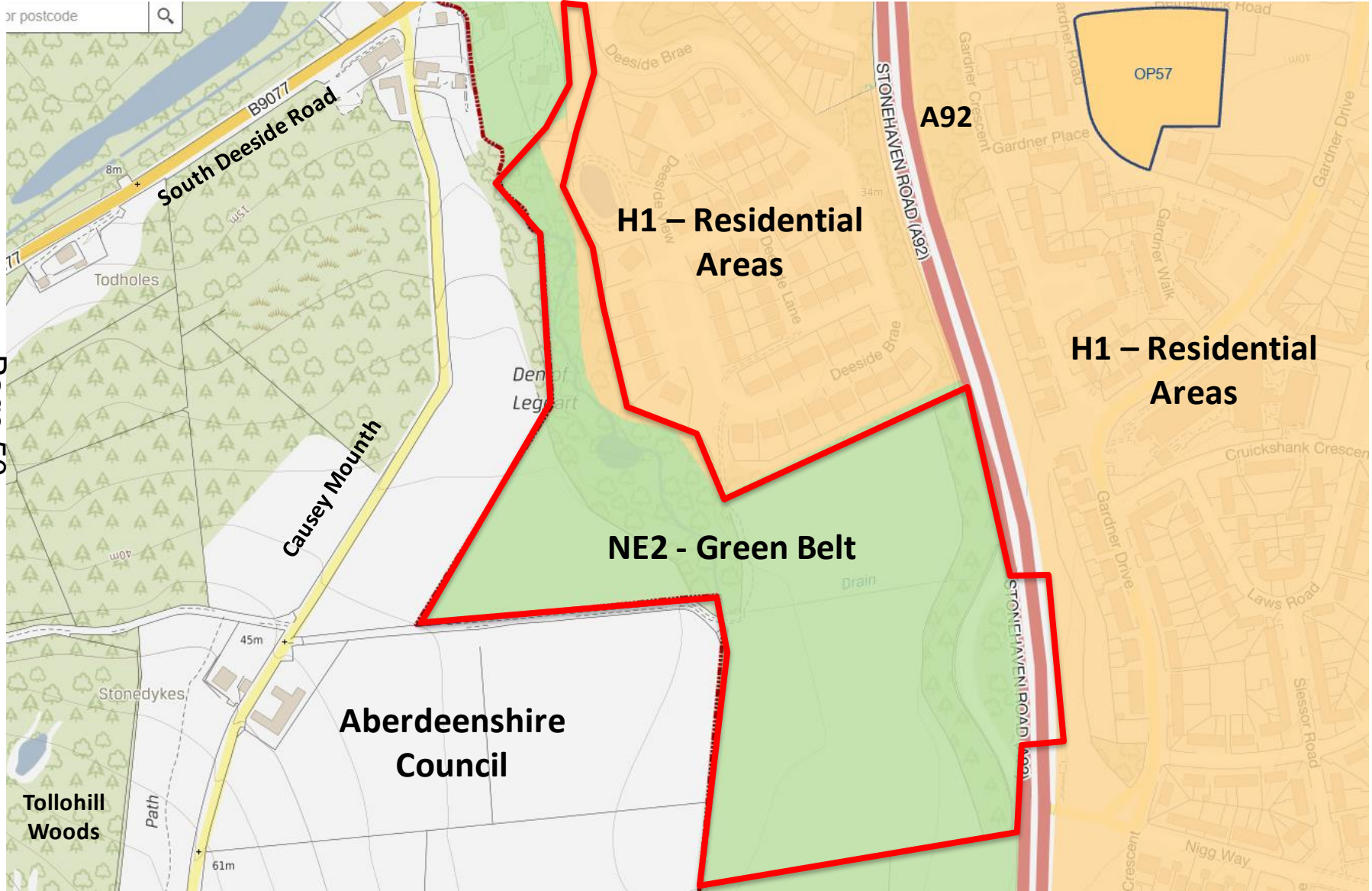


The Bridge of Dee carries the A92 across the river in to Aberdeen, The Den of Leggart forms the backdrop in this view.

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



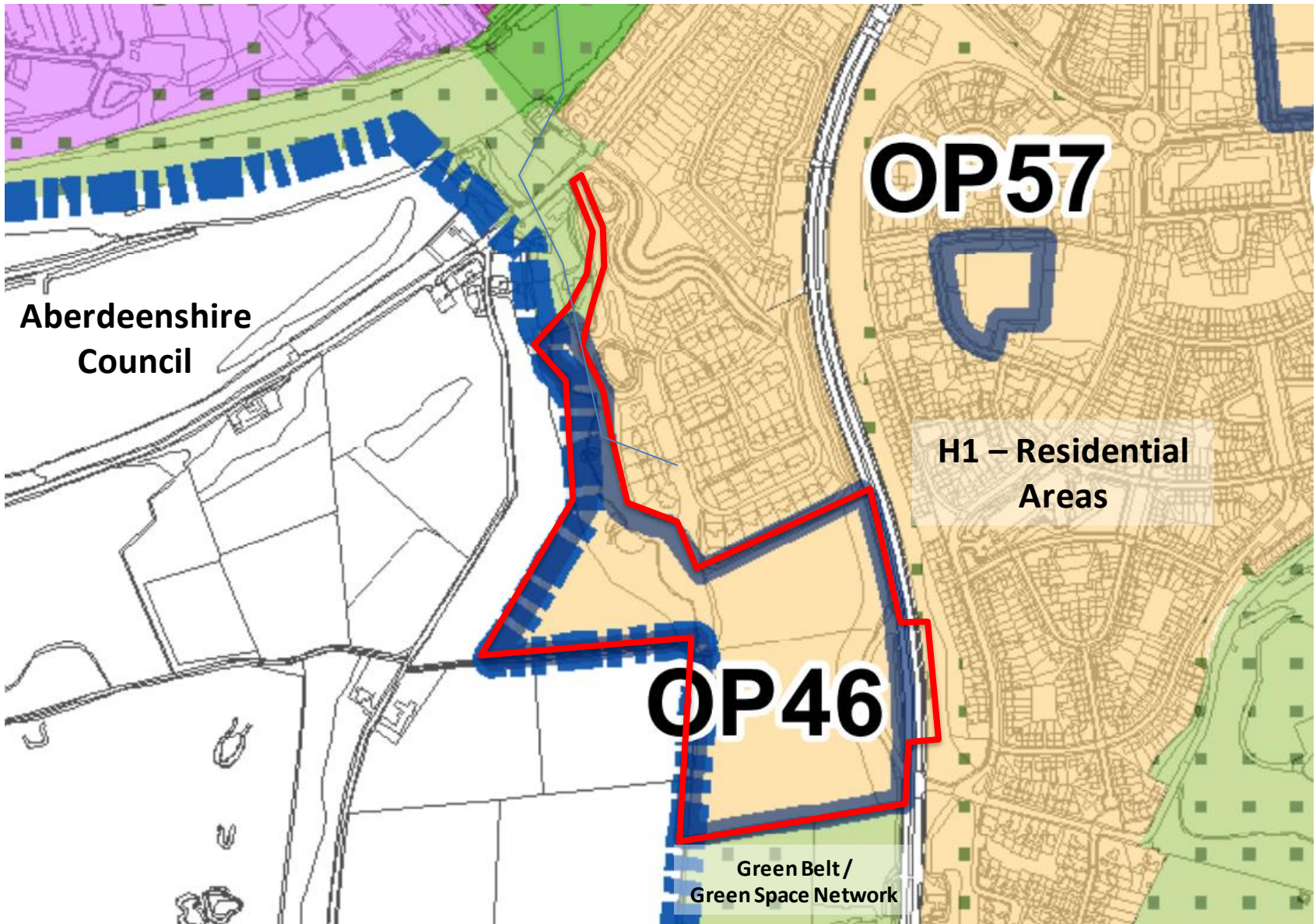
ALDP 2017 Zoning



ALDP 2017 Zoning continued



PALDP 2020 Zoning



Aberdeen Local Development Plan - Zoning

- 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 currently undergoing Examination, anticipated to be Adopted Spring / Summer 2022.

Proposed Site Plan



Proposed Site Plan – Housing Area



House Types – 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



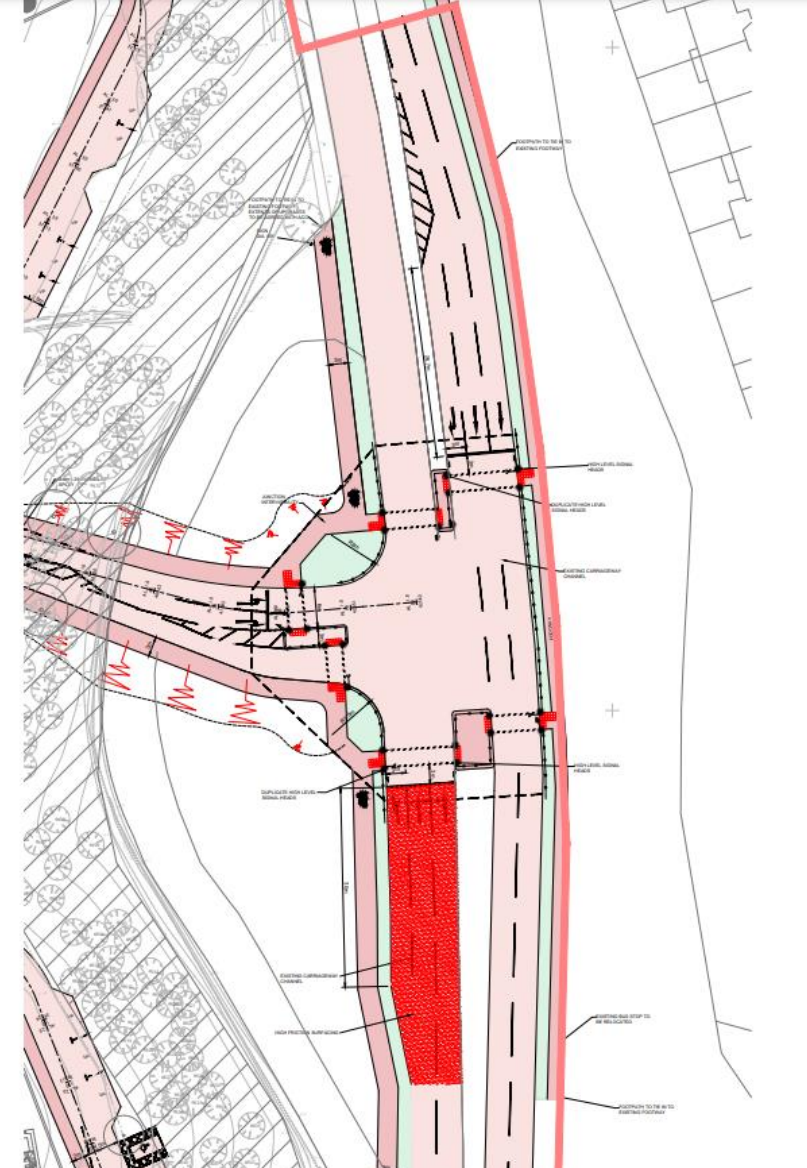
V4 Montrose Drive 0.5km from the site. The proposed development is visible and noticeable, as a small part of a much wider view.

Existing view



View after development

Proposed A92 signalised junction



Proposed emergency access



Distances to bus stops



NO.	DATE	DESCRIPTION	BY	CHKD BY
1	15/03/2024	Issue for comment	AS	AS
2	15/03/2024	Issue for comment	AS	AS
3	15/03/2024	Issue for comment	AS	AS
4	15/03/2024	Issue for comment	AS	AS
5	15/03/2024	Issue for comment	AS	AS
6	15/03/2024	Issue for comment	AS	AS
7	15/03/2024	Issue for comment	AS	AS
8	15/03/2024	Issue for comment	AS	AS
9	15/03/2024	Issue for comment	AS	AS
10	15/03/2024	Issue for comment	AS	AS

Comer Homes
 Leggart Brae
 Proposed Housing Development

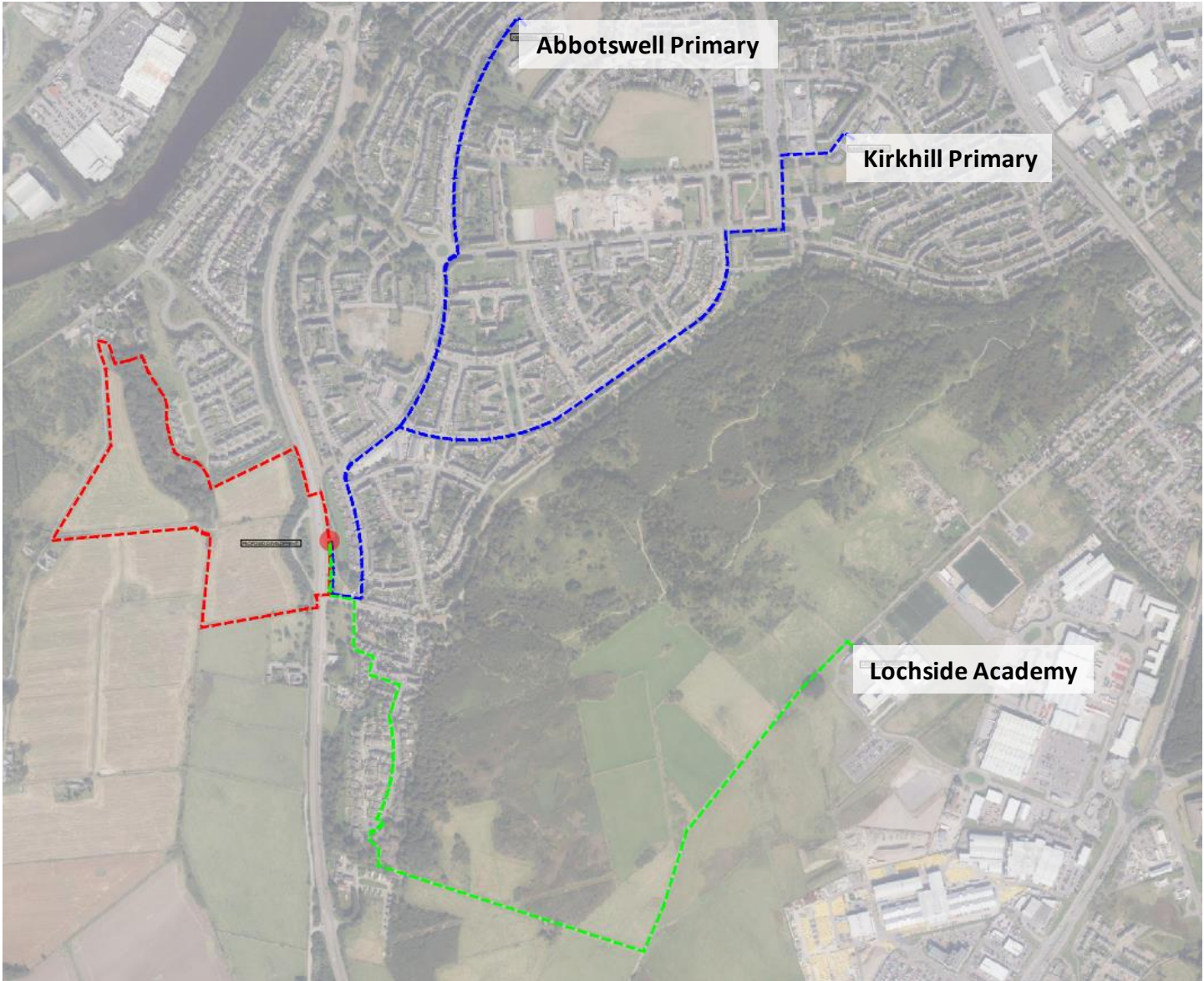
Bus Stop Isochrone

Goodson Associates
 Consulting Civil, Structural & Transportation Engineers
 Commerce House, Commerce Street,
 Aberdeen, AB11 5FN
 Also at Edinburgh, Bristol and Leeds.

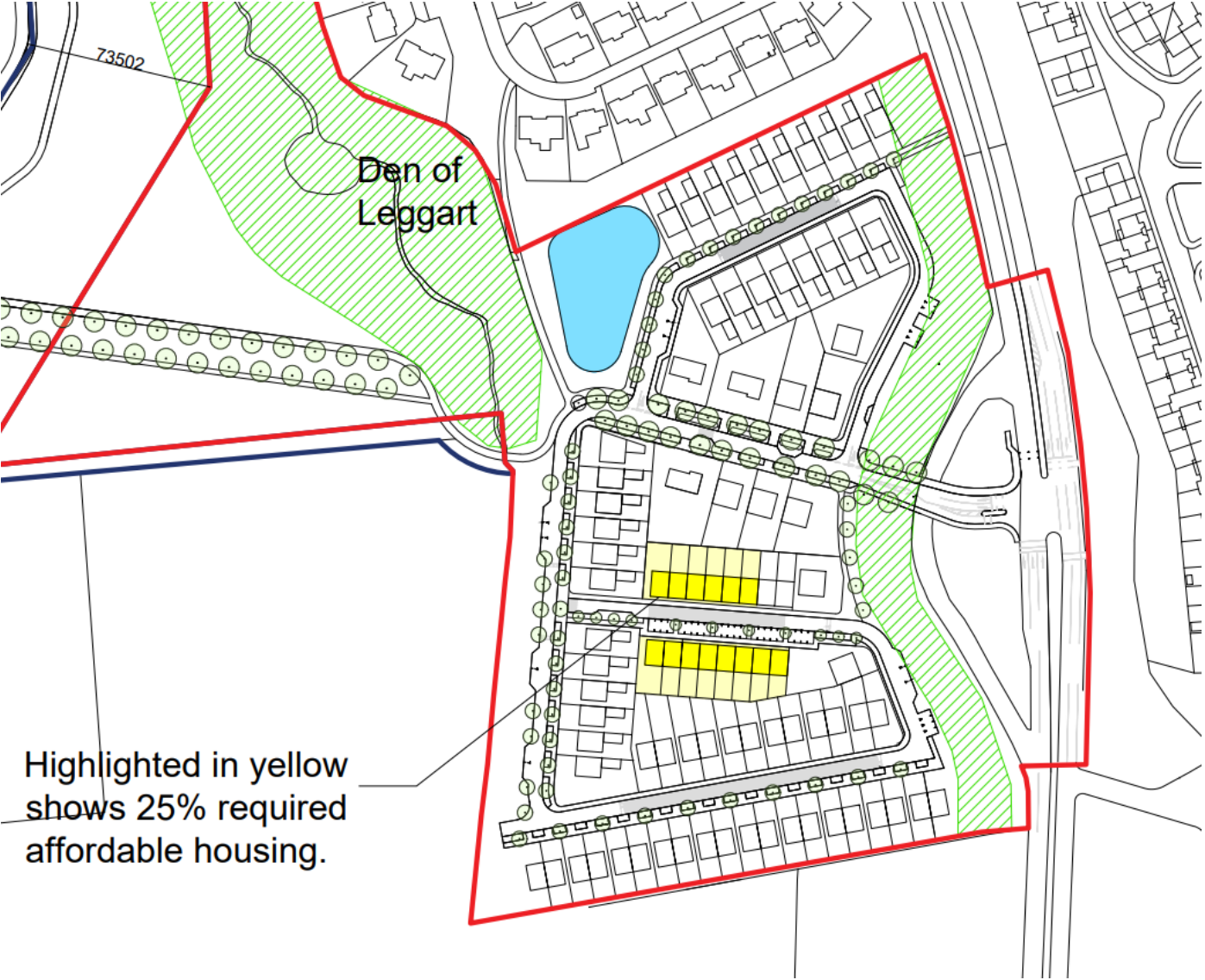
PLANNING

DATE CHECKED: 16/03/24
 DRAWN: [Name]
 CHECKED: [Name]
 APPROVED: [Name]

Routes to school



Affordable Housing



Highlighted in yellow shows 25% required affordable housing.

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 – No objection – Findings of Noise Impact Assessment and Air Quality Impact Assessment accepted.
- Housing Strategy – Proposed Affordable Housing tenure (mid-market rent) is not acceptable. Requires to be amended
- ACC Roads Development Management object – don't support a new junction to the A92 other than for strategic transport purposes.
- SEPA – No objection
- ACC Flooding – No objection
- NatureScot – No objection. No adverse impact on the River Dee SAC

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 development would pose an increased flood risk
- Impact on ecology and natural habitats
- Impact on amenity of neighbouring properties
- Impact on access and informal recreation

Summary

- Significant Departure from the 2017 ALDP (Green Belt and Green Space Network – Policies NE2 and NE1)
- Proposal would have adverse impact on landscape (Policy D2)
- The site is not in a sustainable location and not sufficiently conducive to use of active travel (Policy T3)
- The proposed junction would have a detrimental impact on traffic flows into and out of the city on the A92, a key arterial route of strategic importance (Policy T2)
- There is no suitable secondary means of access for emergency vehicles (Policy T2)
- Development is also contrary to the Aberdeen City & Shire Strategic Development Plan
- Although the site is allocated for housing in the Proposed ALDP, which is a material consideration, the PALDP is yet to undergo examination and adoption and is thus of limited weight at this stage
- There is sufficient housing land supply for the city, therefore no urgent need to develop the site for housing
- The development does not constitute sustainable development, thus SPP's presumption in favour of sustainable development does not apply

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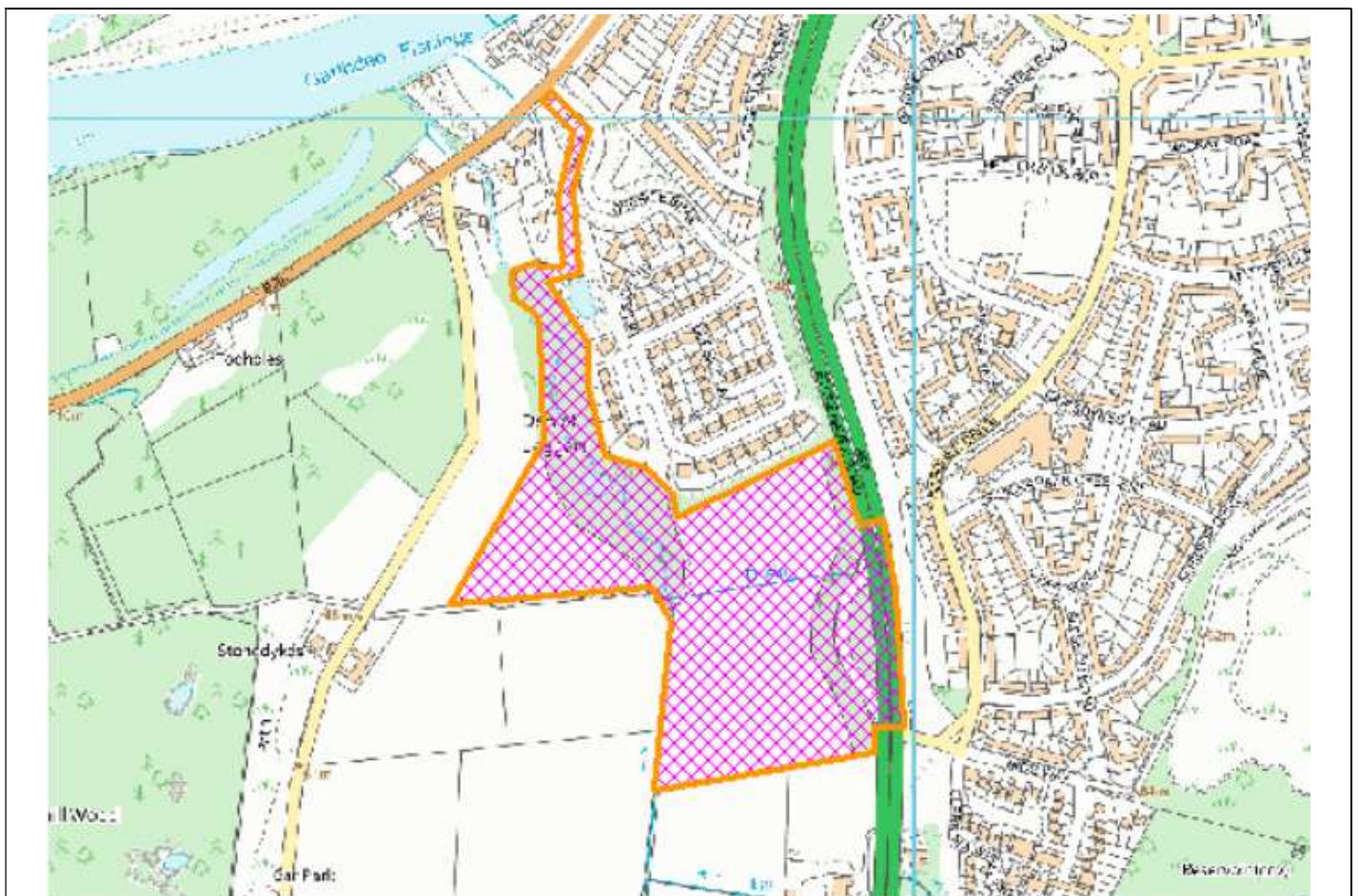


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 9 December 2021

Site Address:	Land To South and South-west of Deeside Brae, Aberdeen
Application Description:	Residential development (100 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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RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The application site predominantly comprises an area of greenfield land to the south and west of the Deeside Brae housing development 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 lies immediately adjacent to 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 River Dee, and its tributaries form a Special Area of Conservation (SAC).

The area of land within the ACC boundary is approximately 9.6 Hectares in size and aside from the Den of Leggart, 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. In general, the site slopes upwards to the south, whilst the eastern section falls to the west from the A92.

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 land zoned as Residential. The eastern portion of the site and the Den of Leggart are zoned as Green Space Network. The Den of Leggart is designated as a Local Nature Conservation Site (LNCS).

The southern and eastern parts of the site (the majority of the application site) are 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. A period of representation in public was undertaken from May to August 2020 and the Proposed ALDP has since been submitted to the Scottish Government Planning and Environmental Appeals Division for Examination in Public.

Relevant Planning History

A Proposal of Application Notice (PoAN), reference 200638/PAN, was submitted on 8th 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 200682/ESC for the proposed development was submitted to the Council on 19th June 2020. The Planning Service determined that EIA is not required but requested that various supporting information documents and surveys be submitted to support any formal planning application.

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

At the March 2021 meeting, PDMC resolved that the required Pre-Determination Hearing for the application, and ultimate determination of the application would be undertaken by PDMC, rather than being referred to Full Council. The Pre-Determination Hearing was subsequently held at the PDMC in September 2021.

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 to the City boundary, cycleways and footpaths and associated landscaping. All the works are proposed in conjunction with the current application to Aberdeen City Council to allow access to the western portion of the application site.

APPLICATION DESCRIPTION

Description of Proposal

This application seeks Detailed Planning Permission (DPP) for the development of 100 homes (78 dwellings and 22 flats), the formation of a new signalised junction on the A92, formation of foot & cycle paths and associated infrastructure and landscaping.

East of the Leggart Burn

The 100 homes are proposed to be built in the c. 4 Ha field that lies to the east of the Leggart Burn. The proposal 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. The development would contain a mix of house types and sizes, including large detached dwellings, semi-detached dwellings and terraced duplex 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.

The dwellings would all be 2 / 2½ storeys in height with a mix of designs and sizes. The prevailing architectural style would be contemporary, taking design cues from local precedents.

A total of 25 affordable units are proposed (mid-market rent), all of which would be sited on the central, terraced street, comprising 22 flats and 3 dwellings.

West of the Leggart Burn

The western part of the site (c. 1.1 hectares) would be predominantly grassed for use as communal open space for residents, with two linear, tree-lined cycleways / footpaths running through the open space and connecting the housing in the east with further open space and footpath linkages in Aberdeenshire to the west.

There would be a pedestrian footpath link connecting into the Deeside Brae development to the north from the eastern portion of the site as well as further pedestrian and cycle connections to the A92, to the east, and to the Causey Mounth to the west (subject to the separate application to Aberdeenshire Council).

Infrastructure

A signalised road junction is proposed to be formed onto the A92 at the eastern edge of the site, to provide vehicular access to the housing and a signalised pedestrian crossing linking to Kincorth,

east of the A92.

Amendments made since initial submission

- A further 33 residential units (9 dwellings and 24 flats), an associated access road and SUDS basin were initially proposed in the western part of the site. The 24 flats were proposed to be spread between two 3-storey blocks adjacent to the western edge of the Den of Leggart, with the dwellings to the south, on the opposite side of the central access road. The applicant submitted amended plans in October 2021, omitting the 33 units from the western part of the site and replacing them with grassed open space.
- Initially it was proposed to incorporate a remote pedestrian & cycle path through the northern edge of the Den of Leggart (via a bridge), which would have connected in to Leggart Terrace to the north. This aspect has subsequently been omitted from the proposals.
- A further pedestrian footpath that was proposed to run around the northern and eastern edges of the easternmost block of flats has also been omitted from the proposals.
- The floor plan drawings have been updated to incorporate the provision of electric vehicle charging points (one per detached and semi-detached dwelling)
- Minor amendments have been made to the internal road layouts, to address points made by the Roads Development Management Team.
- Updated tree survey documents have been submitted which demonstrate a greater loss of trees at the eastern entrance to the site than was previously proposed. The survey states that the trees are considered to be of poor quality and notes the intention to incorporate high-quality compensatory replanting in the development.

Supporting Documents

All drawings and the 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

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee (PDMC) because: -

- 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 and Green Space Network; and
- more than 5 objections have also been received from third parties.

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.

Pre-Determination Hearing

The proposed development is classed as a 'major development' and a significant departure from the Development Plan. Under Regulation 27 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 the Planning Authority was therefore required to give those who made representations an opportunity to appear before and be heard by a committee of the authority at a Pre-Determination Hearing.

A Pre-Determination Hearing was held by PDMC on the 9th of September 2021.
The hearing was addressed:

- By officers from Aberdeen City Council on the planning and roads considerations pertinent to deciding the planning application.
- By the applicant and the applicant's representatives in terms of the merits of the proposed development; and
- By two objectors, including one from the organisation group 'Protect Banchory Devenick', who spoke on behalf of a number of objectors to the application.

Questions were asked in relation to the matters of transportation, accessibility, affordable housing, school capacity, flooding and landscape impact.

It should be noted that the information presented to the Pre-Determination Hearing was in relation to the original proposal prior to the removal of 33 units in the western part of the site.

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 Tollo 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 the implementation of a programme of archaeological works prior to the commencement of development and the provision of protective fencing around the stones during construction works.

The programme of archaeological works shall comprise an archaeological written scheme of investigation (WSI), to be agreed with the planning authority and subsequently carried out, prior to the commencement of development. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development shall not be brought into use unless a post excavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the planning authority.

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 - £35,563
- Healthcare Facilities - £55,161
- Community Facilities - £174,805

The Core Path contribution is required toward the delivery of Aspirational Core Path 9 (Kincorth – Tollohill Wood via Den of Leggart) and/or the enhancement of Core Path 79 (Kincorth Hill).

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 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 – No objection. The findings of the applicant's Air Quality Impact Assessment are accepted, including the conclusion that mitigation measures in relation to road traffic emissions are not necessary. Require the mitigation measures set out in the AQIA to be implemented, including the submission of a detailed Dust Management Plan 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 – No objection.

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. Note that the surrounding area is a low crime area and that the proposed development is unlikely to increase crime. Do note some concern however from a Roads Policing perspective, with the entry of vehicles on to a busy main road with vehicles potentially travelling at high speed, albeit from a traffic control system.

ACC - Roads Development Management Team (RDM) – Object to the application for the following reasons:

- 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. Any new junction on the A92 should have a strategic link carrying a significant amount of traffic (away from the Bridge of Dee) and it is not acceptable to reduce the capacity of a strategic road to serve the relatively small number of houses proposed;
- The design of the signalised junction is not acceptable, with the northern central pedestrian island being of an insufficient width;
- The swept path analysis for the proposed secondary, emergency vehicle access to the site is not detailed enough to determine whether the access would be sufficient to meet Council standards.

RDM expand on the above points and note the following:

Development Vehicle Access

- As per ACC guidelines, any proposed housing development comprising more than 50 units requires two vehicular accesses (one standard access and one emergency access). The constrained nature of the site does not allow for two accesses and only one formal access is proposed (via the new signalised junction on the A92).
- Various issues remain to be resolved in relation to the design, layout and traffic signals of the signalised junction, including that the pedestrian central refuse island on the north side is only 2.0m wide, which does not meet the current guidelines. This requires to be at least 3.0m wide as proposed on the south side to allow two wheelchairs to pass each other. The use of 3.0m wide crossings also helps prevent overcrowding of narrow footways.

Loss of Layby

- The proposed development would result in the loss of an existing layby off the A92 which is currently used by abnormal load vehicles for waiting, prior to being escorted by Police through the city. No alternative suitable location for a replacement layby has been identified.

Bridge of Dee STAG Options

- The proposed development would preclude the formation of a new junction on the A92 and a strategic link road connecting the A92 with South Deeside Road, which is outlined as a potential strategic transport option for easing congestion in the Bridge of Dee area in the Council's Strategic Infrastructure Plan.

Local Network Impact

- A TRICS assessment has been undertaken by the applicant which finds that the proposed development would not result in an additional number of vehicle trips that would have any detrimental impact on the local road network (impact on the A92 traffic flows aside).

Internal Roads Layout

- The internal roads layout is largely acceptable. However, some driveways and crossing points require to be adjusted to meet ACC policy for driveways and standards for kerbing. Such details could be conditioned.

Walking and cycling

- A footpath link would connect into the existing footpath that runs alongside the A92 towards the Bridge of Dee, although that footpath requires to be upgraded by the developer (to a 3m wide shared pedestrian and cycle path), as does a footway extension to the south. Such details could be provided by way of a condition. The proposed pedestrian link to Kincorth via the new signalised junction is acceptable.
- Sufficient cycle parking facilities, or space for cycle storage, is proposed for all properties.

Public Transport

- The site has two bus stops within 400m, one on each side of the A92. The bus service for both stops provides a half-hourly service between Aberdeen City Centre, Portlethen and Stonehaven.
- To encourage the use of public transport, the bus stops should be upgraded to provide a shelter, seating, lighting a timetable and raised kerbs.
- More frequent bus services, within 400m distance from the site, would be available to residents in Kincorth on Nigg Way / Gardner Drive.
- The existing bus stop south of the proposed junction on the A92 requires to be relocated;
- Details could be conditioned.

Parking

- Sufficient parking (private, disabled and visitor) for each dwelling is to be provided across the development.

Refuse & Servicing

- All plots would have access to suitable areas for bin storage and the bin store areas would all be within 30m of the collection points.

Travel Plan Framework / Safe Routes to School

- The Safe Routes to School plan submitted by the applicant is not sufficient as it requires additional information including an assessment of the routes to school and to identify any required improvements. Further information could be conditioned.

Drainage Impact Assessment

- This is acceptable with regards to SUDS provision.

Scottish Environment Protection Agency (SEPA) – No objection. The site levels drawings (14722-550 & 14722-551 Revision A) show that the finished floor levels of the dwellings would have in excess of 0.6m freeboard above the design flood levels.

The applicant's Flood Risk Assessment notes that site investigations reveal there is no inflow to the field drain running across the site from land to the east of the A92, or from the A92 itself and, as such, conclude the drain is limited to drainage of the site itself. As site drainage will be provided for the site it is proposed to remove this feature.

The proposals are to upgrade the existing culvert carrying the field track crossing over the Burn of Leggart within the site as this is posing a restriction to flow with surcharging at the design flood events. Storage upstream of this is limited and the upgrade is shown not to have any associated increase in flood risk downstream.

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.

NatureScot – No objection. Agree with the findings of the Council's Habitat Regulations Appraisal (HRA), which considers that the development would not have significant effects on the qualifying features of the River Dee Special Area of Conservation (SAC), subject to the implementation of appropriate mitigation measures.

ACC - Waste and Recycling – No objection.

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

Kincorth and Leggart Community Council – No response.

REPRESENTATIONS

One hundred and twenty-one (121) representations have been received in relation to this application, including from the Cults, Bieldside 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 split 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 Pitfodels 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 could harm the existing edible vegetation (brambles and elderflower) within / adjacent to the site.

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 Tollohill Woods and Leggart Terrace is laudable.

MATERIAL CONSIDERATIONS

Legislative Requirements

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that where, in making any determination under the planning acts, regard is to be had to the provisions of the Development Plan and that determination shall be made in accordance with the plan, so far as material to the application unless material considerations indicate otherwise.

National Planning Policy and Guidance

- National Planning Framework 3 (NPF3) 2014
- Scottish Planning Policy (SPP) 2020
- Creating Places (architecture and place policy statement)
- Designing Streets (2010)
- Planning Advice Note 75 – Planning for Transport (PAN 75)

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.

Aberdeen Local Development Plan 2017 (ALDP)

- B4: Aberdeen Airport
- CI1: 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
- 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

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

Proposed Aberdeen Local Development Plan 2020 (PALDP)

The Proposed Aberdeen Local Development Plan (PALDP) was approved at the Council meeting of 2 March 2020. A period of representation in public was undertaken from May to August 2020 and the PALDP has since been submitted to the Scottish Government Planning and Environmental Appeals Division for Examination in Public. 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 PALDP (including individual policies) in relation to specific applications will depend on whether –

- such matters have or have not received representations as a result of the period of representations in public for the PALDP;
- the level of representations received in relation to relevant components of the PALDP and their 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 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 PALDP therefore supports the principle of residential development on the site at a scale similar to, but greater than that proposed.

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)
- 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)
- T2 (Sustainable Transport)
- T3 (Parking)
- WB1 (Health Developments)
- WB2 (Air Quality)
- WB3 (Noise)

Other Material Considerations

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.

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.

Aberdeen City - [Local Nature Conservation Sites \(July 2013\)](#)

EVALUATION

Principle of Development

The planning authority is required to determine this application in accordance with the Development Plan, unless material considerations indicate otherwise. The Development Plan presently comprises the Aberdeen and Aberdeenshire Strategic Development Plan (2020) and the Aberdeen Local Development Plan (2017). The emerging policy context, as set out in the Proposed Aberdeen Local Development Plan 2020 (approved by Council on 2nd March 2020, representing the 'settled view' of the Council and currently undergoing Examination by Scottish Ministers following the Full Council meeting on 21st June 2021) is also a relevant material consideration.

Having regard to the provisions of the development plan the key issues in considering the principle of development are:

- the zoning of the land in the Proposed Aberdeen Local Development Plan (PALDP) as an Opportunity Site for 150 homes (OP46) and the relevant Policy H1 (Residential Areas);
- the adequacy of the housing land supply;
- whether the development would provide a quality residential environment that is suitably accessible;

- whether the development would contribute to sustainable development.

ALDP Zoning

The entirety of the area of the application site proposed to be developed is zoned as Green Belt land in the adopted Aberdeen Local Development Plan 2017 (ALDP) and a large portion (including the Den of Leggart and the land to the east of it) is also zoned as Green Space Network. Policies NE2 (Green Belt) and NE1 (Green Space Network) of the ALDP are thus the most relevant in assessing the principle of the proposed development.

Policy NE2 (Green Belt)

The aim of the Green Belt is to maintain the distinct identity of Aberdeen by defining its physical boundaries clearly. Safeguarding the Green Belt helps to avoid coalescence of settlements and sprawling development on the edge of the city, maintaining Aberdeen's landscape setting and providing access to open space. All proposals for development in the Green Belt must be of the highest quality in terms of siting, scale, design and materials.

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

Although there are various exceptions to the above statement, these principally apply to small-scale development associated to existing activities or essential infrastructure. There is no provision in Green Belt policy for the formation of new housing developments other than replacement dwellings or the conversion of formerly agricultural buildings and the development is thus contrary to Policy NE2.

Policy NE1 (Green Space Network)

In relation to Green Space Network, Policy NE1 states that: *'The Council will protect, promote and enhance the wildlife, access, recreation, ecosystem services and landscape value of the Green Space Network, which is identified on the Proposals Map. Proposals for development that are likely to destroy or erode the character and/or function of the Green Space Network will not be permitted.'*

Although large parts of the site to be developed are in use as arable fields at present, and are thus of limited biodiversity value, they function as part of the wider Green Space Network (GSN) corridor that runs from north to south to the west of the A92, linking the application site and the Den of Leggart (a Local Nature Conservation Site) with Tollohill Woods and other habitats beyond.

The proposed development would see housing and associated infrastructure, including roads, built on the GSN and around the southern and eastern edges of the Den of Leggart, leaving only the western side of the Den free for the unhindered movement of species. It is thus considered that the development would detrimentally impact upon the wildlife value of the land zoned as Green Space Network, partially surrounding the Den of Leggart LNCS and eroding the character and function of the GSN. The works would therefore, in principle, be contrary to Policy NE1.

The site is located in an area of Green Belt and Green Space Network which acts as a gateway into Aberdeen, alongside the A92 and forming part of the lower Leggart valley, providing a distinct sense of place and a natural, green edge to the city, particularly when viewed from the Causey Mounth & Tollohill Woods. The development would significantly and permanently change the

character and landscape value of this section of the GSN and Green Belt, resulting in the dense suburbanisation of open farmland which is currently of an undeveloped, rural character and appearance. Taking the foregoing into account it is considered that its development for housing would have a significant adverse impact on the green belt and landscape setting of Aberdeen.

The proposal for the formation of a major housing development on the site is thus contrary in principle, to Policies NE1 and NE2 and its approval would represent a significant departure from the current, adopted ALDP. In circumstances such as this, where a development is considered to be contrary to the provisions of the development plan, Section 25 of the Planning (Scotland) Act 1997 (as amended) requires the planning authority to consider whether there are any material planning considerations that would allow a departure from policy and this is assessed later in this report.

Aberdeen City and Shire Strategic Development Plan 2020 (SDP)

Section 25 of the Town and Country Planning (Scotland) Act 1997 states that the application requires to be determined in accordance with the Development Plan, while Section 24 states that, in a Strategic Development Plan area such as Aberdeen, the Development Plan comprises both the Aberdeen City and Shire Strategic Development Plan 2020 (SDP) and the Aberdeen Local Development Plan 2017 (ALDP), together with any supplementary guidance issued in connection with these plans.

There is no primacy given in the legislation to either of these plans in the decision-making process such that, in this case, both the SDP and the LDP should be afforded at least equal weight. Although the SDP is a more recent document, having been published in August 2020, it does not identify specific development sites or allocations; these are set out in the LDP.

Although as a high-level, visionary document the SDP does not identify specific development sites or allocations, it does nevertheless contain several key objectives and targets which it seeks to ensure are incorporated at a local level into Local Development Plans and thus taken into consideration in the determination of applications. Some of the key objectives and targets of the SDP relevant to this application are as follows:

- *For Local Development Plans to maintain a 5-year supply of effective land for housing at all times;*
- *To make sure that development safeguards and, where appropriate, enhances, the City Region's historic and natural environment, and that development will not lead to its loss or damage.*
- *The Spatial Strategy will direct development to areas that can be accessed by a greater choice of more environmentally friendly forms of transport.*
- *Local Development Plan policies will ensure the design and layout of new developments are easily accessed and promote movement within, and links outwith, for walking, cycling and public transport.*

Housing Land Supply

The SDP was formally approved in August 2020. The document includes a housing land allowance of 5,107 homes in the Aberdeen City area between 2020 and 2032. As has been pointed out in representations from third parties, this target could be met in the Proposed ALDP even without the application site, OP46 (further detail on which is included in the following evaluation below). The absence of delivery of housing on the OP46 site would not therefore impact on the overall delivery of the housing land allowance for the City.

Safeguarding the natural environment

The SDP notes the importance of protecting the green belt, stating that:

'The green belt around Aberdeen will continue to protect the character and landscape setting of the City and make sure that development is directed to appropriate locations. It will do so whilst protecting the most important undeveloped areas that contribute to the environment and provide the City with its setting. The green belt is an area that should be positively planned for, and involve integration of approach across Council boundaries.'

As noted above, the proposal would see a major housing development built on green belt land, contrary to Policy NE2 of the adopted ALDP and also contrary to the aims of the SDP.

Sustainable and Active Travel

For the reasons noted in the following section of the evaluation on 'Transport and Accessibility', the application site is not considered to be suitably located so as to sufficiently encourage the use of sustainable and active travel by future residents. As such, the proposals are also considered to be contrary to the aims of the SDP in respect of transport and accessibility.

Summary

The Proposed Local Development Plan 2020 includes the application site as an allocated site (OP46) for the development of 150 homes. The current application must however be considered in the context of its current Green Belt zoning in the ALDP 2017, which still stands as the adopted development plan policy for the site and is afforded more weight in the decision-making process than the Proposed ALDP. Further consideration is provided below on the status and weight to be given to the Proposed ALDP 2020 but, for the aforementioned reasons, the proposed development is considered to be contrary to the Strategic Development Plan and the ALDP 2017

Environmental Impacts

The applicants made a formal request for an Environmental Impact Assessment (EIA) 'screening opinion from the planning authority in June 2020 (200682/ESC). The planning authority concluded that an Environmental Impact Assessment would not be required, as the proposed development was not anticipated to result in significant effects on the environment.

Whilst the statutory EIA process was not considered to be warranted in this instance, there are still environmental matters to be considered by the planning authority in making its decision. The Den of Leggart, which runs through the heart of the application site, is zoned as Green Space Network and designated as a Local Nature Conservation Site (LNCS), with the land to the east of the Den also zoned as Green Space Network.

Policy NE8 (Natural Heritage)

Policy NE8 states that:

- *Development that is likely to impact a locally designated site should seek to address this through careful design and mitigation measures.*
- *Development should seek to avoid any detrimental impact on protected species through the carrying out of surveys and submission of protection plans describing appropriate mitigation where necessary*

The Den of Leggart incorporates mature woodland and is noted in the applicant's Ecological Impact Assessment (EclA) as hosting commuting and foraging habitat for bats, birds and badgers. The eastern tree-belt, adjacent to the A92, is used by badgers for foraging and the arable fields provide habitat for some bird species, including yellowhammer and whitethroat, although the number detected in surveys was low. Deer and fox are also known to frequent the site.

The proposed development would avoid incursion into the Den of Leggart and would largely be sited on the surrounding open areas of arable farmland, which are of relatively low ecological or biodiversity value in themselves; consequently the direct impact on habitats would be relatively small. However, the arable fields do form part of the wider corridor of Green Space Network that surrounds the Den of Leggart and is used by various protected species for commuting and foraging. The applicant's EclA considers that the design and siting of the proposed development and the implementation of several recommended mitigation measures (including significant new planting and the formation of a badger tunnel underneath the new road access off the A92 in the eastern portion of the site) would be sufficient to ensure that there would be no significant impact on natural heritage.

Whilst the Planning Service generally accepts the findings of the applicant's EclA and considers that there would be no significant impact on natural heritage, in accordance with Policy NE8, the development would nevertheless contribute towards the erosion and fragmentation of the wider Green Space Network corridor, further enclosing the Den of Leggart, contrary to Policy NE1 (as noted above).

Policy NE8 also states that: *'in all cases, a development that is likely to have a significant effect on a Natura site, either alone or in combination with other plans or projects, will require an appropriate assessment (under the Habitats Regulations) to demonstrate that it will not adversely affect the integrity of the site.'*

As the Leggart Burn runs through the application site and is a tributary of the River Dee, a Special Area of Conservation (SAC), the Planning Service undertook an appropriate assessment, to ascertain the likely effects of the development on the qualifying features of the River Dee SAC (Atlantic Salmon, Freshwater Pearl Mussel and Otter). The appropriate assessment found that the only potential impacts of the development on the SAC would be during the construction phase, via the possible pollution and siltation of the watercourse. The appropriate assessment found that, subject to the implementation of appropriate mitigation measures (to be set out in a Construction Environment Management Plan), the proposed development would not have any significant effects on the qualifying features of the River Dee SAC, in accordance with Policy NE8. NatureScot concur with the findings of the appropriate assessment.

Policy NE5 (Trees and Woodlands)

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

The proposed development would be largely sited on existing areas of arable farmland, with only two established trees present within the main portion of the site to be developed for housing that would require to be felled, as well as one further (dead) tree within the Den of Leggart. The proposed road access in the eastern portion of the site, taken off the A92, would require the removal of approximately 114 trees within the existing eastern boundary tree belt. The eastern tree belt is relatively young however (circa 12-15 years old) and the trees are not of any particular quality, being classified in the applicant's Tree Survey and Arboricultural Impact Assessment (AIA) as Category 'C' trees (not usually to be retained where they pose a constraint on development).

Their removal is required in order to facilitate the primary means of access to the site and the trees to be felled would represent a small portion of the total number of trees in the tree belt.

It is proposed to plant a significant number of new trees (280 in total) in the development. The proposed new tree planting would include street trees along each of the new streets to be created in both the eastern and western portions of the site within the ACC boundary, as well as the formation of a new woodland and other areas of planting in the strip of natural open space proposed on the adjacent land to the west (between the site and the Causey Mounth) in Aberdeenshire.

Initially it was proposed to form a footpath adjacent to blocks of flats in the western part of the site, as well as a pedestrian and cycle link (bridge) through the northern edge of the Den of Leggart, both of which would have encroached into the Den and required the removal of several trees. Due to concerns in respect of the impact of those proposed works on existing trees and the integrity of the Den, the applicant subsequently omitted the footpaths from the application, as well as all housing from the western part of the site. Consequently, the impact on any existing trees in the Den of Leggart would be minimal.

The proposed development would encroach into the root protection areas (RPAs) of eight trees. However, the applicant's AIA considers that, subject to the implementation of appropriate construction-phase tree protection measures, the works would not have any detrimental long-term impacts on the affected trees.

Given the relatively young age and limited quality of the vast majority of the trees proposed to be felled, combined with the requirement to fell them in order to provide a suitable means of access to the site, as well as the proposed significant amount of new planting, the Planning Service considers that, on balance, any impact in relation to trees and woodland would be acceptable, and the development would meet the requirements of Policy NE5.

Design & Layout

Policy D1 (Quality Placemaking by Design) requires all development to ensure high standards of design and have a strong and distinctive sense of place which is a result of context appraisal, detailed planning, quality architecture, craftsmanship and materials. It also requires new development to meet the six essential qualities of successful placemaking.

A Design & Access Statement sets out the vision for the site and outlines the rationale behind the proposed layout, siting, pattern and form of development, as well as the architectural design of the proposed buildings.

Siting, Layout & Form of Development

This section of the report evaluates the siting, layout and form of the development in so far as it relates to the area within the site boundary. The wider contextual assessment of the landscape impact on the setting of the City is addressed separately in the "Landscape" section below.

The proposed housing and associated access roads would be sited appropriately within the areas of the site that are most suitable for development. Existing woodland and tree belts would be largely retained, with no significant incursion into the Den of Leggart and the works to the eastern tree belt limited to the formation of the main access road into the site from the A92. As such, the siting of the development would be informed by the existing landscape character, topography and existing features to sustain local diversity and distinctiveness.

The signalised access junction taken from the A92 to the east would form the main point of arrival to the site. The road access from the junction would be the focal point, with a low-density boulevard of large, detached dwellings set in spacious plots on either side. The density in the eastern part of the site would then increase on the streets set behind the main point of arrival, with smaller plots of detached dwellings followed by semi-detached dwellings and a high-density terraced street in the central portion of the site. Although the low-density, tree-lined street that would form the main point of arrival into the site could be a relatively attractive entry point, the Planning Service considers that it would result in a misleading sense of place, with the development having an inverse street hierarchy – with a low density semi-rural character on arrival giving way to a much more high-density, urban form and pattern of development beyond – whereas the opposite would be preferable.

The central terraced street would incorporate 27 units on an area of 3,460sqm, equating to a density of 78 dwellings per hectare. Such a density and form of development would exceed that of the context and character of the surrounding area, which sees virtually no development to the south and west, with just 10 dwellings per hectare in the neighbouring Deeside Brae development to the north. Furthermore, the terraced street would be dominated by a combination of the buildings (with minimal set back from the street) and the hard-landscaping of the road carriageway, with a proliferation of on-street car parking creating a dense urban environment with little in the way of soft-landscaping to soften or break-up the streetscape.

The placement of the communal open space (predominantly meadow grass, with some footpaths and new trees) in the western part of the site, adjacent to the Den of Leggart, is considered to be generally acceptable and would ensure that the impacts of the development on the landscape would be minimised. The Planning Service does consider however that the open space in the western part of the site has significant potential to expand the woodland and habitat of the Den of Leggart, as well as for use as an informal recreation area and children's play space. The Planning Service would thus advise that, should Members be minded to approve the application, a condition be added to secure further details of the landscaping/layout of this area, in order to optimise the recreational and natural heritage quality and value of this open space.

The internal road layout has been reviewed by the Council's RDM Team and is considered to be acceptable, with the internal roads providing adequate access and circulation routes suitable for cars and refuse vehicles. The occupants of the development would have access to nearby bus stops on the A92 to the east, one of which would be relocated slightly from its current position, in order to facilitate the formation of the new junction.

There would be no vehicular access between the eastern and western portions of the site, although they would be linked by a non-motorised path for pedestrians and cyclists. The site would have good pedestrian permeability and access to open space, with pedestrian links to the wider surrounding area and amenities (to Kincorth, via the new signalised junction, to Deeside Brae and Garthdee to the north and to Tollohill Woods to the south-west).

Rear plot boundaries would generally comprise 1.8m high timber fencing, with hedges to be planted along more prominent corner plots where there would be an interface with road carriageways and pedestrian paths. To the front, boundaries would generally be defined by low-level (circa 800mm high) brick walls. Regular street tree planting is proposed within pavement verges throughout to provide a softer appearance to the streets.

Building Design

The Planning Service considers that, architecturally, due care and attention has been paid to ensuring that the proposed detached and semi-detached dwellings have generally been designed as a result of local context appraisal, incorporating successful local design features from buildings

elsewhere in the city and being generally of a good quality, bespoke design. There would be variation in the built form, including differences in house-type design and material specifications. The detached and semi-detached dwellings are considered to be of an appropriate design quality.

For the aforementioned reasons however, the central street of terraced housing and flats in the eastern portion of the site, are of concern to the Planning Service. The terraced street is considered to be an inappropriate form of development given the surrounding low-density, semi-rural context, representing a tension with Policy D1.

Landscaping

The proposed development would be sited to avoid significant impacts on existing soft landscaping as noted above, with the development predominantly to take place on existing agricultural fields. In terms of new landscape planting, there would be a significant amount of street trees and boundary hedging planted, which would partly help to assimilate the development into its context and to soften the new streetscapes.

Summary

To summarise in relation to the design and layout of the proposed development, the Planning Service considers that the majority of the housing (the detached and semi-detached dwellings) would be generally acceptable in terms of design and the associated street layouts within the site boundary. The central, terraced street in the eastern part of the site would be relatively high-density and of a design slightly incongruous with the surrounding small-scale, edge-of-settlement pattern and form of development, resulting in the proposals having a tension with Policy D1. On balance however, the proposed design and layout of the development is considered to be acceptable, in accordance with Policy D1.

Landscape

Landscape Impacts

Policy D2 (Landscape) seeks to ensure that new developments have a strong landscape framework which improves and enhances the setting and visual impact of the development. The policy notes that quality development will:

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

A Landscape and Visual Appraisal (LVA), undertaken by chartered landscape architects on behalf of the applicant, forms part of the supporting documentation. The LVA assesses the likely landscape and visual impacts of the development, with a focus on key views from public viewpoints.

The Planning Service agrees with the findings of the applicant's LVA which considers that from the majority of long-distance viewpoints, the development would either not be visible, or would be

seen within a context of existing housing, either in Kincorth to the east, or in the adjacent Deeside Brae development to the north. As such, the Planning Service concurs that the development would not have a significant adverse impact on long-distance views of the site.

The relatively low-level heights of the buildings proposed (generally no higher than two / two-and-a-half storeys), combined with the topography of the site (which slopes down from east to west) and the retention of the vast majority of the tree belt along the eastern edge of the site, would ensure that the development would be largely obscured from views from the A92, apart from through the gap to be created by the new access road.

The most significant impact of the proposed development from a landscape perspective would be, as the applicant's LVIA acknowledges, on the localised character of the lower Leggart valley, particularly from the Causey Mounth Road to the west, and from the existing farm track which provides an informal pedestrian route of access to Tollochill Woods from the Deeside Brae development.

The Planning Service considers that the development would cause some harm to the localised landscape character of the Leggart valley, given the land's Green Belt and Green Space Network status in the extant Local Development Plan, due to the introduction of a significant suburban housing development which would be incongruous within the existing and surrounding rural, natural open landscape setting of the valley. Furthermore, although significant new tree planting would take place outwith the site to the west, which would, in the long-term, provide some element of screening of the development from the west, little in the way of soft landscaping is proposed along the southern boundary to the site. As such, there would be somewhat of an abrupt interface between the development and the immediately neighbouring, open landscaped setting of the agricultural fields to the south.

The 33 units initially proposed in the western portion of the site (and the flatted blocks in particular) were considered to have an additional significant detrimental impact on the landscape but they have subsequently been omitted from the proposals. Nevertheless, the Planning Service considers that although the development would not have a significant impact on any key long-distance views, it would cause harm to the localised landscape character and setting of the lower Leggart valley and the wider Green Belt designation.

Summary

The Planning Service considers that the development would have a detrimental impact on the landscape character and setting of the site and the immediately surrounding area, having regard to its Green Belt and Green Space Network status. As such, the proposals are also considered to be contrary to Policy D2.

Density

Policy H3 (Density) requires all new residential developments over one hectare in size to:

- *Meet a minimum density of 30 dwellings per hectare (net). Net dwelling density includes those areas which will be developed for housing and directly associated uses, including access roads within the site, garden ground and incidental open space;*
- *have consideration of the site's characteristics and those of the surrounding area;*
- *create an attractive residential environment and safeguard living conditions within the development*

The developable area of the site is approximately 6 hectares in size, across which there would be

100 homes formed, equating to a density of approximately 17 dwellings per hectare. That amount is lower than the minimum density strived for by Policy H3. However, Policy H3 does also note that new development must have consideration of the site's characteristics and those of the surrounding area.

In this regard, the neighbouring Deeside Brae development to the north is of a similar size (c. 6 hectares) and it incorporates 61 dwellings, at a net density of 10 per hectare. The application site and surrounding area to the south and west is largely greenfield land with the occasional detached, rural dwelling, resulting in an extremely low density. As such, taking into consideration the characteristics of the surrounding area, although the density of the development would not meet the minimum requirement of Policy H3, this is justified in some respects, due to the existing low density of the surrounding area.

It is thus considered that, despite not meeting the minimum density requirement set out in Policy H3, the proposed development would, on balance, be of an appropriate density when taking into consideration the surrounding context and the development would create an attractive residential environment. The proposals are thus compliant with Policy H3.

Housing Mix

Policy H4 (Housing Mix) requires housing developments of larger than 50 units to achieve an appropriate mix of dwelling types and sizes, including smaller one and two-bedroom units. It notes that the mix should be achieved for both the market (mainstream) and affordable housing contributions.

The 100 homes proposed would include:

- 11 x 1-bed flats
- 1 x 2-bed house and 11 x 2-bed flats
- 65 x 3-bed houses
- 12 x 4-bed houses

The proposed development would thus incorporate a reasonable mix of different types and sizes of accommodation, including smaller one and two-bed units and for both the mainstream and affordable tenures. The proposals are thus compliant with Policy H4.

Amenity for new residents

Although there is no specific policy in the adopted ALDP in relation to ensuring that new residential developments would create a satisfactory quality of amenity for the future occupants, it is a clear material consideration in the assessment of the application and the PALDP also introduces Policy D2 (Amenity), which seeks to ensure that an adequate residential environment is created in all new developments.

In terms of ensuring that an adequate amenity is created for future occupants, there are various different aspects of the proposals that require to be assessed:

Noise

Policy T5 (Noise) states that: *'housing and other noise-sensitive developments will not normally be permitted close to existing noisy land uses without suitable mitigation measures in place to reduce the impact of noise.'*

A Noise Impact Assessment (NIA), undertaken by a noise consultant on behalf of the applicant, forms part of the supporting documentation. The NIA assesses the impact of external noise sources on the amenity of the proposed residential properties.

The NIA finds that the main source of noise that could harm the amenity of the development would be from road traffic on the adjacent A92, with some additional, but minimal, noise emissions also likely from vehicles on the Causey Mounth road to the west and the new internal roads within the site. The NIA finds that, if no mitigation measures were to be applied, the garden areas of a significant number of properties at the eastern edge of the site would experience noise levels in excess of the maximum permitted by Aberdeen City Council. The NIA recommends, however, that if a 2.5m high acoustic barrier were to be formed along the eastern edge of the site (along the eastern edge of the tree belt), then the noise levels within the private garden areas would be adequately reduced to an acceptable level. The recommended noise barrier has been incorporated into the proposals by the applicant.

The NIA also finds that several plots would require a form of alternative ventilation due to internal noise level requirements not being met with open windows. Calculations demonstrate, however, that the use of standard double glazing and acoustic trickle vents to the affected properties, would reduce the internal noise levels to an acceptable level, whilst allowing sufficient ventilation of internal rooms.

The findings of the NIA are accepted by the Council's Environmental Health Service and they do not object, subject to the implementation of the aforementioned recommended mitigation measures. The proposals are thus considered to comply with Policy T5, subject to the application of a condition requiring the mitigation measures to be implemented, in the event of the application being approved.

Open Space

Policy NE4 (Open Space Provision in New Development) requires the provision of at least 2.8ha of meaningful and useful open space per 1,000 people in new residential development. Using the table at Figure 6 (Average Household Occupancy in Aberdeen) of the Council's supplementary guidance on Green Space Network and Open Space, it is estimated that the development would accommodate approximately 241 residents, resulting in a minimum open space requirement of 6,748sqm.

Other than a relatively narrow (12m wide) c. 2,500sqm strip of green space that would be sited immediately adjacent to the Leggart Burn, there would be no other open space in the eastern portion of the development. However, following the omission of the 33 units from the western part of the site, a significant amount of open space would be available to residents in that area (c. 1.1 hectares), with further open space (in excess of 2 hectares) proposed on the strip of land immediately to the west of the site, which lies within Aberdeenshire. The open space provision outwith the application site would incorporate a large amount of new tree planting, including the creation of a new woodland, as well as a network of footpaths that would provide pedestrian access towards South Deeside Road to the north and Tollochill Woods to the southwest.

Although the Planning Service's preference would be for the incorporation of additional open space in the eastern part of the site, particularly to provide some immediately useable open space for the higher-density affordable units on the central street (which have smaller garden areas than the surrounding mainstream dwellings), on balance it is considered that there would be sufficient open space provision across the site within the boundary of the current application for the occupants of the development, in accordance with the requirements of Policy NE4.

There would also be a new pedestrian footpath link provided between the development and Tollohill Woods to the southwest (subject to securing its delivery via a suspensive condition if a willingness to approve by Members is pursued), which would allow enhanced public access to green space for informal recreation, in compliance with Policy NE9.

Internal floorspace, daylight / sunlight receipt, outlook and privacy

The development would comprise a mix of detached, semi-detached and terraced dwellings, as well as flats in the central, terraced street. The properties would all have acceptable internal floor areas, incorporate adequate glazing and the vast majority would be at least dual-aspect. Furthermore, the site layout would ensure that minimum window-to-window distances (18m) would be met and no residents would be significantly overlooked by any neighbouring properties to the detriment of their privacy.

Private external amenity space

In terms of private external amenity space, all of the detached and semi-detached dwellings would have their own private garden areas. Although some plots would be expansive, the gardens for many of the properties would be relatively small, with some measuring just c. 8m in depth.

Not all of the flatted properties would have access to private gardens but those that don't would have private terraces, thus ensuring that all properties throughout the development would have access to some form of private external amenity space.

Summary

To summarise, on balance it is considered that, subject to the implementation of the recommended noise mitigation measures and the provision of the proposed open space, the occupants of the proposed properties would benefit from a satisfactory level of amenity.

Impact on amenity of existing residents

Although there is no specific policy in the adopted ALDP to ensure that the amenity of existing residents would not be significantly adversely affected by a proposed development, it is a clear material consideration in the assessment of the application and the PALDP also introduces Policy D2 (Amenity), which seeks to protect the amenity of existing, neighbouring residential uses.

The area of the application site to be developed is bound to the north by Deeside Brae, an early 21st Century housing development, with eight detached houses running parallel to the northern boundary of the eastern portion of the application site. To the west, two detached dwellings sit in a more rural setting with one each on either side of the Causey Mounth, adjacent to its junction with the existing farm access track. To the south, a detached dwellinghouse lies 150m away.

Although the proposed development would see ten detached dwellings built along the northern boundary of the eastern part of the site, adjacent to the Deeside Brae development, there is an existing, c. 4m high, landscaped earth bund that runs along the southern edge of the Deeside Brae development. The earth bund would largely screen the existing properties on Deeside Brae from views of the proposed dwellings and would ensure there would be no overlooking of the existing properties' windows or rear garden areas (and vice versa), nor would there be any impact on the Deeside Brae properties in terms of daylight or sunlight receipt, due to the height of the intervening bund and the separation distance between the existing and proposed properties (c. 18m).

The nearest residential curtilage to the existing dwellings on the Causey Mouth would be in excess

of 250m away, thus there would be no significant detrimental impact on the existing properties' amenity in terms of privacy, daylight or sunlight receipt.

Therefore, it is considered that the proposed development would not have any significant impact on the amenity currently enjoyed by the existing, neighbouring residential properties in the Deeside Brae development, or to the west on the Causey Mouth.

Transport & Accessibility

Sustainable and Active Travel

Policy T2 (Managing the Transport Impact of Development) of the ALDP requires new developments to demonstrate that sufficient measures have been taken to minimise traffic generated and to maximise opportunities for sustainable and active travel.

Policy T3 (Sustainable and Active Travel) states that: *new developments must be accessible by a range of transport modes, with an emphasis on active and sustainable transport, and the internal layout of developments must prioritise walking, cycling and public transport penetration. Links between residential, employment, recreation and other facilities must be protected or improved for non-motorised transport users, making it quick, convenient and safe for people to travel by walking and cycling.*

The proposed development would incorporate connections into the existing pedestrian footpath network: into Deeside Brae to the north (and Leggart Terrace beyond), to the footpath adjacent to the A92 to the east (required to be upgraded by the applicant, should the application be approved), and to Kincorth to the east, via the proposed new signalised junction. In terms of walking distance, the proposed development would be sited approximately 1600m (c. 20 mins) from the retail provision and supermarkets in Garthdee to the north and approximately 800m (c. 10mins) away from the nearest shops in Kincorth (Gardner Drive) to the east (which could be accessed via the new signalised junction on the A92). Abbotswell Primary School and Kincorth Medical Centre are approximately 1400m from the site in terms of walking distance and Lochside Academy is approximately 2km away via the most direct walking route, which would involve walking along a farm track and Redmoss Road for a large section of the walk, although this route is lit. The site would therefore, with the exception of Lochside Academy, be within 1600m walking distance of local facilities, which is noted as the upper limit for guideline walking distances to local facilities as set out in PAN 75 (Planning for Transport).

However, a proper and full assessment of the accessibility of the site by sustainable transportation requires more than a simple calculation of whether the proposal falls within the maximum walking distances from local facilities. It is also necessary to make a qualitative assessment of the ease of use and attractiveness of those walking (and cycling) routes, in order to estimate how likely it is that future residents would utilise sustainable and active travel. In this regard, not only would the distance from the site to the nearest facilities, schools and shops lie at the upper limit of the guideline walking distances (or beyond, for Lochside Academy) but the pedestrian and cycle infrastructure that would link the site to the nearest shops, schools and facilities would also not be of a particularly good standard, principally due to their location adjacent to a busy road network. The A92 and Bridge of Dee incorporates very narrow pavements and is not pedestrian or cycle friendly. The provision of a pedestrian crossing to Kincorth via the new signalised junction on the A92 would allow residents to access the schools and facilities in Kincorth but the pedestrian environment in waiting and crossing the heavily trafficked A92 on a narrow space would not be attractive. In Kincorth, the sloping topography could make pedestrian movement difficult for those with mobility issues.

Therefore, although new active travel infrastructure and connections into existing infrastructure

would be provided, theoretically enabling residents to access local facilities and amenities via active travel (walking or cycling), the Planning Service considers that the heavily trafficked, poor quality pedestrian environments of the A92 and the Bridge of Dee, as well as the topography and level changes between the site and the nearest facilities, would likely act as barriers to the use of active travel by residents.

In terms of public transport, residents would be able to utilise the existing half-hourly no. 7 bus service that runs along the A92 on a route between Aberdeen city centre, Portlethen and Stonehaven. The existing bus stops on the A92 adjacent to the site would require to be upgraded by the developer in the event of the application being approved. Residents would also be able to access more regular bus services nearby in Kincorth to the east (including the no. 17 on Gardner Drive, within 400m). As such, it is considered that the proposed development would be sufficiently accessible by public transport.

Internally, the proposed development would incorporate suitable permeability and provision for pedestrians and cyclists, including a combined foot and cycle path connection towards Tollohill Woods and other informal open space to the west.

To summarise, the proposed development would incorporate connections into the existing, surrounding pedestrian network and sufficient measures have been taken to minimise traffic generated and to maximise opportunities for the use of sustainable and active travel, in accordance with Policy T2 of the ALDP. However, the Planning Service considers that the distance to the nearest employment, recreation, retail and other facilities, combined with the poor quality pedestrian & cycle environment and topography between the site and those facilities would not *'make it quick, convenient and safe for people to travel by walking and cycling'*. It is thus considered that the development would be likely to be accessed predominantly via private vehicles and it would not be suitably sustainably accessible, contrary to Policy T3.

Impact on Traffic Flows

The applicant proposes to provide the sole means of vehicular access to the site via a new signalised junction on the A92 dual carriageway to the east. The Roads Development Management team (RDM) object to the application primarily on the basis that the new signalised junction would have a detrimental impact on traffic flows into and out of the city on a major arterial route. RDM consider that for any new junction to be supported on the A92 it should have a strategic purpose, carrying a significant amount of traffic, to offset the adverse impact on traffic flows and provide wider benefits. They note that it is not acceptable to reduce the capacity of and increase congestion on a strategic road to serve the relatively small number of houses proposed.

It should be noted that in addition to the number of private vehicle trips predicted by the applicant's Transport Assessment to be generated by the development, all of which would have an impact on the free flow of traffic to and from the already congested Bridge of Dee roundabout, the junction would also provide a safe means of pedestrian crossing both to and from Kincorth from the site. It is thus considered that the potentially frequent requirement for traffic to stop on the A92 as a result of both vehicular and pedestrian trips generated by the development (as well as by any residents in Kincorth accessing Tollohill Woods) is likely to impact on the free flow of traffic on a major arterial route into the city, particularly at peak times.

Local Network Impact

A TRICS assessment has been undertaken by the applicant which finds that the proposed development would generate an estimated 73 trips during the weekday AM peak hour periods and 61 trips during the weekday PM peak hour periods. The applicant's Transport Assessment notes that the majority of the private vehicle trips generated by the development would travel to and from

the north and would largely be distributed evenly between the A92 (Anderson Drive) and the B9077 (Great Southern Road). Without mitigation, the increased volume of traffic generated by the development would add to existing congestion at peak times on the Bridge of Dee and King George VI roundabouts. The Transport Assessment recommends the implementation of various mitigation measures comprising multiple amendments to the geometry of the roundabouts, which would, ensure that the development would have 'no net detriment' on the local road network. The Transport Assessment does note, however, that the practical benefits of the suggested mitigation measures are questionable, therefore the TA advises that a financial contribution is instead agreed with ACC, which could then be used towards promoting and encouraging sustainable and active travel. The Roads Development Management team have confirmed that should members be minded to approve the application then the required mitigation should be provided by way of the applicant upgrading the pedestrian footpath between the site and the Bridge of Dee roundabout, thereby encouraging the use of active travel by residents as an alternative to upgrading the roundabouts.

Road Safety

Although there are detailed aspects of the proposed signalised junction that remain to be resolved (and would be addressed at Roads Construction Consent stage in the event of planning permission being granted), there are no particular road safety issues envisaged at this stage in relation to the formation of the junction. The speed limit of the A92 would be decreased from 60mph to 40mph in the vicinity of the new junction. Furthermore, no road safety issues are envisaged within the development itself, again subject to further detail to be agreed at RCC stage.

Concerns were raised in multiple representations in respect of the potential for the development to impact on road safety and traffic volumes on the narrow Causey Mounth road in Aberdeenshire to the west but the omission of all housing from the western part of the site ensures that there would be no additional traffic or road safety issues on the Causey Mounth as a result of the proposed development.

Loss of Layby

The RDM team have noted that the proposed junction would result in the loss of an existing layby off the A92 which is currently used by HGV drivers as a resting place and by abnormal load vehicles for waiting, prior to being escorted by Police through the city. Whilst the Planning Service agrees that the loss of the layby would be undesirable, it is noted that the Altens Lorry Park is relatively nearby, providing a potential rest-spot and facilities for HGV's. As such, although the loss of the layby is undesirable, it is not considered to be of sufficient weight to warrant a reason for refusal of the application.

Emergency Vehicle Access

As per ACC guidelines, any proposed housing development comprising more than 50 units requires two vehicular accesses (one standard access and one emergency access). The isolated nature of the site does not allow for two accesses and only one is proposed (via the new signalised junction on the A92). The applicant's proposed solution for providing emergency access is that emergency service vehicles would utilise the footpath connection to the pavement on the western side of the A92 in the north-eastern corner of the site. The proposed route would see vehicles need to mount the kerb off the A92, use a narrow (2m wide) pedestrian footpath and then drive over a verge in front of a private driveway to access the site. The Roads Development Management team consider that there is insufficient detail provided to demonstrate that the proposed secondary emergency access would meet the Council's guidelines for emergency access provision.

Bridge of Dee STAG Options

The RDM team have also noted that the construction of the proposed development would preclude the formation of a new junction on the A92 and a strategic link road connecting the A92 with South Deeside Road and potentially across the River Dee linking to Garthdee Road, which is outlined as a potential strategic transport option for easing congestion in the Bridge of Dee area in the Council's Strategic Infrastructure Plan. The proposed junction and link road are, at this stage, one of several options however and they do not comprise a committed project. As such, little weight is afforded by the Planning Service to the impact that the development would have on the potential to deliver the future link road.

Internal Roads Layout

The internal roads layout of the development is generally considered to be acceptable. However, various relatively minor aspects remain to be addressed (such as driveway lengths, extent of adopted verges etc). In the event that planning permission is granted for the development, a condition will be required in order to secure appropriate amended plans to ensure that the internal roads layout complies with the Council's standards.

Parking

Sufficient parking is to be provided for all dwellings across the development, in accordance with the Council's Transport & Accessibility supplementary guidance (SG), via a mix of off-street (in curtilage) parking for the detached and semi-detached dwellings, and on-street parking for the terraced dwellings and flats. Sufficient disabled and visitor parking spaces are also to be provided in accordance with the SG and passive electric vehicle charge points would be provided for all off-street parking spaces (the detached and semi-detached dwellings) .

Refuse & Servicing

All plots would have access to suitable areas for bin storage and the bin store areas would all be within 30m of the collection points. Swept Path Analysis drawings have been submitted by the applicant which demonstrate that Council refuse vehicles could adequately enter/exit and collect all waste from the site.

Travel Plan Framework / Safe Routes to School

The Safe Routes to School plan submitted by the applicant is not sufficient, comprising a map of the walking routes to the nearest primary and secondary schools. Such a document should include an introduction, accident analysis, plan, summary, and overview of each route which should include 'safe' crossing facilities. In the event that the application is given a willingness to approve by Members, a condition requires to be attached, requiring the submission of an appropriate Safe Routes to School document, to be agreed with the Planning Service.

Access and Informal Recreation

Policy NE9 (Access and Informal Recreation) requires new development to not compromise the integrity of existing or potential recreational opportunities including general access rights to land and water, Core Paths and other paths and rights of way. It also seeks to ensure that, wherever possible, developments include new or improved provision for public access, permeability and/or links to green space for recreation and active travel.

At present there is an informal farm track that runs through the site and provides pedestrian access between the neighbouring Deeside Brae development and the Causey Mounth road (and

Tollohill Woods beyond). The proposed development would retain the existing farm track and would provide a new, formal pedestrian footpath connection into the Deeside Brae development. Pedestrian crossings would also be incorporated into the signalised junction on the A92, with further remote footpaths proposed on the land to the west, outwith the application site. If the proposed development were to be delivered, along with the footpaths proposed in Aberdeenshire, then the existing access to informal recreation would be retained and significantly enhanced, with new path routes provided for pedestrians to and from Kincorth and from the application site to Tollohill Woods. The paths would be of benefit to the existing community as well as the future occupants of the proposed development, in terms of access and informal recreation, thus the proposals are compliant with Policy NE9.

A Construction Environment Management Plan (CEMP) would be required via a suspensive condition in the event that a willingness to approve is pursued by Members. The CEMP would need to incorporate details of how the existing access routes used by the public would be maintained during the construction works.

Flooding & Drainage

Policy NE6 (Flooding, Drainage & Water Quality) states that development will not be permitted if it would either increase the risk of flooding or it would, itself, be at risk of flooding. It notes that Flood Risk Assessments are required where a development is likely to result in a material increase in the number of buildings at risk of flooding and that Drainage Impact Assessments are required for all new development proposals comprising 5 or more homes. Policy NE6 also notes that connection to the public sewer is a prerequisite of all development.

The Leggart Burn runs through the heart of the site, running from south to north, through the Den of Leggart before discharging into the River Dee. SEPA's flood maps show that parts of the site adjacent to the Leggart Burn are prone to flooding.

A Flood Risk Assessment (FRA) and Drainage Impact Assessment (DIA), including a drainage layout and associated drainage calculations, have been submitted as part of the application. The FRA finds that the development has been designed with due consideration for the flood risk posed by the Leggart Burn. A buffer corridor of green open space would run immediately adjacent to the burn, with a road carriageway beyond. The majority of houses closest to the burn would be sited at least 25m away and outwith the 1 in 200 year flood risk areas. Furthermore it has been confirmed that the finished floor levels for the development would be in excess of 600mm above the post-development maximum water level. An existing field drain that runs on an east-west axis within the site would be removed and re-routed but site investigations reveal that there is no inflow to the drain from outwith the site, thus the rerouting of the drain would not lead to any drainage issues, with all surface water to be dealt with via the new drainage systems associated to the development. The FRA concludes that the development would not be at any significant risk of flooding.

In terms of surface water drainage, a SUDS basin is proposed in the eastern part of the site. New drains would be installed throughout the development, collecting surface water and directing it into the SUDS basin, where it would then be treated to remove contamination before discharging into the Leggart Burn (within the Den of Leggart) at a controlled rate.

The DIA notes that foul water generated by the development would drain to the existing public sewer system that serves the adjacent Deeside Brae development to the north. Scottish Water have confirmed that there is sufficient capacity in the local waste-water treatment works to accommodate the proposal.

Both SEPA and the Council's Flooding team accept the findings of the applicant's FRA and DIA

and consider that the proposal would be adequately drained, would not itself be at risk of flooding and would not significantly increase flood risk to any other properties. Subsequently, the proposal is compliant with the general principles of Policy NE6 (Flooding, Drainage and Water Quality) and its associated SG.

Waste & Recycling

Policy R6 (Waste Management Requirements for New Development) requires all new developments to have sufficient space for the storage of general waste and recyclables, with details of storage facilities and means of collection to be included as part of any application.

All of the detached and semi-detached dwellings in the proposed development would have ample space within their curtilages for the appropriate storage of wheeled waste and recycling bins, which could be presented at kerbside for collection by Council refuse vehicles on collection days. Areas are proposed within the central, terraced street, where communal street bins would be stored. The internal roads layout is sufficient to allow for Council refuse collection vehicles to access all of the properties safely and efficiently and the proposals are thus compliant with Policy R6 of the ALDP.

Developer Obligations & Affordable Housing

In instances where a development would either individually or cumulatively place additional demands on community facilities or infrastructure that would necessitate new facilities or exacerbate deficiencies in existing provision, Policy I1 (Infrastructure Delivery & Planning Obligations) requires the developer to meet, or contribute towards, the cost of providing or improving such infrastructure or facilities.

The Council's Developer Obligations team were consulted on the application and, following consultation with relevant stakeholders, advised that the following developer obligations would be payable:

- Core Path Network - £35,563
- Healthcare Facilities - £55,161
- Community Facilities - £174,805

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 Open Space contribution is sought as the open space requirements for the development would be met on-site.

The Council's Education Service have advised that latest forecasts indicate there is sufficient capacity at both schools to accommodate the number of pupils expected to be generated by this development at both Abbotswell Primary School and Lochside Academy.

The applicant has advised that they are agreeable to paying the aforementioned financial contributions. In the event that Members pursue a willingness to approve, a legal agreement will be required to ensure the future payment of the obligations is secured.

Policy H5 (Affordable Housing) requires a minimum of 25% of all units in new residential developments of 5 or more dwellings to be affordable. The applicant has confirmed that 25 of the 100 properties would be affordable. Although there is a discrepancy at this stage between the type of affordable housing tenure that the applicant is proposing (mid-market rent) and that which would be accepted by the Council (most likely social rent, operated by a Registered Social Landlord), the finalised details of the affordable housing provision could be addressed post-determination via an Affordable Housing Scheme to be agreed with the Council as a requirement of a Section 75 legal agreement. Given the applicant proposes to provide the full number of required units as on-site affordable housing however, it is considered that the proposals meet the requirements of Policy H5 at this stage.

Air Quality

Policy T4 (Air Quality) states that development proposals which may have a detrimental impact on air quality will not be permitted unless measures to mitigate the impact of air pollutants are proposed agreed with the Planning Authority. It further notes that applications for such proposals should be accompanied by an assessment of the likely impact of the development on air quality.

The applicant has submitted an Air Quality Impact Assessment (AQIA) as part of the application. The AQIA notes that the nearest air quality management area is located at Anderson Drive, approximately 1km to the north of the site, and finds that the proposed development would not have an unacceptable impact on air quality (related to traffic pollutant levels) for any existing or proposed homes, either from the additional car journeys created by the new development, nor from the impact of the development on traffic flows on the A92 as a result of the new signalised junction. The AQIA concludes that no mitigation measures in relation to road traffic emissions are necessary and the findings of the AQIA are accepted by the Council's Environmental Health Service, thus the proposed development is considered to be acceptable in accordance with Policy T4.

Environmental Health have requested that, should the application be approved, a suspensive condition is attached requiring a construction-phase Dust Management Plan to be submitted to, and agreed in writing with the Planning Authority, in order to ensure that the construction-phase works would not harm the amenity of any existing nearby properties in relation to dust emissions.

Aberdeen Airport

Policy B4 (Aberdeen Airport) requires all development to ensure that the continued safe and efficient operation of Aberdeen International Airport. Although the site lies a significant distance from the airport, and thus does not pose any direct risk to aircraft or the Perwinnes Radar, the Airport were consulted on the application due to the proposed formation of a SUDS pond, which could potentially attract birds (which could pose a risk to low-level aircraft). Aberdeen International Airport have examined the proposals from an aerodrome safeguarding perspective and consider that the proposed development does not conflict with safeguarding criteria, thus they do not object to the application. The proposals are therefore compliant with Policy B4.

In the event that the application is approved, the Airport have requested that the applicant be made aware of the requirement for the safe use of cranes during the construction phase. This can be added as an advisory note for the applicant to be aware of.

Historic Environment

Policy D4 (Historic Environment) requires development to not adversely impact upon archaeological remains of either national or local importance.

The applicant has submitted an Archaeological and Cultural Heritage desk-based Assessment (ACHA) as part of the application. The ACHA concludes that there is a low to moderate likelihood for buried prehistoric archaeological remains to be present within the proposed development area, and a low potential for remains from all other periods. The proposed development would involve works which could have the potential to damage or remove any previously unknown archaeological remains within their footprint, therefore the ACHA recommends that further archaeological investigatory works are undertaken prior to any construction works commencing. The ACHA also identifies that four historic boundary stones are recorded within the application site, although none were located during the site walkover undertaken. Although the stones are modern and of low archaeological importance, the ACHA recommends that, if present, they should be retained in-situ and incorporated into the final design. The Council's Archaeology Service accept the findings of the ACHA and do not object to the application, subject to the imposition of conditions requiring the implementation of a programme of archaeological works prior to the commencement of development and in respect of providing protective fencing around the boundary stones (if located) during the construction works.

The Archaeology Service envisage the programme of archaeological works should consist of a 5% archaeological evaluation of the development site, excluding those areas which form the immediate Den of Leggart Local Nature Conservation site.

The site does not lie within a conservation area, nor do any listed buildings lie within the application site. Elm Cottage, a category 'B' listed, 18th Century dwelling lies approximately 300m to the north of the area of the site to be developed, and the proposed development would have no impact on its setting.

Therefore, subject to the imposition of conditions in relation to the carrying out of archaeological works prior to any construction taking place and the protection of the boundary stones (if present) during the construction works, it is considered that the proposed development would not cause any harm to the historic environment, in accordance with Policy D4.

Digital Infrastructure

Policy C11 (Digital Infrastructure) requires all new residential development to have access to modern, up-to-date, high-speed communications infrastructure. Details of broadband availability for the site are not yet known at this stage but in the event that the application is approved, a condition would be attached to any permission, requiring the delivery of high-speed broadband for all premises, prior to occupation, in order to meet the requirements of Policy C11.

The properties in the neighbouring residential development to the north at Deeside Brae are known to have access to high-speed broadband, thus it is anticipated that a high-speed broadband connection would be feasible for the proposed development.

Low and Zero Carbon Technologies & Water Efficiency

Policy R7 (Low & Zero Carbon Build & Water Efficiency) requires all new buildings to meet at least 20% of the buildings regulations carbon dioxide emissions reduction target applicable at the time of the application through the installation of low and zero carbon generating technology. The policy also requires all new buildings to incorporate water saving technologies and techniques, to reduce pressure on water abstraction from the River Dee.

The details required to satisfy the requirements of Policy R7 are not yet known. In the event that the application is approved, suspensive conditions would be added to the permission requiring the incorporation of appropriate low & zero carbon and water saving technologies. Therefore, subject

to the imposition of such conditions, the proposals are considered to meet the requirements of Policy R7.

Development Plan Summary

Whilst the proposed development is considered to adequately demonstrate the necessary compliance with a number of policies and requirements of the Development Plan, it nevertheless concerns a site which is zoned in the extant 2017 ALDP as Green Belt (NE2) and Green Space Network (NE1), the corresponding policies for which fundamentally do not allow for new residential use of the type and scale proposed. Furthermore, aside from matters of principle, it is considered that the development would also be incongruous with the context and landscape character of the surrounding area, and the proposals are thus also contrary to Policy D2 of the ALDP. Furthermore, although suitable connections into the existing pedestrian network would be provided, the development would be situated at the upper limit in terms of acceptable walking distance to the nearest local facilities and the pedestrian environment and infrastructure between the site and those facilities is of a poor quality and not considered to be conducive to encouraging the use of active travel. Consequently the proposed development is also considered to be contrary to Policy T3 of the ALDP. The development would also have an undesirable impact on traffic flows on the A92 - a major arterial route into the city - due to the signalised junction required to provide vehicular access to the development. The Planning Service also has concerns that the second means of access to the site for use by emergency service vehicles would not be sufficient to meet the Council's standards.

As well as being contrary to the ALDP for the aforementioned reasons, the application is also contrary to the Strategic Development Plan as it would result in the development of valuable green belt land and would not be sufficiently accessible via sustainable and active modes of travel.

On that basis, it is concluded that the proposal fails to accord with the provisions of the extant Plan, and that it would also have a detrimental impact on traffic flows and not meet Council standards in respect of providing a suitable secondary means of access for emergency vehicles. What remains to be determined is whether there are any other material considerations which would warrant the granting of planning permission as a Departure from the provisions of the Development Plan. This report will now address other material considerations in turn:

Proposed Aberdeen Local Development Plan

In terms of the Proposed Aberdeen Local Development Plan 2020 (PALDP) it is noted that, at the meeting of the Full Council on 2nd March 2020 it was agreed to allocate the site as an Opportunity Site for 150 homes (OP46 – Royal Devenick Park) and to rezone the land as a residential area (Policy H1 – Residential Areas) in the PALDP, thus removing the Green Belt and Green Space Network zonings of the current, adopted ALDP. As a result, although contrary to the adopted ALDP for the reasons given in the foregoing evaluation, the principle of developing the site for housing is supported by the PALDP, although it should be noted that the current proposal would only see two thirds of the allocated number of houses delivered.

The materiality and weight to be afforded to the PALDP is an important factor in the consideration of the current application. The Proposed Plan, although described as the 'settled view of the Council' following the agreement on its content by Full Council in March 2020 and agreement prior to Examination in June 2021. The Proposed Plan is a material consideration only, and the current ALDP has primacy in determining planning applications.

As it currently stands, the site is zoned as Green Belt and Green Space Network in the extant 2017 ALDP, which has been in force since its adoption in January 2017. The extant 2017 LDP takes primacy in considering planning applications unless material considerations indicate

otherwise. The PALDP is a material consideration and has been evaluated to determine what weight can be applied to it. The PALDP has recently been submitted to Scottish Government for Examination and is not expected to be adopted until Spring 2022 at the earliest.

There is a possibility that the content of the PALDP may be altered prior to adoption, in that the site allocations and policies could be amended by the Scottish Government Reporter(s) when the Plan goes through its Examination process in late 2021 / early 2022. At the time of writing this report, it is not possible to be certain that OP46 will remain in the PALDP at the point of adoption. To recommend approval of this application on the basis of a draft allocation would therefore be premature.

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. Following the allocation of the site for housing in the PALDP by Full Council, a further period of public consultation took place over the Summer of 2020. A total of 189 objections were received in response to the allocation of the site for housing in the PALDP, including from Aberdeenshire Council. This level of representation cannot be ignored.

Considering that the extant 2017 ALDP takes primacy and the status of the PALDP is potentially subject to change, the Planning Service must determine planning applications within the context of a Plan-led process in order to provide certainty. Given the uncertainty of the content of the PALDP at this stage, it is considered that less weight must be afforded to it as a material consideration, thus the PALDP is not considered to be of sufficient weight to merit overriding the extant and adopted 2017 ALDP, having regard to the site's Green Belt status, and the application is considered to be premature in terms of the Local Development Plan process.

Aside from the proposed allocation of the site in the PALDP as an Opportunity Site for 150 homes (OP46), the PALDP also incorporates changes to several other relevant policies. The majority of the policies in the PALDP substantively reiterate the corresponding relevant policies of the ALDP, against which the proposed development has been assessed above.

The proposed development can be assessed against the policies that materially differ from those of the ALDP, and any wholly new policies introduced in the PALDP with no equivalent in the adopted Plan, as follows:

- Policy D2 (Amenity)

Policy D2 of the PALDP is a new policy with no direct equivalent in the adopted ALDP. Policy D2 seeks to ensure that where new residential development is proposed, a satisfactory level of amenity would be available to the future occupants, with the development designed to satisfy multiple criteria including: appropriate daylight and sunlight receipt, outlook, privacy, access to external amenity space etc. It is considered that the proposed development would create a satisfactory level of amenity for its future occupants for the reasons given in the foregoing evaluation, thus the proposals are considered to comply with Policy D2 of the PALDP.

- Policy H3 (Density)

Policy H3 increases the minimum net density sought for all housing sites to 50 dwellings per hectare, up from the 30 dwellings per hectare requirement of Policy H3 in the adopted ALDP. Given the proposed development would have a net density of circa 17 dwellings per hectare, it would fall significantly short of the new minimum density strived for by the PALDP. Nevertheless, as noted in the foregoing evaluation, given the semi-rural context of

the site and low density of the nearest housing development, it is considered that the proposed development would have an appropriate density for its context, despite not meeting the minimum density sought by Policy H3 in both the adopted and proposed Plans.

- WB1 (Health Developments)

Policy WB1 requires developments to provide healthy environments, reduce environmental stresses, facilitate physical activity and promote physical and mental wellbeing. The corresponding Aberdeen Planning Guidance in relation to the criteria for assessing healthy developments has not yet been written but the Planning Service is satisfied that the development would create an appropriately healthy environment for its future occupants, with generally good access to both public and private external amenity space and nearby woodland and green space providing good opportunities for informal recreation. The proposals are thus considered to comply with the requirements of Policy WB1 of the PALDP.

Scottish Planning Policy

Contribution to sustainable development

Scottish Planning Policy (SPP) incorporates a presumption in favour of development that contributes to sustainable development. Paragraph 32 of SPP notes that:

'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making' and that 'For proposals that do not accord with up-to-date development plans, the primacy of the plan is maintained and this SPP and the presumption in favour of development that contributes to sustainable development will be material considerations.

Paragraph 28 notes that the aim is to achieve the right development in the right place, not to allow development at any cost.

The Planning Service considers that the development would not contribute towards sustainable development, for the following reasons:

- The proposal would result in the development of an existing greenfield site on Green Belt land, to the detriment of the landscape and undermining the character and function of the Green Belt;
- The adopted plan is not out-of-date and there is sufficient housing land supply (see the following section of the evaluation for further detail) and there is, therefore, no urgent need to develop the site for housing;
- It is considered that the site would not be well located in terms of ease of access to local facilities by active travel modes, thus making it likely that the site and local facilities would predominantly be unsustainably accessed by car.

Taking these factors into account it is considered that the proposal would not make a significant contribution towards sustainable development and the presumption in favour of sustainable development, as set out in SPP, is thus not considered to be applicable as a material consideration in this instance.

Housing Land Supply

The Aberdeen City and Shire Structure Plan 2009 and Strategic Development Plan 2014 set ambitious Housing Requirements which were met through housing allocations in subsequent Aberdeen City and Aberdeenshire Local Development Plans. The Strategic Development Plan 2020 continues this and sets a Housing Supply Target and Housing Land Requirement for the proposed Aberdeen City and Aberdeenshire Local Development Plans. This has resulted in the need for the Aberdeen City Local Development Plan to allocate a limited amount of housing land for the period 2020-2032. Land is required for a total of 5,107 in Aberdeen City and 8,172 homes in the Aberdeen Housing Market Area that includes the City and nearby areas of Aberdeenshire. These allocations should primarily come through brownfield sites and utilise the current “constrained” supply in the first instance.

The SDP 2020’s allocations are the result of modifications resulting from the examination of the Proposed Strategic Development Plan 2018, these modifications increased the allocations from that which were set out in the Proposed Strategic Development Plan. As a result, a number of additional sites, including that of the subject application (added at the Full Council meeting in March 2020), were added to the Proposed Local Development Plan in order to ensure a pipeline of housing sites across the period 2020-2032.

Historically generous levels of housing land allocations have resulted in a continuously robust 5-year and post 5-year effective housing land supply across both the Aberdeen and Rural Housing Market Areas (34,392 homes as per the Housing Land Audit 2020).

The Housing Land Audit 2019 and 2020 shows that for Aberdeen City this has resulted in:

Housing Land Audits	2019	2020
A five-year effective land supply	6,242	6,542
Post five-year effective supply	10,076	10,017
Total effective land supply	16,318	16,559

At a housing market area level this has resulted in:

- The Aberdeen Housing Market Area has a 7.1-year supply.
- The Rural Housing Market Area has a 5.4-year supply.

The consideration of land supply in the context of a planning application is measured against the effective land supply within the Local Development Plan’s area and how this relates to the Housing Supply Target. However, housing land allocations are made and monitored on a housing market area basis as opposed to a Council basis.

Programming of housing delivery

Paragraph 110 of Scottish Planning Policy 2014 requires a minimum of 5-years housing land supply at all times. The calculation of this comes through the housing land audit and uses programming on all sites and is agreed by Homes for Scotland. This is a key performance measure as defined by the Scottish Government which reflects the very generous land supply position in the Aberdeen Housing Market Area and Aberdeen City. The supply in the Aberdeen Housing Market Area in the Housing Land Audit 2020 equated to 7.2 years and 7.1 years in the Housing Land Audit 2020. This indicates that there is capacity in land supply terms to build well above the housing supply target if demand exists.

A significant factor which influences the amount of land regarded as effective and indeed the amount of housing actually delivered on the ground is the rate of delivery and programmed delivery.

This is an important factor influencing the amount of land regarded as effective, and whilst a development plan can influence the physical amount of land available for development it has less influence over its delivery which is subject to wider market influences. In the context of this proposal the applicant has erroneously conflated two separate measures:

- land available for development; and
- the expected or programmed delivery of that land,

Aberdeen City Council can have significant influence over the amount of land available for development, subject to the willingness of landowners or the ability of the Council to assemble land. However, Aberdeen City Council has significantly less influence over the second measure, delivery of the land, which is significantly influenced by the activities of RSLs, private home builders and the other actors and influences at the sharp end of delivery.

Aberdeen City Council's role in influencing the timing and rate at which a development is built out, is limited to those measures that influence the quality, attractiveness and suitability through the development management process.

Given Aberdeen City Council has influence over land availability it has used this to allocated generous quantities of housing land. In the context of a regional economic downturn the programming and delivery of that land has been influenced by market conditions.

For example, in the period before the regional economic downturn a large site with construction activity on site delivering for example 100 units per annum would have been regarded as having 500 units in the 5-year effective supply. The same site post-downturn delivering at a rate of 80 units per year would be regarded as having only 400 units in the 5-year effective supply.

The Housing Land Audit 2019 states an effective land supply of 28,236 homes for the Aberdeen Housing Market Area. Since the regional economic downturn, the programming of sites in Aberdeen City, which are classed as having deliverable land in both the 5-year and post 5-year Effective Land Supply, has seen future anticipated completions reduced or pushed back (as seen in table 3). These allocations or permissions have therefore not suddenly been removed from the housing land supply simply because anticipated completions have not transpired or been reduced. Their delivery rates have been damped to reflect market conditions and thus there is ample capacity within the housing land supply to react to any surge in demand.

Conclusion

This focuses the argument on the amount of currently available land or the effective land supply. Consideration can be given to sites that are capable of starting within the 5 years from the date of the Housing Land Audit and what rates of completion are programmed. Therefore, the supply is the land that is made available and the rate that it can be delivered at. Paragraph 33 of Scottish Planning Policy is therefore not a relevant consideration in the assessment of this application nor is the presumption in favour of sustainable development given the robust nature of the City and Aberdeen Housing Market Area's land supply. Therefore, the assessment of this application instead focuses on other elements of the scheme such as design, layout, accessibility and environmental impacts, all of which are addressed in the foregoing evaluation.

Aberdeenshire Council objection

The following matters raised in Aberdeenshire Council's objection to the application have been addressed in the foregoing evaluation:

- *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 site is in an environmentally sensitive area, which provides important habitat and green corridor between River Dee and Tollo 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.*
- *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).*
- *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.*
- *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.*

The remaining matters raised by Aberdeenshire Council not specifically addressed in the foregoing evaluation can each be addressed, in turn, as follows:

- *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);*

Response: This observation is correct.

- *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).*

Response: Development bids for housing land allocations in the Aberdeenshire Local Development Plan, and issues raised in the associated MIR are not relevant to the assessment of the current application to Aberdeen City Council.

- *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.

Response: As addressed in the foregoing evaluation, the Planning Service considers that the proposed development would be adequately connected into existing pedestrian and cycle networks, such that it could be suitably accessible via sustainable and active modes of travel. There are also multiple public transport (bus) routes in relatively close proximity to the site.

- *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.*

Response: The housing initially proposed in the western part of the site has been omitted from the proposals, thus the concerns in respect of the impact on the Causey Mounth are no longer relevant.

Members should note that due to Aberdeenshire Council's formal objection to the application, should the Planning Development Management Committee give a willingness to approve the application (subject to the conclusion of a legal agreement to secure the necessary affordable housing and developer obligations), then the Planning Service would be required to notify Scottish Ministers of the intention to approve the application, in accordance with [The Town and Country Planning \(Neighbouring planning authorities and Historic Environment\)\(Scotland\) Direction 2015](#).

Matters raised in representations

The majority of the matters raised in the objections received have been addressed in the foregoing evaluation. The remainder of the matters raised can be summarised and addressed as follows:

Strategic Development Plan

- *The development is inconsistent with the Aberdeen City & Shire Strategic Development Plan (SDP) - 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)*

Response: The above listed policies are not contained within the Strategic Development Plan and instead appear to be policies contained within one or more Aberdeenshire Local Development Plans – which are not relevant to the assessment of this application.

Allocation in the Proposed Aberdeen Local Development Plan (PALDP)

- *The site was noted as being 'undesirable' in the 2019 Main Issues Report;*

Response: This statement is correct.

- *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;*

Response: This statement is correct.

- *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;*

Response: The objections to the allocation of the site in the PALDP have been considered by Members and will be considered by a Reporter as part of the forthcoming Examination process.

- *The site was allocated by Councillors without any rationale and at a stage of the PALDP which avoided full scope for public feedback;*

Response: The rationale for adding the site to the forthcoming PLDP was given by Members at the Full Council meeting on 2 March 2020 and a period of public consultation on the PLDP followed in the summer of 2020.

Cumulative Impacts

- *The development would contribute toward the cumulative, incremental erosion of the green belt;*

Response: The proposed development is contrary to Policy NE2 (Green Belt) and the Planning Service agrees that it would contribute towards the incremental erosion of the Green Belt.

Transport & Accessibility

- *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;*

Response: Although appropriate connections into the surrounding pedestrian and cycle networks would be provided, the Planning Service concurs that the Bridge of Dee's pedestrian and cycle infrastructure is not ideal and that the poor quality of pedestrian infrastructure would likely discourage the use of active travel by residents.

- *Developer contributions should be required in order to enable upgrades to local infrastructure if active travel is to be promoted;*

Response: If the application is approved, the applicant shall be required to upgrade the existing footpath alongside the A92 to the Bridge of Dee, and to provide a pedestrian crossing to Kincorth.

- *Although mitigation measures at the Bridge of Dee roundabout are recommended in the Transport Assessment, they are not noted in the applicant's plans;*

Response: The Council's Roads Development Management team advise that rather than amending the geometry of the nearby roundabouts, as suggested in the applicant's Transport Assessment, an appropriate alternative mitigation measure would comprise the upgrade of

the existing pedestrian footpath to the Bridge of Dee roundabout from the site, to be undertaken by the applicant. Should members be minded to approve the application then such works could be secured by condition.

- *The suggested mitigation measure of widening the road widths at the Bridge of Dee roundabout would impact detrimentally on pavement widths in the area;*

Response: The Planning Service and Roads Development Management team agree that the widening of the road widths at the Bridge of Dee roundabout would have a detrimental impact on pavement widths. As noted above however, alternative mitigation is considered to be acceptable that would not require any narrowing of existing footpaths.

- *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;*

Response: All housing development in the western part of the site has been omitted from the application – therefore there would be no additional traffic entering the Bridge of Dee roundabout from Leggart Terrace as a result of the proposed development.

- *Access should only be taken from the A92, with no access from the Causey Mounth;*

Response: The implications of any such access from the Causey Mounth were assessed separately by Aberdeenshire Council but nevertheless, all housing development has been omitted from the western part of the site.

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

Response: All properties would either have access to dedicated cycle storage (flats) or would have ample internal or external space in which cycles could be safely stored.

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);*

Response: All housing development and roads have been omitted from the western part of the site, thus there would be no additional vehicular traffic using the Causey Mounth as a result of the development.

- *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.*

Response: The application has been assessed by the Roads Development Management team and the proposed development is not considered to pose a risk to road safety.

Access to facilities and amenities

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

Response: In terms of walking distance, the proposed development would be sited approximately 1600m from the retail shops and supermarkets in Garthdee to the north and approximately 800m away from the nearest shops in Kincorth to the east (which could be access via the new signalised junction on the A92).

Landscape

- *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?;*

Response: Whether any such restriction was imposed on the Deeside Brae development at the time of that application is unknown but is nevertheless immaterial in the assessment of the current application, which requires to be assessed on its own merits. There is no specific policy that requires development to not be visible from Tollohill Woods.

- *No visualisations have been provided from receptors in the Pitfodels and East Cults areas, despite lying in the Zone of Theoretical Visibility as outlined in the applicant's Landscape and Visual Appraisal.*

Response: The Planning Service is satisfied that the development would largely not be visible from Pitfodels or East Cults due to existing landscaping, screening, separation distance and the intervening topography of Tollohill Woods.

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;*

Response: Applicants are free to submit planning applications at any time they wish. The documentation for the application was available to view on the Council's website during the period in which third parties could make representations. All neighbouring properties within 20m of the application site boundaries were sent notification of the application by post, as required in accordance with the Development Management Procedure Regulations, and the application was also advertised in the local press due to the proposals constituting a departure from the Development Plan Strategy. A Pre-Determination Hearing also gave third parties who had submitted representations a chance to present their thoughts to the Planning Committee.

- *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;*

Response: There is no provision in the Development Management Procedure Regulations for Planning Authorities to choose which properties are notified of a planning application. As per the DM Procedure Regs, all properties within 20m of the application site were notified and the application was advertised in the local press, as noted above.

- *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?;*

Response: This statement is factually incorrect. The application was submitted in December 2020 and was never to be considered by the Planning Committee in either January or February of 2021.

- *There was no pre-application consultation except for an insufficient online consultation held in August 2020 which lacked sufficient detail of the proposal;*

Response: The applicant carried out an adequate level of pre-application consultation, as required in accordance with the DM Procedure Regs, as evidenced in their Pre-Application Consultation (PAC) Report.

- *There are possible irregularities in the planning system which need to be scrutinised.*

Response: There is no evidence of any irregularities in the planning system in relation to the assessment of this planning application, nor the allocation of the site for housing in the PALDP.

Aberdeenshire Council

- *The proposal is contrary to the Aberdeenshire Local Development Plan;*

Response: The Aberdeenshire Local Development Plan is not relevant to the assessment of proposed developments within the Aberdeen City Council boundary.

- *Aberdeenshire Council adhered to their Planning Officers' recommendation that the developer bid by the applicant for housing in the Shire was undesirable;*

Response: The Aberdeenshire Local Development Plan process is not relevant to the assessment of this application.

- *The development would create a precedent for further housing development in the Shire;*

Response: This is not a material consideration. Each planning application requires to be assessed on its own merits.

- *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;*

Response: The initially proposed 33 housing units in the western part of the site have been omitted from the application, along with the road access.

- *The widening of the Causey Mounth is not desirable, nor feasible due to the narrow nature of the junction with South Deeside Road.*

Response: The proposed upgrades to the Causey Mounth were the subject of a separate application to Aberdeenshire Council.

Environment / Natural Heritage

- *The Den of Leggart LNCS would be compromised by the development, including from a resultant increase in human recreational activity;*

Response: There would be only minimal physical incursion into the Den of Leggart as a result of the development, following amendments to the proposals to remove the footpaths originally proposed to run through & over the Den. There would likely be some increased informal human recreational activity within the Den as a result of the development although the amount is not considered likely to be significant. The Planning Service does however consider that the proposals, by increasing the amount of development surrounding the Den, would have a detrimental impact on the Green Space Network and thus also on the Den of Leggart LNCS, in terms of its character and function as part of a wildlife corridor.

- *Construction phase works could harm the Den of Leggart.*

Response: A Construction Environment Management Plan (CEMP) would be required via a suspensive condition, in the event the application is approved. The CEMP would be required to incorporate measures (including buffer strips) to ensure that there would be no adverse impacts on the Den during the construction phase.

Trees

- *The Den of Leggart is designated as ancient woodland and the development would cause damage to, and the deterioration of, the woodland;*

Response: The proposed development would involve only a minor incursion into the root protection areas of the trees in the Den of Leggart, with just one tree within the Den proposed to be felled. Two initially proposed footpaths that would have run adjacent to or through the Den have subsequently been omitted from the proposals and the Planning Service is satisfied that the Den of Leggart woodland would not be adversely affected by the proposed development.

- *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;*

Response: The findings of the applicant's Tree Survey, Arboricultural Impact Assessment and Tree Protection Plan are accepted by the Planning Service and it is considered that the amended plans would minimise the incursion into the Den of Leggart and that the trees within the Den would not be adversely affected by the development.

Design / Layout

- *The development layout is not optimised and is an artefact of the irregular City/Shire boundary;*

Response: The development layout has been assessed on its merits and the location of the administrative boundary between Aberdeen City and Aberdeenshire Councils is not considered to significantly affect the proposed layout of the development. Nevertheless, as noted in the foregoing evaluation, the Planning Service considers that the development would fail to satisfy the requirements of Policy D1.

- *Three storey housing would be totally out of character within the context of the surrounding area;*

Response: The Planning Service considers, for the reasons set out in the foregoing evaluation, that the flatted blocks in the western part of the site would have an unacceptable impact on the landscape, partly due to their excessive height. The detached dwellings, albeit relatively tall, would not be fully 3-storeys in height, with the third-floor levels accommodated within the pitched roof space. It is considered that the dwellings would not be excessively tall.

- *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.*

Response: The Planning Service considers the proposed materials to be generally acceptable for the context of the development, were it to be approved. In the event of the application being approved, a condition would be added requiring full details and samples of materials to be submitted for further consideration, prior to the commencement of development.

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;*

Response: This element was subsequently omitted from the proposals by the applicant.

- *Noise emissions from increased vehicular traffic as a result of the development would have a detrimental impact on neighbouring residential properties;*

Response: The applicant's Noise Impact Assessment finds that noise emissions from traffic within the development would have a negligible impact on the amenity of the proposed new dwellings. By extension, it is considered that the existing properties, situated farther away from the proposed dwellings, would also not be unduly affected by any noise emissions from new traffic generated.

- *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;*

Response: It is not proposed to remove the existing earth bund.

- *The increased usage of the path link into Deeside Brae would harm amenity;*

Response: Whilst it is acknowledged that there would likely be increased usage of the existing path link into the Deeside Brae development, and thus more pedestrian activity through the development, it is not considered that the additional pedestrian movement through the site would cause any significant harm to the amenity of the residents.

Flooding and Drainage

- *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;*

Response: The applicant has submitted Flood Risk and Drainage Impact Assessments, which demonstrate to the Council's Flooding Team and SEPA's satisfaction, that the development would not be at any significant risk of flooding, nor would it result in any significant increase in the risk of flooding to other properties.

Developer Obligations

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

Response: Whilst a new pedestrian bridge over the River Dee is mentioned as a possible future infrastructure project in some high-level Transport Strategy documents, it is not a committed project, therefore it is not possible to require a contribution from the developer towards this currently speculative, but possible future bridge link.

Informal recreation & Health and Wellbeing

- *The development could harm the existing edible vegetation (brambles and elderflower) within / adjacent to the site.*

Response: Any edible vegetation within or adjacent to the site, such as brambles and elderflower, do not have any level of protection in terms of planning policy or guidance. Nevertheless, it is not anticipated that the development would cause any particular harm to any edible vegetation situated outwith the site.

Economic Benefit

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

Response: The precise level of economic benefit to the city as a result of the proposed development is not known. It is likely that the development would have some economic benefit to the local economy, particularly during the construction phase, but it is not anticipated that any economic benefits would be of a level to constitute a material consideration in the determination of the application.

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.*

Response: The developer's potential intentions for nearby land are immaterial to the determination of this application, which requires to be assessed on its own merits.

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 and 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.*

Response: The Planning Authority has a duty to assess and determine planning applications, primarily in line with the provisions of the Development Plan. Whilst combating Climate Change is an aim of the Scottish Government and Aberdeen City Council, there is no statutory provision requiring that the assessment of planning applications be delayed to await

the outcome of Climate Change-related non-Planning related documents.

Heads of Terms of any Legal Agreement

In the event of the PDMC being minded to approve the application contrary to Officer Recommendation (and subject to notification to Scottish Ministers and appropriate planning conditions), a legal agreement would be required prior to the approval of the application, in order to secure the developer obligations and the affordable housing provision noted above in the foregoing evaluation.

Conclusion

The above evaluation concludes that the proposed development would constitute a significant departure from the adopted Local Development Plan strategy, being contrary to Policies NE2 (Green Belt) and NE1 (Green Space Network) of the ALDP. It is considered that the development as a whole would have a detrimental impact on the localised landscape character and setting of the Leggart Valley, contrary to Policy D2 (Landscape) and that it would not be sited in a location which would encourage the use of active travel, thus the proposed development is also contrary to Policy T3 (Sustainable and Active Travel).

The development would also have an undesirable impact on traffic flows on the A92, a major arterial route into the city, due to the signalised junction required to provide vehicular access to the development. It is recognised that this junction would not serve a strategic function to the benefit of the wider roads network. Roads Development Management and the Planning Service also have concerns that the second means of access to the site for use by emergency service vehicles, would not be sufficient to meet the Council's standards and thus cannot be accepted. These aspects result in the development being contrary to Policy T2 (Managing the Transport Impact of Development).

Some aspects of the proposed development (the terraced street) represent a tension with Policy D1 (Quality Placemaking by Design).

The proposed development is also contrary to the Aberdeen City and Aberdeenshire Strategic Development Plan 2020 as it would result in the development of valuable green belt land and it would not be sufficiently accessible via sustainable and active modes of travel.

Although it is acknowledged that the Proposed Aberdeen Local Development Plan 2020 (PALDP) is a material consideration, and the site has been allocated in that plan as an opportunity site for 150 homes, the Plan has yet to undergo Examination by Scottish Ministers and the allocation of the site in the PALDP has been the subject of a significant level of objection. The application is thus considered to be premature and the allocation of the site for housing in the PALDP is not considered to be of sufficient weight to justify a departure from the adopted ALDP that remains the primary document against which the application should be assessed. Furthermore, there is sufficient housing land supply and thus no urgent need to develop the site to meet housing demand within the City.

The Planning Service does not consider the proposed development would constitute Sustainable Development and there are no other material considerations of any weight sufficient to justify approving the application contrary to the adopted Development Plan Strategy and the application is therefore recommended for refusal for the aforementioned reasons.

It should be noted that if Members are minded to approve the application contrary to Officer recommendation, then the Scottish Ministers would need to be notified of any such willingness to

approve, due to Aberdeenshire Council's objection to the application. Following that, a legal agreement would be required to secure the necessary Developer Obligations and affordable housing. Any permission would also require to be subject to a number of suspensive conditions to address various aspects – a brief summary of which are detailed at the end of this report.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

That the proposed major housing development neither represents essential infrastructure nor complies with any of the exceptions contained within Policy NE2 (Green Belt) of the Aberdeen Local Development Plan 2017. Policy NE2 makes no provision for residential development of this scale. As such, the development is contrary to Policy NE2 and would represent a significant departure from the adopted Development Plan Strategy. Furthermore, the proposals would erode the character and function of the Green Space Network zoning which covers much of the site and the proposals would therefore be contrary to Policy NE1 (Green Space Network) of the Aberdeen Local Development Plan 2017.

That the development would result in the creation of a major housing development on undeveloped greenfield land, resulting in harm and significant change to the localised landscape character of the Burn of Leggart valley, a key part of the City's setting from the South, contrary to Policy D2 (Landscape) of the Aberdeen Local Development Plan 2017.

That the development would reduce capacity and have an undesirable impact on traffic flows on the A92, a major arterial route into the city, due to the signalised junction required to provide vehicular access to the development and pedestrian access to Kincorth. The design of the signalised junction is not acceptable, with the northern central pedestrian island being of an insufficient width. The proposed junction is not related to a strategic transportation link. The proposed second, emergency means of access to the development is inadequate. For these reasons, the development proposal is contrary to Policy T2 (Managing the Transport Impact of Development) of the Aberdeen Local Development Plan 2017.

That the development would not be sited in a sustainable location and does not have safe or quick access by sustainable modes of travel (particularly on foot or by cycle) to essential facilities such as schools and shops which would encourage the use of active travel and is therefore contrary to Policy T3 (Sustainable and Active Travel) of the Aberdeen Local Development Plan 2017.

The proposed development is also contrary to the strategic objectives of the Aberdeen City and Aberdeenshire Strategic Development Plan 2020 as it would result in the development of valuable green belt land and would not be sufficiently accessible via sustainable and active modes of travel.

NOTIFICATION TO SCOTTISH MINISTERS

Should Committee be minded to approve the application contrary to officer recommendation, due to the objection from Aberdeenshire Council, there is a requirement for the planning authority to notify Scottish Ministers of their intention to grant conditional planning permission.

Scottish Ministers will then consider whether to call-in the application for their own determination or clear it back to the authority to decide the matter as it sees fit.

CONDITIONS IN THE EVENT OF A WILLINGNESS TO APPROVE

Should the application be cleared back to the Council for determination, it is recommended that this should be subject to a legal agreement to ensure payment of the required developer obligations and to secure the associated affordable housing provisions as contained within the Development Obligations response.

It is also recommended that conditions should be attached to any grant of planning permission in relation to the following items:

- Full details, and provision of, the new signalised junction on the A92
- Full details of, and control over implementation of pedestrian and cycle links to Tolllohill Wood and adjoining street and path network
- Full details of, and control over implementation of, an appropriate means of access for emergency vehicles
- Implementation of mitigation measures in relation to the impact of the development on the local road network (enhanced footpath link to Bridge of Dee roundabout)
- Full details of, and control over implementation of upgraded footways adjacent to the A92, both north and south of the site
- Details of the relocation and upgrade of bus stops
- Provision of open space
- Building materials – details and samples
- Hard surfaces – details and samples
- Construction Environment Management Plan (CEMP), including Dust Management Plan
- Otter Survey
- Implementation of the Noise Impact Assessment mitigation measures
- Landscaping details, implementation and management including the specification of landscaping and children’s play space in the area to the open space to the west of the Leggart Burn in order to optimise its recreational and natural heritage qualities and additional planting along the southernmost boundary of the development
- Low & Zero Carbon technologies
- Water Efficiency measures
- Implementation of appropriate drainage facilities, including SUDS basin
- Full details of, and control over implementation of driveway details
- Full details of, and control over implementation of pedestrian crossing points within the development
- Internal roads and footpaths to be laid out as per approved plans
- Cycle parking details
- Details of wastewater connections
- Residential Travel Pack
- Safe Routes to School
- Full fibre broadband
- Tree Protection Measures
- Play facilities details
- EV charge points
- Programme of Archaeological Works
- Protection of boundary stones during construction
- External lighting

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PLANNING DEVELOPMENT MANAGEMENT COMMITTEE



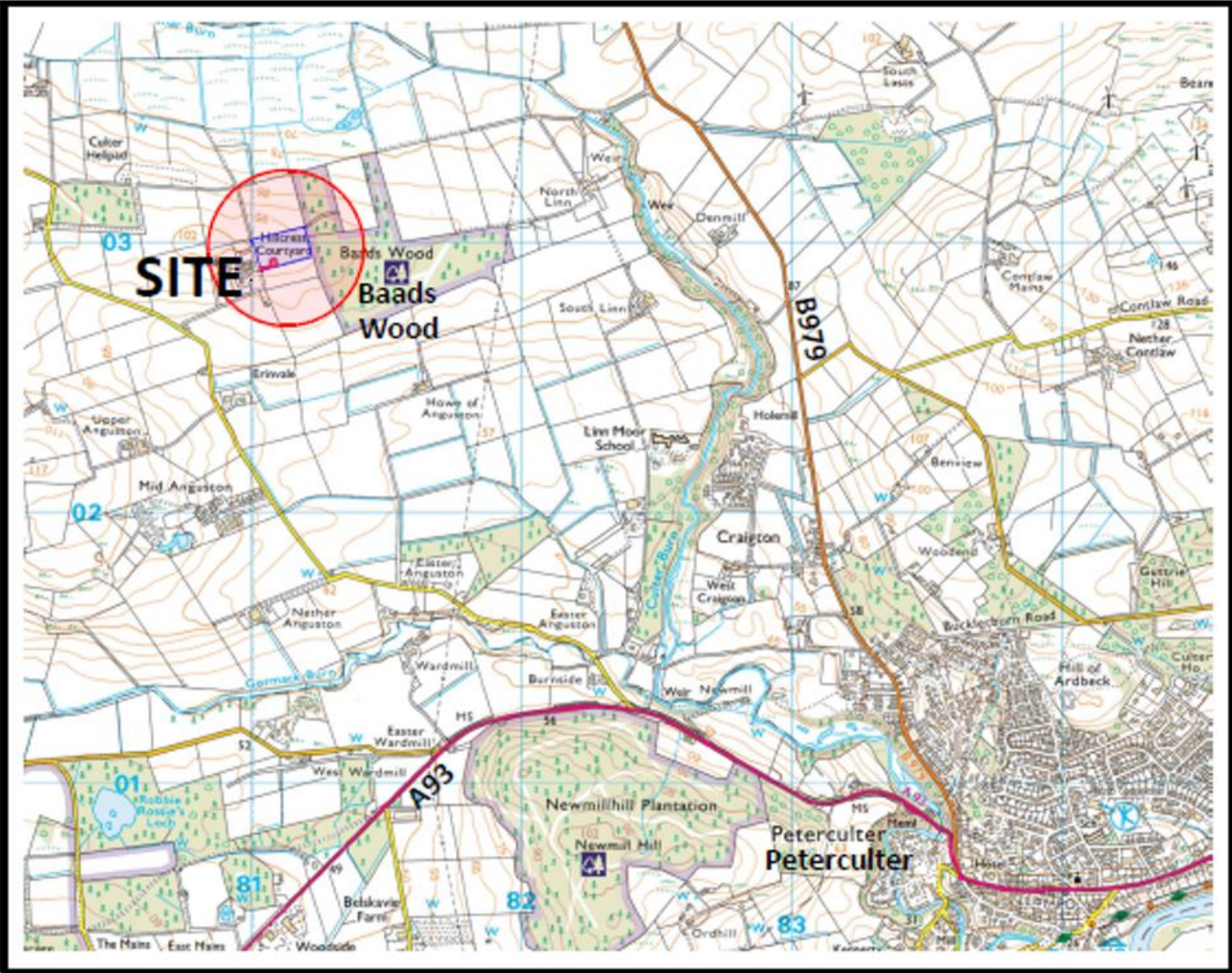
9 December 2021

Change of use of land for siting of 2 caravans for
temporary period (retrospective)

Baads Farm, Anguston Road, Peterculter

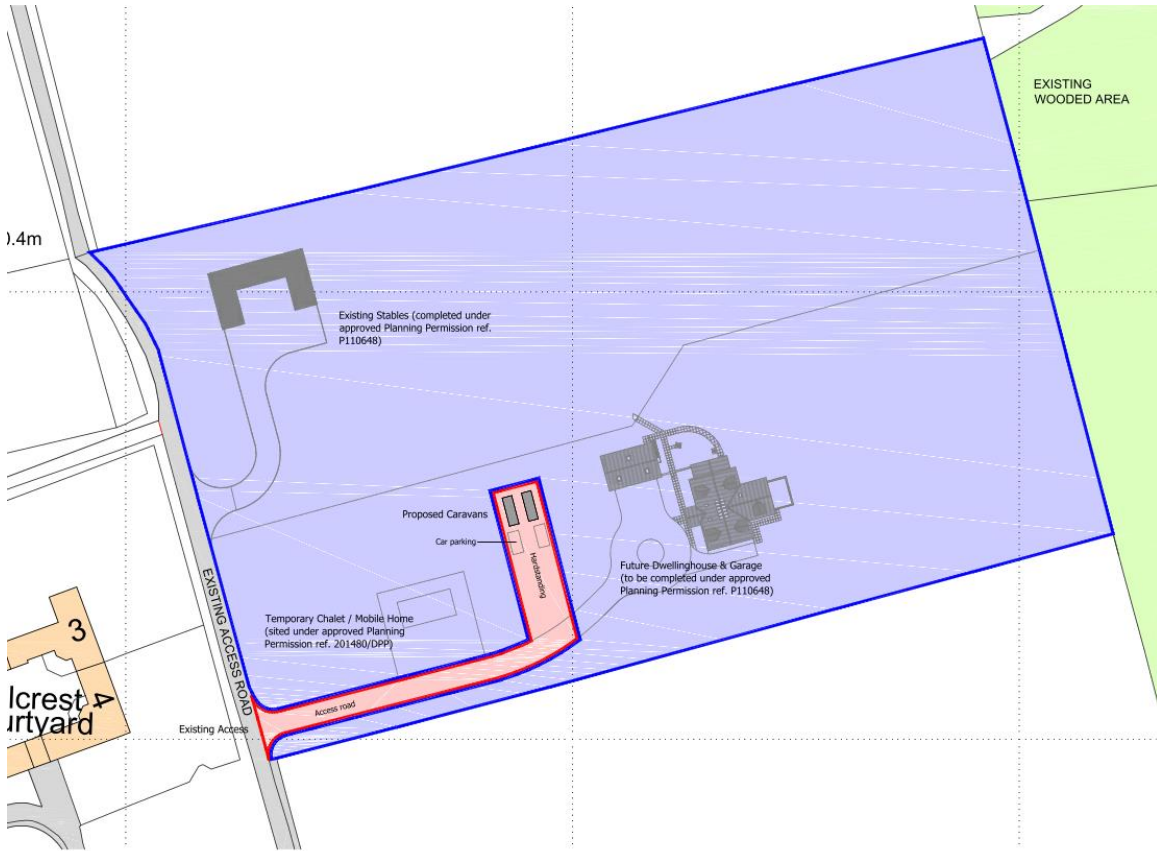
Detailed Planning Permission
211469/DPP

Site Location



Site Layout Plans

Page 127



Aerial Photo



Site Photos - July 2021



Site Photos – September 2021



Site Photo – September 2021



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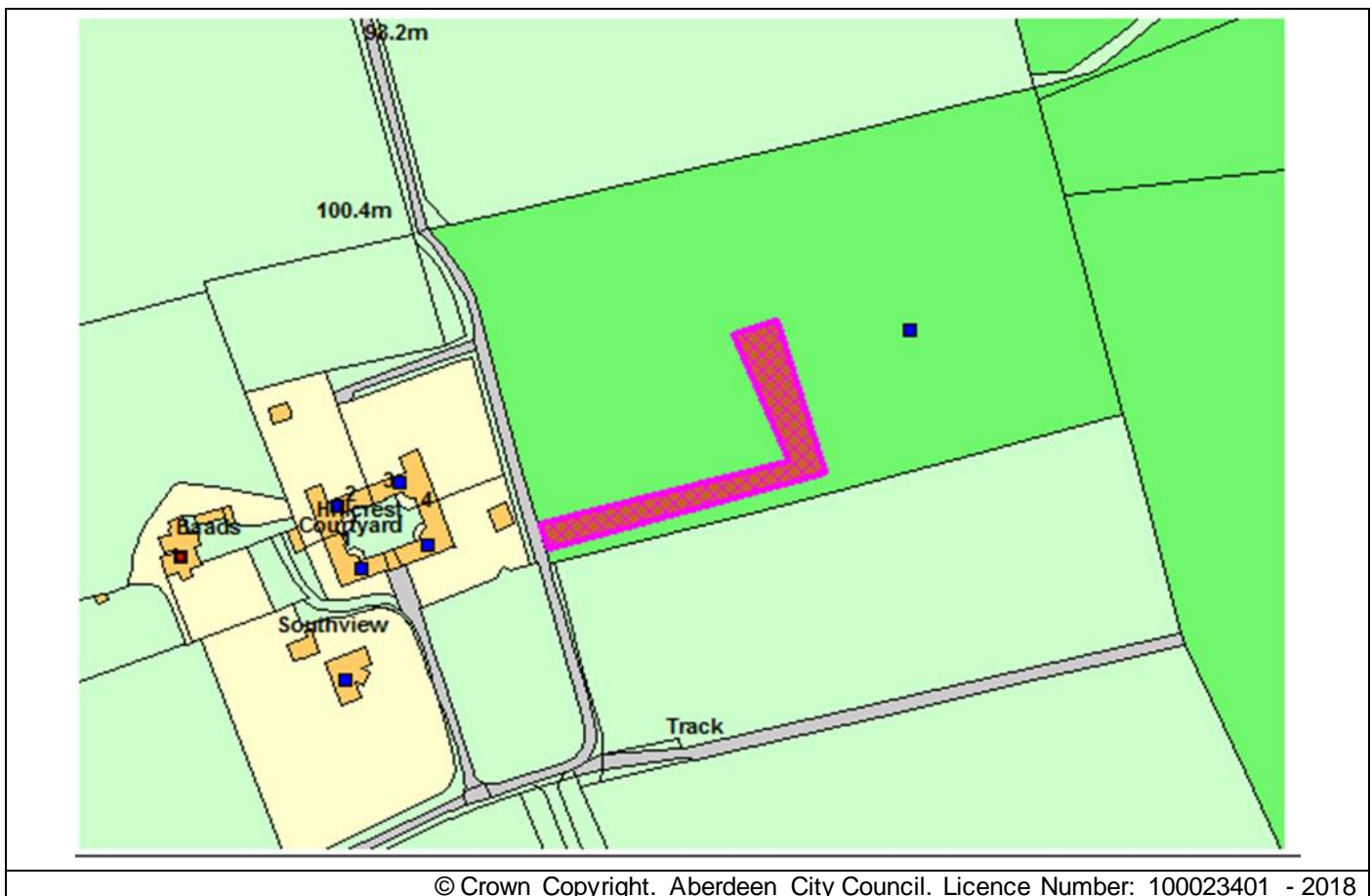


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 9 December 2021

Site Address:	Baads Farm, Anguston Road, Aberdeen, AB14 0PP
Application Description:	Change of use of land for siting of 2 caravans for temporary period (retrospective)
Application Ref:	211469/DPP
Application Type	Detailed Planning Permission
Application Date:	11 October 2021
Applicant:	Mr & Mrs G Stewart
Ward:	Lower Deeside
Community Council:	Culter
Case Officer:	Jane Forbes



RECOMMENDATION

Refuse and Enforce

APPLICATION BACKGROUND

Site Description

The site is located in the countryside some 3.5km to the north west of Peterculter, to the east of Baads and a group of houses known as Hillcrest Courtyard. It extends to an area of some 712.3m² and forms part of a wider site of some 2.3 hectares which includes agricultural land, a stable block and a temporary mobile home. The application site lies within the southern half of the wider site, and to the east of an area of land accommodating the aforementioned mobile home. The ground level across the wider site rises from south to north, with its northern boundary forming the crest of a hill. To the south of the application site are fields, whilst to the west and across an access track are six houses. Access to the site is via a 350 metre long tarred, single track, private road which serves the neighbouring houses, followed by an unsurfaced track for a further 80 metres.

Relevant Planning History

Planning permission (Ref: P110648) was approved by Planning Committee, against officer recommendation, on the 11th October 2011 for the erection of a residential dwelling, garage and associated stud farm. Conditions applied to the planning permission included restriction on the occupancy of the house to a person employed full time in the stud farm business and the dependants, widow or widower of such a person; requiring the stud farm and all associated infrastructure to be constructed, completed and brought into use prior to the commencement of the construction of the dwellinghouse and garage, in order to ensure that the dwellinghouse and garage were constructed only in association with and for an operational business; restricting the hours of construction; requiring the submission of schemes of all external lighting and drainage/sewage facilities, and of samples of all external finishing materials; and the provision of landscaping and tree planting on site.

Planning permission (Ref: P120873) was approved under delegated powers on the 27th July 2012 for a variation to condition 7 to allow for the disposal of sewage effluent by means of a suitable primary and secondary treatment system as designed by a qualified engineer.

Two applications for planning permission (Ref: P140187 & Ref: P141149) were refused under delegated powers in March and September 2014 for the removal of Condition 1 (Control of Occupancy) from Planning Permission Ref: P120873, the latter of these decisions being upheld by the Local Review Body on 15th December 2014.

A subsequent application for planning permission (Ref: P150074), again seeking removal of Condition 1 (Control of Occupancy) was submitted in January 2015, however the Planning Authority declined to determine this application, as permitted under Section 39(1)(b) of the Town and Country Planning (Scotland) Act 1997, on the basis that within the previous two years, two similar applications had already been refused and there had been no significant change in the development plan or in any other material consideration since the third application was submitted in January 2015.

A further application for planning permission (Ref: 181084/S42), once again seeking removal of Condition 1 (Control of Occupancy) of Planning Permission Reference P120873 was submitted in June 2018 and refused under delegated powers on 30th August 2018.

An application was submitted in January 2020 for detailed planning permission (Ref: 200040/DPP), seeking a change of use of land to a caravan site to allow for the erection of a residential chalet/mobile home on the site for a period of up to 5 years. The application was refused at Planning Development Management Committee on 30 April 2020. The decision was subsequently appealed through the Scottish Government's Planning & Environmental Appeal's Division, and the appeal dismissed by Scottish Ministers in July 2020, with planning permission refused and a separate claim for an award of expenses declined.

A further application was submitted in December 2020 for detailed planning permission (Ref: 201480/DPP), once again seeking a change of use of land to a caravan site to allow for the erection of a residential chalet/mobile home on the site for a period of up to 18 months. The application was approved conditionally at Planning Development Management Committee on 22nd April 2021.

Conditions applied to the planning permission granted under Application Ref 201480/DPP included a restriction on the occupancy of the residential chalet/mobile home to a person employed full-time in the stud farm (approved under application Ref P110648 & P120873) and the dependants, widow or widower of such a person; limiting the use of the caravan site to one caravan/mobile home/chalet on site at any one time; time limiting the implementation of the change of use to caravan site to no later than 6 months from the date of the decision notice (ie that the change of use be implemented no later than 6 months from 22nd April 2021, thus implemented by 21st October 2021); and for the change of use to caravan site to be permitted for a period of no longer than 18 months from the date that the change of use is implemented.

Formal notification was received from the applicants confirming that the change of use of the land to caravan site had been implemented on 20th May 2021, with the introduction and occupation of a chalet/mobile home since that date. It is of particular relevance to note the condition applied to the planning permission granted under Application Ref 201480/DPP stipulating a 6 month time limit for implementing the approved development (ie the change of use to caravan site). Such development also needed to be in accordance with a number of other conditions, as outlined above, including the mobile home/chalet being occupied by someone employed full time in the stud farm. As a direct consequence, this would therefore require the stud farm to have been brought into use and be a fully operational business from the date the chalet/mobile home was occupied by the applicant. In the event that within six months from the date of the decision (ie 22nd April 2021) such development had been implemented but not in accordance with all relevant conditions and thereby not fully compliant with the permission granted, then the planning permission would have expired on 21st October 2021.

Following determination of the above application on 22nd April 2021 an application was submitted in July 2021 for detailed planning permission (Ref: 210998/DPP) seeking a change of use of land at Baads for the siting of a further 2 caravans for a temporary period (retrospective) of up to 18 months. The application was referred to Planning Development Management Committee of 30th September 2021 but withdrawn by the applicants on 27th September 2021.

In relation to that application a site visit was undertaken by officers on 13th September 2021 and it was noted at that time that there was one pony on site with no evidence to demonstrate that a stud farm business was operating. The planning authority were advised by the Applicants on 14th September 2021 that the stud farm 'Stewart Greenpasture' was a registered business and that there was one stallion on site that travels to mares elsewhere. No evidence of such registration has been provided.

To date it has not been demonstrated to the satisfaction of the Planning Service that a stud farm business has been established at the Baads site, and therefore as a direct result that the caravan site was occupied by someone employed full time in a stud farm business prior to the 21st October 2021 when, as detailed above, the 6 month period for implementation of the consent for a change of use to caravan site and for the erection of a single chalet/mobile home would have expired.

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought for the change of use of land to a caravan site for the siting of 2 caravans for a temporary period of 18 months. The application is retrospective, with the 2

touring caravans having been on site since 4th June 2021.

Amendments

None.

Supporting Documents

All drawings and the supporting document listed below can be viewed on the Council's website at:

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=R0NTG5BZGTN00>

- Correspondence from the Agent, on behalf of the Applicants, dated 8th October 2021.

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because the proposal has attracted eight objections from the public and an objection from Culter Community Council. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

ACC - Roads Development Management Team – No concerns raised.

ACC - Environmental Health – No objection on the basis that sufficient evidence has been provided demonstrating that a mains water connection has been made to Baads Farm thereby ensuring a mains water supply is available for the proposed caravans.

Culter Community Council – The Community Council state that, reflecting extensive representation from the community, they object to the application for the following reasons:

The applicant has not provided evidence of special or exceptional personal circumstances

1. The Committee Report on the previous application 210998/DPP (now withdrawn) provides a robust assessment of why no breach of Condition 2 of 201480/DPP should be entertained. In addition, it proposed enforcement action which we understand the Council approved.
2. The current application is seeking an identical outcome, breaching that Condition, and the sole change we can detect in the current application is the applicant's admission that compliance would be too expensive for them.
3. The applicant makes the point that it takes time to build a business; this would have been known to them when they submitted application 201480/DPP, as well as when 210998/DPP was evaluated by the Planning Service. We do not see any reason to accept that the time it takes to grow a business in any way amounts to "special or exceptional personal circumstances".
4. We also see no evidence that the business would be certain to grow sufficiently in the 18 month period for which the applicant seeks permission in the current application. What if the business is still too small in 18 months' time? Should permission be granted for the current application, this would make it difficult, if not impossible, then to refuse an extension based on the same ground of insufficient cash being generated.

No justification for further breaches of Policies

5. The current application comes with no justification whatsoever to support putting aside the requirements of the very clear Condition 2 on their existing planning permission 201480/DPP.
6. We believe the current application fails not only under Policy NE2 (given that a very specific exemption has already been provided for a single mobile home under 201480/DPP), but also under Policy D1.

7. The Reporter who heard the appeal on the earlier application 200040/DPP noted that a single mobile home for a limited period would be allowable under Policy D1; the Reporter was therefore of the view that more than a single mobile home would not be allowable under Policy D1.
8. All the reasons for refusal in the Committee Report for 210998/DPP remain relevant for the current application as well.

Precedent

9. If the Planning Authority is serious about maintaining the integrity of the Green Belt, and avoiding suburbanisation of the local countryside, then this application has to be refused.
10. The application effectively pleads a lack of money – arising from the (predictable) time it takes to grow a business - as a reason for deliberately breaking Condition 2 of 201480/DPP.
11. We consider that allowing the current application would set a devastating precedent: how would the Planning Authority be able to rebut any future case in which any applicant wanted not to comply with any Condition, if they could quote this case and declare that they did not want to pay the costs of compliance?
12. To grant permission in this case will make it nigh-on impossible for the Planning Authority to resist other similar applications in the future.

Conclusion

13. This application fails to comply with Policies NE2 and D1 and needs to be refused, both for protection of the Green Belt in this specific case, and in addition to send a clear signal to developers, landowners and to civil society that the planning policies are upheld and enforced.
14. The applicants have permission to establish and run a stud farm on this site; to install a single mobile home to provide 24-hour overseeing of the animals; and to construct a substantial house on the site. There is support in the neighbouring community for the applicants to concentrate on this already permitted scope of activities and make a success of life at Baads.

REPRESENTATIONS

8 letters of objection have been received. The matters raised can be summarised as follows:

1. The proposal represents a change of use of the land and it is not consistent with policies NE2 (Green Belt), D1 (Quality Placemaking by Design), D2 (Landscape) and T2 (Managing the Transport Impact of Development) of the Aberdeen Local Development Plan (2017).
2. To grant permission for a caravan site on this green belt location would surely contradict the aim of Green Belt policy and set a worrying precedent.
3. The caravans and containers are on a prominent site and very visible from the main Deeside Road to the south and from the general Culter vicinity.
4. Permission was granted to allow for the building of a single temporary Chalet to be sited for a period of 18 months to commence operation of a stud farm.
5. It is simply not credible that the applicants did not foresee the need for accommodation for their teenage children when they made the original application for a temporary chalet in January 2020 (this after 3 unsuccessful attempts had been made to remove Condition 1 (Control of Occupancy) from Planning Permission Ref P120873 between 2014 and 2018).
6. A very generous temporary chalet and two separate multi-person caravans to accommodate two adults and three children on a temporary basis is not reasonable nor is it justifiable.
7. The conditions of the approved Planning Permission states the following:- The caravan site hereby granted planning permission shall be limited to one caravan/mobile home/chalet on site at any one time. Reason: that the justification provided and deemed necessary to allow the stud farm to become fully operational would not support multiple homes on site, and in the interests of visual amenity and to suitably protect the landscape character and setting of the Green Belt, in accordance with Policy NE2 (Green Belt) of the Aberdeen City Local Development Plan.

8. Although the applicants state they were unaware that planning permission was required for the caravans the planning consent for the temporary accommodation clearly states that only one chalet/mobile home/caravan was permitted on site so they were in fact informed of what was allowable by the wording of this condition.
9. The Temporary Chalet/Mobile Home was granted for a person employed full time in the Stud Farm business.
10. A proposal which sees the introduction of a further two caravans to the site is to the detriment of the landscape character and contrary to green belt policy.
11. The LT/DS/5707 Planning Matters Letter confirms that the "Business" is a new venture and hence its economic viability is untested as to whether it can support full-time employment, which is an essential condition of Planning for both the Chalet and House. The stud horse on site appears a very hardy breed that requires minimal maintenance compared to the high value Equine stock at Lambridden Stud. It does not seem credible that sufficient income can be generated to support paid full-time employment from this breed of horse.
12. Request that Aberdeen Council planners ensure that the conditions of related existing planning approvals are complied with, and that green belt and local development planning policies are applied appropriately with consideration to all local residents and neighbours.
13. Note multiple previous applications to change the remit of the original conditional approval (7 in addition to a Scottish Government appeal), most notably that dated 14/07/21 210998/DPP, Change of use of land for siting of 2 caravans for temporary period (retrospective). Also, the Planning Development Management Committee Report of 30/09/21 and its clear and reasoned recommendation to 'Refuse and Enforce'. That application was notably withdrawn by the applicants on release of the Committee Report. Why this was withdrawn and almost immediately resubmitted with no material change must be called into question.
14. We note the following stipulation in the previously conditionally approved application Ref. P110648 in 2011 that, "the stud farm hereby granted planning permission and all associated infrastructure shall be constructed, completed and brought into use prior to the commencement of the construction of the dwellinghouse and garage hereby approved". We understand that, without demonstration of a viable equestrian business, permission for the first chalet was due to lapse on October 22nd 2021. The submission of application 210998/DPP, its withdrawal at the end of September 2021 and the submission of an identical application 211469/DPP with no material change appear to be attempts to stall and to change the terms of reference of the original, conditionally approved application.
15. Clarity required on how many applications can be submitted and withdrawn prior to enforcement occurring, otherwise this process could repeat for years or decades.
16. Similar applications that have been made for housing/business proposals and rejected within the Baads area.
17. If this were approved similar opportunities where local residents with fields and multiple horses could see planning being approved for 5 bedroom and triple garage homes supported by a single stud horse business with owners looking for the same opportunity to change agriculture land into development land.
18. The requirements contained within Fire (Scotland) Act 2005 and the Fire Safety (Scotland) Regulations 2006 do not appear to be met where the regulations require adequate access to fire fighting equipment, appropriate water supply and minimum separation distance between caravans for caravan and mobile home sites.
19. The new application offers no material changes from the previous submission and acknowledges it is non-compliant.
20. No justification has been provided to demonstrate that there are special or exceptional circumstances which would support the need for additional residential accommodation on the Baads Farm site.

MATERIAL CONSIDERATIONS

Legislative Requirements

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that where, in making any determination under the planning acts, regard is to be had to the provisions of the Development Plan and that determination shall be made in accordance with the plan, so far as material to the application unless material considerations indicate otherwise.

National Planning Policy and Guidance

Scottish Planning Policy was approved in 2014. An updated version published in December 2020 is currently subject to challenge, therefore SPP 2014 remains in place.

Aberdeen Local Development Plan (2017)

Policy NE2 (Green Belt)

Policy D1 (Quality Placemaking by Design)

Policy T2 (Managing the Transport Impact of Development)

Policy NE6 (Flooding, Drainage & Water Quality)

Proposed Aberdeen Local Development Plan (2020)

The Proposed Aberdeen Local Development Plan (Proposed ALDP) was approved at the Council meeting of 2 March 2020. A period of representation in public was undertaken from May to August 2020 and the Proposed ALDP has since been submitted to the Scottish Government Planning and Environmental Appeals Division for Examination in Public. The Proposed ALDP 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 –

- such matters have or have not received representations as a result of the period of representations in public for the Proposed ALDP;
- the level of representations received in relation to relevant components of the Proposed ALDP and their relevance of these matters to the application under consideration.

The foregoing can only be assessed on a case by case basis. The following policies of the Proposed ALDP are relevant to this application:

Policy NE1 (Green Belt)

Policy D1 (Quality Placemaking)

Policy T2 (Sustainable Transport)

Policy NE4 (Water Infrastructure)

EVALUATION

Background

Planning permission was granted on the 11th October 2011 for the erection of a dwellinghouse, garage and associated stud farm at Baads Farm. Whilst the site was located within the Green Belt, where policies are generally restrictive, it was judged at that time that a house was required to support the proposed stud farm business, which was relocating from another site outwith the city boundary.

The application was approved against officer recommendation on the basis *“that the application was not contrary to Policy 28 of the Local Plan as the proposed buildings would not be higher than the others in the landscape and the proposed business was an agricultural activity within Policy 28”*.

Conditions were applied to the planning permission which included restricting the occupancy of the dwellinghouse to a person employed full time in the stud farm business and the dependants, widow or widower of such a person; and for the phasing of development whereby the stud farm and all associated infrastructure would have to be constructed, completed and brought into use prior to the commencement of the construction of the dwellinghouse and garage, thus ensuring that the dwellinghouse and garage are constructed only in association with and for an operational business in accordance with Green Belt policy.

Four separate applications to remove Condition 1 (control of occupancy) were submitted and subsequently refused between March 2014 and June 2018. These applications were refused on the basis that deletion of the condition would mean that the proposal would be contrary to Policy NE2 (Green Belt) of the ALDP as well as Scottish Planning Policy. The reasoning for the most recent decision relating to planning application 181084/S42, refused under delegated powers in August 2018 was as follows:

“The proposed deletion of Condition 1 of planning permission P120873, relating to occupancy, is contrary to Scottish Planning Policy and Policy NE2 (Green Belt) of the Aberdeen City Local Development Plan, which seek to protect the integrity of Green Belts and, in particular, seek to avoid the granting of individual planning permissions to prevent the cumulative erosion of a green belt. If it were not for the specific individual requirements of the business, the dwellinghouse would not have complied with planning policy and would ultimately have been refused. The removal of Condition 1 would undermine the policies which seek to protect the integrity of the Green Belt, and safeguard against unsustainable development and suburbanisation of the area. It was deemed necessary to apply Condition 1 in order to ensure that the development complied with planning policies. It is judged that Condition 1 meets the tests set out in Circular 4/1998. The advice in the letter from the Chief Planner (dated 4 November 2011) has been considered. The proposal to delete Condition 1 remains unacceptable in planning policy terms and there has been no additional supporting information submitted from either of the previous refusals (Ref: P140187 & P141149) which would justify its removal.”

Excavation work was carried out on site in September 2014 in order to secure ‘initiation of development’, and as such, planning permission for the stud farm, dwelling house and garage is now retained in perpetuity.

In support of the original application, which was granted consent in October 2011, it had been stated that there was an urgent need for the applicant to relocate the stud farm business, which was already in operation, because at that time the lease for land from where the business was operating was not being renewed. The statement submitted in support of the 2018 application outlined above (Ref 181084/S42) advised that the site had been on the market since April 2014.

From information provided in support of Planning Application Ref 200040/DPP, submitted in January 2020 and seeking detailed planning permission for a change of use of land to a caravan site to allow for the erection of a residential chalet/mobile home on the site for a temporary period of up to 5 years, it was confirmed that the site had changed hands since the 2018 application had been determined. Notably, the Planning Policy & Design Statement which was dated 13th January 2019 and submitted in support of the application specifically referred to the applicants having purchased the site with the intention of developing the equestrian business (stud farm) and building the dwellinghouse as approved under the terms of the original planning permission granted in 2011.

A subsequent planning application was submitted in December 2020 for detailed planning permission (Ref: 201480/DPP) once again seeking a change of use of land to a caravan site to allow for the erection of a residential chalet/mobile home on the site, but for a significantly reduced temporary period of up to 18 months. The application was approved subject to a number of

conditions at Planning Development Management Committee on 22nd April 2021. The conditions applied included restricting the occupancy of the chalet/mobile home to a person employed full-time in the stud farm (approved under application Ref P110648 & P120873) and the dependants, widow or widower of such a person and, quite pertinently in terms of this current application, a condition was applied which limited the use of the caravan site to one caravan/mobile home/chalet being on site at any one time. The Planning Service has been very clear and outlined in some detail the level of evidence that would demonstrate that a stud farm is operating from the Baads site and despite such requests, at the time of writing, such evidence has not been provided. As a result, it has not been demonstrated to the satisfaction of the Planning Service that the stud farm business has been established and is operating from the site, nor that the aforementioned chalet/mobile home which is on site under the terms of planning permission Ref: 201480/DPP is occupied by a person employed full-time in the stud farm business. Based on that, it would appear that Conditions 1 and 5 of the planning permission have not been complied with, whereby the chalet/mobile home would thus be unauthorised.

It is of particular relevance to note that planning permission was required under application Ref 201480/DPP solely for the change of use of the land to a caravan site, and although a separate caravan site licence was required to allow for the chalet/mobile home to be located on the site, the erection of the chalet/mobile home in itself did not require planning permission. Whilst information in the form of elevational drawings and a floor plan was submitted by the applicants clearly relating to the type and style of chalet/mobile home which they were seeking for the site, and a 2 bedroom mobile home was identified for this application as opposed to the 3 bedroom model shown under the previous application (Ref 200040/DPP), this level of detail was outwith the control of the planning authority. Therefore on granting consent for the change of use of the land, whilst a condition was applied which limited the caravan site to one caravan/mobile home/chalet at any one time, the applicant was under no obligation to install the specific chalet/mobile home which had been included as part of the proposal, and was indeed at liberty to install any style or scale of caravan/mobile home/chalet provided it fell within the definition of a caravan (under Section 29(1) of the Caravan Sites and Control of Development Act 1960; modified by Section 13(1) of the Caravan Sites Acts 1968 and by the Caravan Sites Act 1968 (Amendment of Definition of Caravan) (Scotland) Order 2019). It should be noted that there are 3 bedroom and 4 bedroom chalet/mobile homes available on the market which fall within the remit of a caravan as defined above.

Supporting Document

The agent has submitted a letter on behalf of the applicants, and in support of this current retrospective application. This letter states that "It is appreciated that the permission is for a change of use and that a larger mobile home could have been erected on the site all in line with the caravan licence granted by Aberdeen City Council. However, it is not considered that due to the very temporary nature of the accommodation in terms of construction and timescale, that adding bedroom space to the chalet is the most efficient or sustainable way of securing further accommodation on the site for Mr and Mrs Stewart's two older teenage children".

Considerable reference is made within this same letter of support on the general requirements and basic operations of a stud farm. The letter has also sought to clarify the current status of the stud farm at Baads including providing an outline on progress being made with regards its establishment and on works relating to the associated dwellinghouse.

Principle of Development

The site lies within an area which is designated as green belt, as supported by Scottish Planning Policy, and is therefore zoned under Policy NE2 (Green Belt) of the Aberdeen City Local Development Plan (ALDP). Policy NE2 states: 'No development will be permitted in the Green Belt for purposes other than those essential for agriculture; woodland and forestry; recreational uses compatible with an agricultural or natural setting; mineral extraction/quarry restoration; or landscape renewal'.

The following exceptions apply to this policy:

1 Proposals for development associated with existing activities in the green belt will be permitted but only if all of the following criteria are met:

- a) The development is within the boundary of the existing activity;
- b) The development is small-scale;
- c) The intensity of activity is not significantly increased; and
- d) Any proposed built construction is ancillary to what exists.

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

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

4 Proposals for extensions of existing buildings, as part of a conversion or rehabilitation scheme, will be permitted in the Green Belt provided:

- a) The original building remains visually dominant;
- b) The design of the extension is sympathetic to the original building in terms of massing, detailing and materials, and
- c) The siting of the extension relates well to the setting of the original building.

5 Replacement on a one-for-one basis of existing permanent houses currently in occupation will normally be permitted provided:

- a) It can be demonstrated to the Council that they have been in continuous occupation for at least 5 of the seven years immediately prior to the date of the application;
- b) The replacement house, except in exceptional circumstances (e.g. to improve a dangerous access), occupies the same site as the building it would replace, does not permit development for purposes other than those essential for agriculture, woodland and forestry, recreational uses compatible with an agricultural or natural setting, mineral extraction or restoration, or landscape renewal.

It is acknowledged that the Planning Development Management Committee granted consent on 22nd April 2021 for a change of use of land to caravan site for the erection of one caravan/mobile home/chalet for a period of up to 18 months on land immediately adjacent to the current application site and which forms part of the wider site at Baads Farm. Whilst the proposal was deemed contrary to both Policy NE2 (Green Belt) & Scottish Planning Policy, clear justification was provided in support of the application at that time, ie in December 2020, indicating that residential accommodation on site was required by the applicants for a period of 18 months in order to provide the appropriate levels of safety and welfare provision necessary for the previously approved stud farm to become fully operational as a business. Conditional consent was therefore granted on that basis with conditions clearly limiting the change of use to caravan site to one caravan/mobile home/chalet on site at any one time, and for that single caravan/mobile home/chalet to be occupied by no-one other than a person employed full-time in the stud farm and the dependants, widow or widower of such a person.

It was considered that suitably robust evidence had been provided in 2020 in support of the aforementioned proposal which demonstrated that the business operation of the previously approved stud farm was imminent, and that the status of the stud farm at that time was such that a 24 hour on-site presence would be required to facilitate the setting up of the stud farm business and

to provide the appropriate welfare and security arrangements for horses associated with the stud farm to be kept on the site. With this in mind it was considered that there were material considerations which carried sufficient weight and provided clear justification for the planning authority to support the application in that instance, notwithstanding that the proposal was contrary to the requirements of Policy NE2 (Green Belt) of the ALDP.

In terms of this current application, consent is being sought for a further change of use of land to a caravan site, to allow for an additional two caravans currently sited on the land to remain, with the proposal indicating that this would be for a period of up to 18 months. Taking into account the specific requirements of Green Belt policy, it is apparent that the proposed use is neither essential for an agricultural purpose, and notwithstanding that it would be for a temporary period, nor does such a use fall within the remit of any of the exceptions listed above. As a result the principle of a change of use to caravan site for the temporary siting of two caravans is deemed contrary to Policy NE2 (Green Belt) of the ALDP.

Material considerations

Correspondence was submitted in support of the previous application Ref 210998/DPP seeking consent for a change of use to caravan site and withdrawn in September 2021 prior to determination. It stated that the two additional caravans which have now been located on site since early June 2021 were required due to the limited capacity of the existing temporary chalet erected on site under planning application Ref 201480/DPP in May 2021, with the applicants wishing to provide separate sleeping accommodation for two older teenage children. Full details of the 2 double bedroom chalet currently located on the Baads site were provided by the applicants as part of the previous application (Ref 201480/DPP) as recently as December 2020 when the application was submitted. Whilst such detail was neither requested nor deemed necessary as part of the consideration and determination of that application which sought a change of use to caravan site for the erection of 1 temporary chalet/mobile home, the level of sleeping accommodation which the chalet/mobile home would provide was clearly identified and it would appear therefore, was deemed sufficient at that time.

Under the current application the correspondence submitted in support of the proposal states that "It is appreciated that the permission is for a change of use and that a larger mobile home could have been erected on the site all in line with the caravan licence granted by Aberdeen City Council. However it is not considered that due to the very temporary nature of the accommodation in terms of construction and timescales, that adding bedroom space to the chalet is the most efficient or sustainable way of securing further accommodation on the site for Mrs and Mrs Stewart's two older teenage children. Given the above information in relation to the business, it is hoped that notwithstanding the conflict with green belt policy in this case, that a similar temporary approval can be given for the caravans in support of Mr and Mrs Stewart, their family and the continued operation of the business and to allow completion of the dwellinghouse"

The previously approved temporary chalet which currently provides residential accommodation on site was deemed necessary by the applicants to allow for the approved stud farm to become fully operational as a business. The separate consent which was granted for the erection of a residential dwelling, garage and associated stud farm on the site was subject to the stud farm and all associated infrastructure being constructed, completed and becoming operational prior to the commencement of the construction of the dwellinghouse and garage. Such a condition was applied with a view to ensuring that the dwellinghouse and garage would only be constructed in association with and for an operational business, thereby according with Green Belt policy.

In considering the personal circumstances which are outlined within the supporting information submitted by the agent on behalf of the applicants it is particularly relevant to consider the Scottish Ministers Appeal Decision of 20th July 2020 (Planning Appeal Ref: PPA-100-2111) which relates to the appeal against the decision by Aberdeen City Council to refuse planning application Ref

200040/DPP for a change of use of land at Baads Farm for the erection of a chalet/mobile home for a period of up to 5 years, where the appeal was dismissed and planning permission refused. It is noted from the appeal decision that the Reporter has stated that if personal circumstances are to be considered in the determination of the application, the onus is on the appellant to demonstrate the reasons why such circumstances are either special or exceptional and should therefore be taken into account.

With this in mind, it is considered that whilst the supporting information submitted by the agent on behalf of the applicants states that their personal circumstances are such that the introduction of two further caravans to the site in addition to the existing chalet allows them to “provide private changing and sleeping accommodation which cannot be provided within the temporary chalet/mobile home”, the applicants desire to now provide additional temporary accommodation within separate caravans is not considered to be a material consideration in the determination of this application. Further, it would be reasonable to expect the applicants to have known their accommodation needs for the whole family at the time the existing chalet/mobile home was placed on the site. Finally, and irrespective of whether a stud farm business has been established at Baads, no justification or evidence has been provided of special or exceptional circumstances which would demonstrate a clear and over-riding need for additional residential accommodation on the site and which would be deemed sufficient to outweigh the requirement to address the terms of Policy NE2 (Green Belt) of the ALDP.

If such a proposal were to be supported, an undesirable precedent would be established for applications of a similar nature which could result in the proliferation of sporadic, temporary residential accommodation within the Green Belt, resulting in the erosion of the character of the Green Belt and adversely affecting the landscape setting of the City.

Design, Scale & Siting

Policy D1 (Quality Placemaking by Design) of the ALDP highlights the need for development to respond to the site context and be designed with due consideration to siting, scale and massing; for it to reinforce established patterns of development; and to be well planned, with high quality design, materials and craftsmanship.

In considering the previous proposal for the siting of a caravan/chalet/mobile home on the wider site it was acknowledged that such a proposal would not have a positive impact on the character and appearance of the area, given the open aspect of the site, and its relative prominence within the surrounding area. It was however recognised that the change of use being sought was for a temporary period of up to 18 months, and with a condition limiting the change of use to a single caravan/chalet/mobile home on site at any one time for the duration of the consent, it was considered that the resulting visual impact would be suitably limited and would not be of such significance that it would merit refusal of the application.

Taking the above into account, and in terms of this current proposal, it is considered that there is a clear cumulative effect from the introduction of two further caravans to the wider site in addition to the existing chalet/mobile home for which consent has been granted, and this does result in an unacceptable and negative visual impact on the character and appearance of the area. As such the proposal fails to address the requirements of Policy D1 (Quality Placemaking by Design), and on the basis that it has a negative impact on the attractiveness of the green belt, raises further concerns in terms of Policy NE2 (Green Belt) which states that ‘all proposals for development in the Green Belt must be of the highest quality in terms of siting, scale, design and materials.’

Access/Parking

The site is currently served by a private access road and the Council’s Roads Development Management team has raised no objection to the proposal, noting that there are no roads concerns concerning the retrospective application for a change of use of land for the siting of 2 caravans for

a temporary period.

Whilst the proposal may not fully address the specific requirements of Policy T2 (Managing the Transport Impact of Development), this is largely as a result of the site being somewhat isolated which in turn limits the measures which can feasibly put in place to minimise traffic and maximise opportunities for sustainable and active travel. With this in mind and taking into account the scale and nature of the proposed use it is considered that any additional traffic generated is likely to be minimal and it is therefore accepted that the proposal would raise no significant concerns in terms of the expectations of Policy T2 (Managing the Transport Impact of Development).

Drainage/Water Supply

ACC Environmental Health officers raised no objection to the proposal and are satisfied with the evidence provided which demonstrates that a mains water connection has been made to Baads Farm thereby ensuring a mains water supply is available for the caravans. The expectations of Policy NE6 (Flooding, Drainage & Water Quality) are suitably addressed.

Proposed Aberdeen Local Development Plan

In relation to this particular application, the policies in the Proposed Aberdeen Local Development Plan 2020 (ALDP) substantively reiterate those in the adopted Local Development Plan and the proposal is therefore deemed unacceptable in terms of both Plans for the reasons previously given.

Matters raised by the Community Council

The concerns raised by the local Community Council have been addressed in the foregoing evaluation.

Matters raised in representations

The majority of the material concerns raised by objectors in representations have been addressed in the foregoing evaluation with the exception of the following:

11. The LT/DS/5707 Planning Matters Letter confirms that the "Business" is a new venture and hence its economic viability is untested as to whether it can support full-time employment, which is an essential condition of Planning for both the Chalet and House. The stud horse on site appears a very hardy breed that requires minimal maintenance compared to the high value Equine stock at Lambridden Stud. It does not seem credible that sufficient income can be generated to support paid full-time employment from this breed of horse. *This is a standalone application for the proposed change of use to caravan site for the siting of 2 caravans for a temporary period (retrospective), and whilst the existence of an operational stud farm business on site may have a degree of relevance, the specific detail of such a business operation would not be relevant in the consideration of this application.*
13. Note multiple previous applications to change the remit of the original conditional approval (7 in addition to a Scottish Government appeal), most notably that dated 14/07/21 210998/DPP, Change of use of land for siting of 2 caravans for temporary period (retrospective). Also the Planning Development Management Committee Report of 30/09/21 and its clear and reasoned recommendation to 'Refuse and Enforce'. That application was notably withdrawn by the applicants on release of the Committee Report. Why this was withdrawn and almost immediately resubmitted with no material change must be called into question. *Planning legislation allows for an applicant to withdraw an application prior to determination and resubmit an application for the same proposal.*
14. We note the following stipulation in the previously conditionally approved application Ref. P110648 in 2011 that, "the stud farm hereby granted planning permission and all associated infrastructure shall be constructed, completed and brought into use prior to the commencement of the construction of the dwellinghouse and garage hereby approved". We understand that, without demonstration of a viable equestrian business, permission for the first chalet was due to lapse on October 22nd 2021. The submission of application 210998/DPP, its withdrawal at the

end of September 2021 and the submission of an identical application 211469/DPP with no material change appear to be attempts to stall and to change the terms of reference of the original, conditionally approved application. *This has been addressed above.*

15. Clarity required on how many applications can be submitted and withdrawn prior to enforcement occurring, otherwise this process could repeat for years or decades. *The Planning Authority cannot prevent an applicant from submitting and thereafter withdrawing a planning application. Notwithstanding, the Planning Authority would consider whether and when it would be expedient to take enforcement action.*
16. Similar applications that have been made for housing/business proposals and rejected within the Baads area. *The Planning Service has to consider the proposal in front of them, with all proposals assessed on their own merits.*
17. If this were approved similar opportunities where local residents with fields and multiple horses could see planning being approved for 5 bedroom and triple garage homes supported by a single stud horse business with owners looking for the same opportunity to change agriculture land into development land. *This has been addressed above.*
18. The requirements contained within Fire (Scotland) Act 2005 and the Fire Safety (Scotland) Regulations 2006 do not appear to be met where the regulations require adequate access to fire fighting equipment, appropriate water supply and minimum separation distance between caravans for caravan and mobile home sites. *This is a matter outwith the control of the Planning Service.*

Conclusion

Both national and local planning policies seek to protect the integrity of the green belt and the granting of individual planning permissions which lead to the cumulative erosion of the green belt are therefore deemed contrary to such policy. If it had not been for the specific individual requirements of an existing stud farm business which was granted consent at Baads Farm in 2011, the associated dwellinghouse would not have complied with planning policy and consent would not have been granted at that time.

The same condition which was applied in 2011 and subsequently under planning application Ref P120873 continues to be valid and relevant today, under current green belt policy, namely that the stud farm that was granted planning permission and all associated infrastructure had to be constructed, completed and brought into use prior to construction starting on the dwellinghouse and garage. The condition was applied to ensure that the dwellinghouse and garage were only constructed in association with an operational business, in accordance with green belt policy.

This current application, which is retrospective in nature, seeks permission for a change of use of the land to caravan site for two caravans for residential purposes for a period of up to 18 months. With existing consent having been granted in April 2021 for a change of use to caravan site for the erection of a single caravan/chalet/mobile home on part of the wider Baads site for a period of up to 18 months, and a condition specifically applied to that consent limiting the permission to no more than one caravan/chalet/mobile home at any one time in order to suitably protect the landscape character and setting of the green belt, then it is apparent that a proposal which would allow the introduction of a further two residential caravans to the Baads site is to the detriment of the landscape character and clearly contrary to green belt policy. Irrespective of whether a stud farm business has been established at Baads no justification has been provided to demonstrate that there are special or exceptional circumstances which would support the need for additional residential accommodation on the site. The proposal is not considered acceptable and there are no material considerations which would warrant support of the application in this instance.

In the event that the unauthorised caravans relative to this application are not removed voluntarily by the applicant, then under powers delegated to officers it would be the intention to serve an enforcement notice with appropriate enforcement action taken to have the caravans removed.

In the event that members are minded to grant the change of use, conditions limiting the number of caravans/chalets/mobile homes on site (in order to minimise the impact on the landscape character and setting of the green belt) and the duration of permission are recommended.

RECOMMENDATION

Refuse and Enforce

REASON FOR RECOMMENDATION

1. The proposed development, which is retrospective in nature, comprises a change of use of land to caravan site for two residential caravans for a period of up to 18 months. No justification has been provided to demonstrate that there are special or exceptional circumstances which would support the need for additional residential accommodation on the Baads Farm site. This is a stand-alone application, which if approved, would allow for the change of use to caravan site and subsequent residential occupancy of that site to occur.

It is the considered opinion of the planning authority that provision of additional residential accommodation on the site would undermine the policies which seek to protect the integrity of the green belt, and safeguard against unsustainable development and suburbanisation of the area. Such development would have an adverse effect on the character of the area and the landscape setting within which the site lies.

The proposal would be clearly contrary to the expectations of Scottish Planning Policy (SPP) and to the requirements of Policy NE2 (Green Belt) and Policy D1 (Quality Placemaking by Design) of the Aberdeen City Local Development Plan. The proposal would address the expectations of Policy NE6 (Flooding, Drainage & Water Quality), and largely comply with those of Policy T2 (Managing the Transport Impact of Development).

2. That the proposal, if approved, would set an undesirable precedent for applications of a similar nature which would result in the proliferation of sporadic, temporary residential accommodation in the green belt, and in turn lead to the erosion of the character of the green belt and further adversely affect the landscape setting of the City.

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ABERDEEN CITY COUNCIL

COMMITTEE	Planning Development Management Committee
DATE	9 December 2021
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Aberdeen Planning Guidance: Draft Prime Four Business Park Development Framework 2021
REPORT NUMBER	PLA/21/316
DIRECTOR	Gale Beattie
CHIEF OFFICER	David Dunne
REPORT AUTHOR	Laura Robertson
TERMS OF REFERENCE	6. develop and adopt non-statutory development management guidance (supplementary planning guidance)

1 PURPOSE OF REPORT

- 1.1. This report presents an update to the Prime Four Business Park Development Framework and seeks approval to consult on the Draft Framework over a 6-week period.

2 RECOMMENDATION(S)

That the Committee: -

- 2.1. Approves the content of the Draft Prime Four Business Park Development Framework (2021) (Appendix 1);
- 2.2. Instructs the Interim Chief Officer Strategic Place Planning to publish the Draft Prime Four Business Park Development Framework (2021) for a 6-week public consultation period; and,
- 2.3. Instructs the Interim Chief Officer Strategic Place Planning to report the outcomes of the public consultation on the Draft Framework back to a future meeting of this Committee, within the next 6 months.

3 BACKGROUND

- 3.1. On 13 September 2011 the OP40 Kingswells Business Park Development Framework and Phase 1 Masterplan were agreed at the Enterprise Planning and Infrastructure Committee as Interim Planning Advice then was adopted as Supplementary Guidance to the Aberdeen Local Development Plan (2012). It was then subsequently taken forward as Supplementary Guidance in the Aberdeen Local Development Plan 2017. Subsequent Phase 2 and Phase 3 Masterplans, as well as a Development Framework for OP63, were also all adopted as Supplementary Guidance to the 2017 plan. Given the age of these documents and the fact that a large part of the site is now built out, the Developer has taken the decision to update, refresh and collate the existing document into this Revised Prime Four Business Park Development Framework 2021 document. The general principles, aspirations and design quality across the site will remain the same and are a key part of this development.
- 3.2. The current documents which are to be refreshed by this Revised Development Framework are:
- The Development Framework and Phase 1 Masterplan - found [here](#),
 - Phases 2 and 3 Masterplans - found [here](#),
 - OP63 Development Framework - found [here](#).

Once the Proposed Local Development Plan is adopted, and once Supplementary Guidance ceases to hold the status afforded to it (as described below) this document shall supersede that Supplementary Guidance.

Local Planning Policy

- 3.3. Though originally allocated in a previous Local Development Plan, the Proposed Local Development Plan (PLDP) continues the specialist employment allocation for Prime 4 and the plan has submitted to the Department for Planning and Environmental Appeals (DPEA) to consider via the Examination Process, which is due to start on 1st December.
- 3.4. Although the provision is not yet in force, the Planning etc (Scotland) Act 2019 (Part 9) will repeal the ability to produce and adopt new Supplementary Guidance. In the meantime Supplementary Guidance under the current plan continues to hold the status as forming part of the development plan. However, in anticipation of this forthcoming change, the Planning Authority now proposes to initiate the process to approve such documents as non-statutory Aberdeen Planning Guidance, to sit alongside the next Local Development Plan once it is adopted. This document in its updated form, is proposed to be taken forward as said Aberdeen Planning Guidance.
- 3.5. The Aberdeen Local Development Plan (2017) allocates two Opportunity Sites as follows:
- OP29 Prime Four Business Park Kingswells: 50ha of employment.
 - OP63 Prime Four extension: 13ha of employment.

The Draft Framework

3.9 The document has been prepared in accordance with Aberdeen City Council’s Masterplanning process. There are few changes between the previously approved Frameworks and Masterplans (2017) and the updated Draft Framework (2020). The main change is the streamlining of the documents and collating them into one high level Development Framework. Much of the background information has been stripped out, though is still available if required. The developed areas have been excluded from the document leaving only the future developable area. The main format and content of the document is as follows:

- Explains the history and evolving context of the site
- Reiterates the previously agreed principles including the high-quality landscaping and connected footpath, cycle and road networks encouraging sustainable travel.
- Reiterates the vision of an “innovative, desirable, high quality development opportunity....”
- Sets out the remaining developable area.
- Sets out a clear access strategy including pedestrian and cycle connections.
- Looks at views from and too the site, including the AWPR, how buildings and parking could sit within the site and shows sections to demonstrate the challenging topography.
- Takes account of, and sensitively addresses, the Friends Burial Ground and the Ancient Woodland,
- Sets out a clear landscape framework that enhances the existing and that developed in the first phase of the development.
- Considers a high-level drainage strategy and sets sustainability and infrastructure principles.

For clarity the changes in the proposed in the Draft Framework are identified in the table below:

<p>Wording adjusted to allow more flexibility in site uses</p>	<p>A couple of plots remain undeveloped in the earlier phase that could be developed for a mix of uses complementary to the existing developed plots. This could include business/office use but also potentially research, appropriate industrial or storage and distribution uses, training centre, small-scale complementary service or food and drink uses, medical use or high-tech industries.</p> <p>Other parts of the remaining site could include similar alternative employment uses or an expansion/replacement of the existing uses already on site (including refuelling/recharging stations). Proposed non-business use should be of a nature and appropriate scale that can be designed to sit contextually alongside the existing Prime Four Business Park uses.</p>
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	All development should be in accordance with the general design principles set out in the Framework. Any proposed non-business use should ensure that impact on the road network is acceptable generally through an appropriate Transport Assessment or equivalent.
AWPR	Although the AWPR was previously included within the transport assessment it had not been constructed when the previous documents were produced. Text relating to the change in this position has been included in the document.

3.10 Comments received as part of the public consultation period in 2017 have also been considered as part of the review.

Next Steps - Public Consultation

3.11 As per legislation and ACC Processes, stakeholders and other interested parties have had the opportunity to comment on the development, including the various documents and planning applications for the Prime Four site, at many stages of the planning and design processes over the past decade. This included the Aberdeen Local Development Plan preparation processes, a programme of consultant-led community and stakeholder engagement, and through statutory planning application consultation. All of the public and stakeholder consultation to date has helped to shape and inform the content of the Draft Framework and development vision for Prime Four.

3.12 This report seeks approval to proceed with public consultation on the Draft Prime Four Business Park Development Framework (2020) over a 6-week period. The consultation will be undertaken electronically with documentation made available via the Council's website. The consultation will be communicated via an advertisement in a newspaper and also through the Council's website, the Local Development Plan newsletter and social media platforms.

3.13 The Draft Framework would be made available as follows:

- Publication of document on Aberdeen City Council 'Consultation Hub' <https://consultation.aberdeencity.gov.uk/>
- Issue of a press release on the Council's website advertising the consultation period, how to view and comment on the Draft Framework
- Advert placed in the Evening Express newspaper to advertise the consultation period.
- Notification (email) of the consultation will also be issued to statutory consultees such as Community Councils.

- Email reminders to be sent w/c 3 Jan 2022, (given the period has been extended to 6 weeks instead of the usual 4 weeks)

3.14 Subject to Committee approval, the results of the public consultation will be reported back to a future meeting of this Committee (within the next 6 months) including any recommended revisions to the Draft Framework.

Next Steps - Strategic Environmental Assessment and Habitats Regulation Appraisal

3.15 A Strategic Environmental Assessment (SEA) for the Prime 4 site has been undertaken as a part of the Aberdeen Local Development Plan process (Report Ref. CH/16/157).

3.16 Subject to Committee approval, an Integrated Impact Assessment will be produced prior to the consultation responses being reported back to Committee.

4 FINANCIAL IMPLICATIONS

4.1 There is no direct cost to the Council for approval to proceed to public consultation on the Draft Framework other than the administration costs which can be met by the existing Strategic Place Planning budget.

4.2 The Draft Framework has been produced by planning and design consultants Halliday Fraser Munro (HFM) on behalf of the landowners (DRUM), who have met the cost for its preparation, including all consultation and engagement to date.

4.3 The public consultation process will front-load any planning issues as a result of the revisions proposed and ultimately benefit Officer involvement and time in evaluating forthcoming planning applications.

5 LEGAL IMPLICATIONS

5.1 There are no direct legal implications arising from the recommendations in this report.

6 MANAGEMENT OF RISK

	Risk	Low (L), Medium (M), High (H)	Mitigation
Strategic Risk	Not having an up-to-date Framework could result in longer timescales to manage and process planning applications for the area and affect the	L	Draft and agree the content of a Development Framework for the area to publicly agree acceptable forms of development upfront and in advance of

	planning authority's obligation to determine applications within a set time period.		planning applications being submitted.
Compliance	N/A		
Operational	N/A		
Financial	N/A		
Reputational	<p>Delaying consultation could affect the potential for public comment on the Prime 4 Framework.</p> <p>Not having an up-to-date Framework could result in longer timescales to manage and process planning applications for the area and affect the planning authority's obligation to determine applications within a set time period.</p>	L	<p>Proceed with consultation on the Draft Framework as part of the review process.</p> <p>Draft and agree a Development Framework to guide future development and maximise land use efficiency.</p>
Environment/ Climate	In the absence of a Framework there would not be set principles for the landscaping, protection of the environment or drainage provision.	L	Draft and agree a Development Framework to guide future development and maximise land use efficiency.

7 OUTCOMES

Council Delivery Plan

Aberdeen City Council Policy Statement	
	The proposals in this report have no impact on the Council Policy Statement

Local Outcome Improvement Plan Themes	
	Impact of Report
Prosperous Economy Stretch Outcomes	The Prime Four site is allocated for 62.7 ha with this revised Draft Framework identifying around 33 ha still to be developed, thereby supporting a ready supply of employment land which would result in job creation (Key Driver 2.1, 2.2).

Prosperous People Stretch Outcomes	The Framework has been designed to include a series of green spaces to support health and well-being of all ages (Key Driver 11.3).
Prosperous Place	<p>The Draft Framework supports the delivery of an attractive landscape network, including green spaces and the development would support active travel options (Key Driver 13.2 and 15.2).</p> <p>All new development is required to reduce emissions and the development included electrical charging points to future proof. The Development provides walking and cycling routes and is next to the Park and Ride. (Key Driver 14.1).</p>

Locality Plan - North	
Economy	The proposal will deliver employment land and as such will result in job creation. (Income and Employment)
People	The site provides cycle and pedestrian routes through the site and through open space provision (Physical health)

8 IMPACT ASSESSMENTS

Assessment	Outcome
Impact Assessment	Subject to committee approval of this application the Integrated Impact Assessment will be carried out prior to the consultation responses and the Draft Development Framework being reported back.
Data Protection Impact Assessment	Not required
Duty of Due Regard / Fairer Scotland Duty	Not applicable

9 BACKGROUND PAPERS

- 9.1 Aberdeen Local Development Plan 2017
<https://www.aberdeencity.gov.uk/services/planning-and-building/local-development-plan/aberdeen-local-development-plan>
- 9.2 Technical Advice Note: Aberdeen Masterplanning Process
<https://www.aberdeencity.gov.uk/services/planning-and-building/local-development-plan/aberdeen-local-development-plan/supplementary-guidance-and-technical-advice>

10 APPENDICES

11 REPORT AUTHOR CONTACT DETAILS

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HALLIDAY FRASER MUNRO
CHARTERED ARCHITECTS & PLANNING CONSULTANTS

Prime Four Business Park - Revised Framework November 2021



DRUM

DEVELOPMENT
& INVESTMENT

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1. Introduction

1. Introduction

Purpose of Document

Drum Property Group Ltd, working with Aberdeen City Council, has produced Development Frameworks to guide the development at the allocated employment sites OP29 and OP63, now partially developed and established as Prime Four Business Park. Previous Frameworks have been adopted as supplementary guidance and have provided high level guidance on the development of Prime Four as it progressed. The OP29 Development Framework also informed detailed masterplans for earlier phases which have now been substantially implemented.

This document consolidates the key principles of the previous Frameworks, building on their success and establishing a Framework across the remaining undeveloped zoned area. Future development will retain the key principles of the original Frameworks so that the quality of Prime Four Business Park is maintained whilst allowing flexibility to meet changing market requirements. The process of adopting a strong set of design principles and working within these to reflect market demand has already created a very successful business park at Prime Four.

The purpose of this Framework review is to ensure that Prime Four continues to be a successful employment focus for the City. This Framework document is being prepared to guide the future development of site OP29 and OP63, both allocated for employment use in the Local Development Plan 2017. Benefits of having a consolidated framework approach include:

- Greater understanding of the site-wide context;
- Easily identified key principles to be applied throughout the development;
- Identification of development areas and the general form of that development; and
- Creation of a single source Framework for reference.

This new consolidated Framework is intended to replace the existing OP29 and OP63 Frameworks as Aberdeen Planning Guidance.

Applicant

Drum Property Group Ltd

Architect & Planning Consultant

Halliday Fraser Munro

2. Previous Frameworks

2. Previous Frameworks

2.1 Framework History

Since the adoption of the original OP29 Development Framework and Masterplan much of what was described in that document has now been successfully delivered. It recognised, however, that its content was “...only a guide and must be flexible enough to respond to market requirements and changing economic circumstances”. It also included a Framework Drawing indicating one possible permutation of an indicative layout. The purpose of that conceptual drawing was to illustrate key principles to be addressed in future development options rather than being an absolute masterplan. The Prime Four Business Park as it stands today is very similar to that suggested by the original Framework but not a direct copy of the Framework Drawing.

A number of factors can affect the delivery of a framework or masterplan. These can broadly be categorised into two main groups - technical requirements or market driven.

- Technical factors could be any number of site issues that only become apparent during the detailed site investigations or new information coming to light that was not available at the time of the preparation of the masterplan or the detailed design requirements associated with infrastructure delivery.
- Market factors include the changing requirements for tenant space or tenant type. These are driven by economic circumstances and in turn the changing demand for the scale of building or type of occupier. When Prime Four was conceived it catered for large scale HQ office demand to serve the oil and gas market. That allowed phases 1, 2 and 3 to move quickly and attract new or expanding business to the park. The market for that type of operator has changed and although earlier phases have been developed to that model the remainder of the business park will have to adapt to current and future market requirements to continue to be successful.

The previous OP63 Framework examined the comparison between the Framework and the developed business park. That clearly illustrated how adopting a framework approach with key principles can allow flexibility but still deliver a quality development.

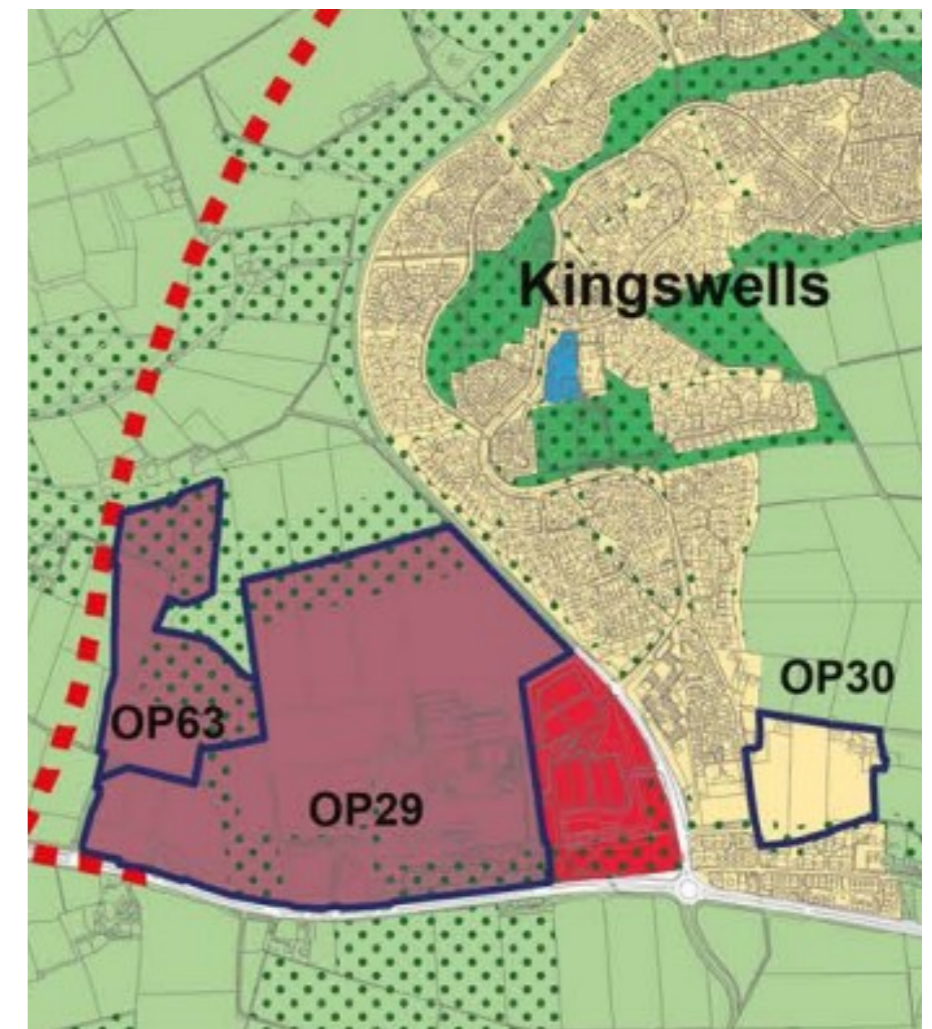


Figure 1: Local Development Plan Extract - Note: OP29 (2017 LDP) was previously referred to as OP40 (2012 LDP)

2.2 Development History








The existing development at Phases 1-3 were identified as site OP40 in the 2012 Local Development Plan. This land was the subject of a development framework and Phase One Masterplan, which was adopted as supplementary guidance in January 2013. Almost all land released in Phases 1-3 has now been built out with only a few plots remaining. The site was expanded in the 2017 LDP with the addition of OP63 and an associated Framework to help inform and guide the future development of the Business Park. OP63 was identified for “*expansion to existing allocation. Masterplan required. A TIA will be required. In addition, adequate buffer zones for the Friends Burial Ground and the woodland will need to be identified on the masterplan.*”

OP40 Circulation Update

The key circulation concepts set out in the original OP40 Framework have been carried through in the actual development. This includes the main access from the A944 and a secondary access to the north east and pedestrian/cycle links throughout the site. Technical and site specific context has led to a slightly different arrangement of these elements in the as-built development.

OP 40 Development Zones Update

The form of development zone has remained very similar between the original and as-built elements of the business park. The introduction of the new public hub at the east of the site has altered the public realm element of the development but has provided a focal point at that location as per the original Framework





-  Main access points
-  Indicative access points
-  The Hub
-  Linear tree planting
-  pedestrian routes
-  cycle routes
-  current vehicular routes
-  Indicative vehicular routes



Original Framework Drawing—circulation



Updated Framework Drawing reflecting as-built Phases

-  Notional building
-  constructed building
-  direct building
-  wider building



Original Framework Drawing - in-principle built form



Updated Framework Drawing reflecting as-built Phases

Figure 2: Previous Framework Extracts

2.2 Development History

OP 40 Framework Update

The previous OP63 Framework analysed the site as developed versus the Framework principles in the original OP40 Framework document (now OP29 in the current LDP). The Framework drawing (Figure 3) was updated to provide an accurate illustration of Prime Four as developed to date and its relationship with future development plots. The inclusion of the OP63 land to the west of OP40, however, also required a rethink on issues such as access. A separate Framework was prepared for OP63—see over.








-  OP29 Boundary
-  Constructed Buildings
-  Constructed Connections
-  Existing Tree Belts
-  Proposed Buildings
-  Indicative Connections
-  Proposed Tree Belts

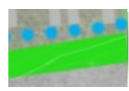





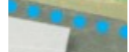


Figure 3: Previous Updated OP40 Development Framework Drawing

2.2 Development History

OP 63 Framework Update

The inclusion of OP63 west of the main business park was Adopted in the 2017 Local Development Plan. A new separate OP63 Framework was prepared to help guide development. Figure 4 is an extract from that Framework and illustrates the key development principles including access, relationship with the woodland and historic features. The key features of the O63 Framework are being carried forward into this replacement Aberdeen Planning Guidance document.

-  Proposed landscape belts
-  Suds
-  Notional buildings and frontages
-  Indicative road network
-  Possible future connections
-  Formal path network
-  Informal path network

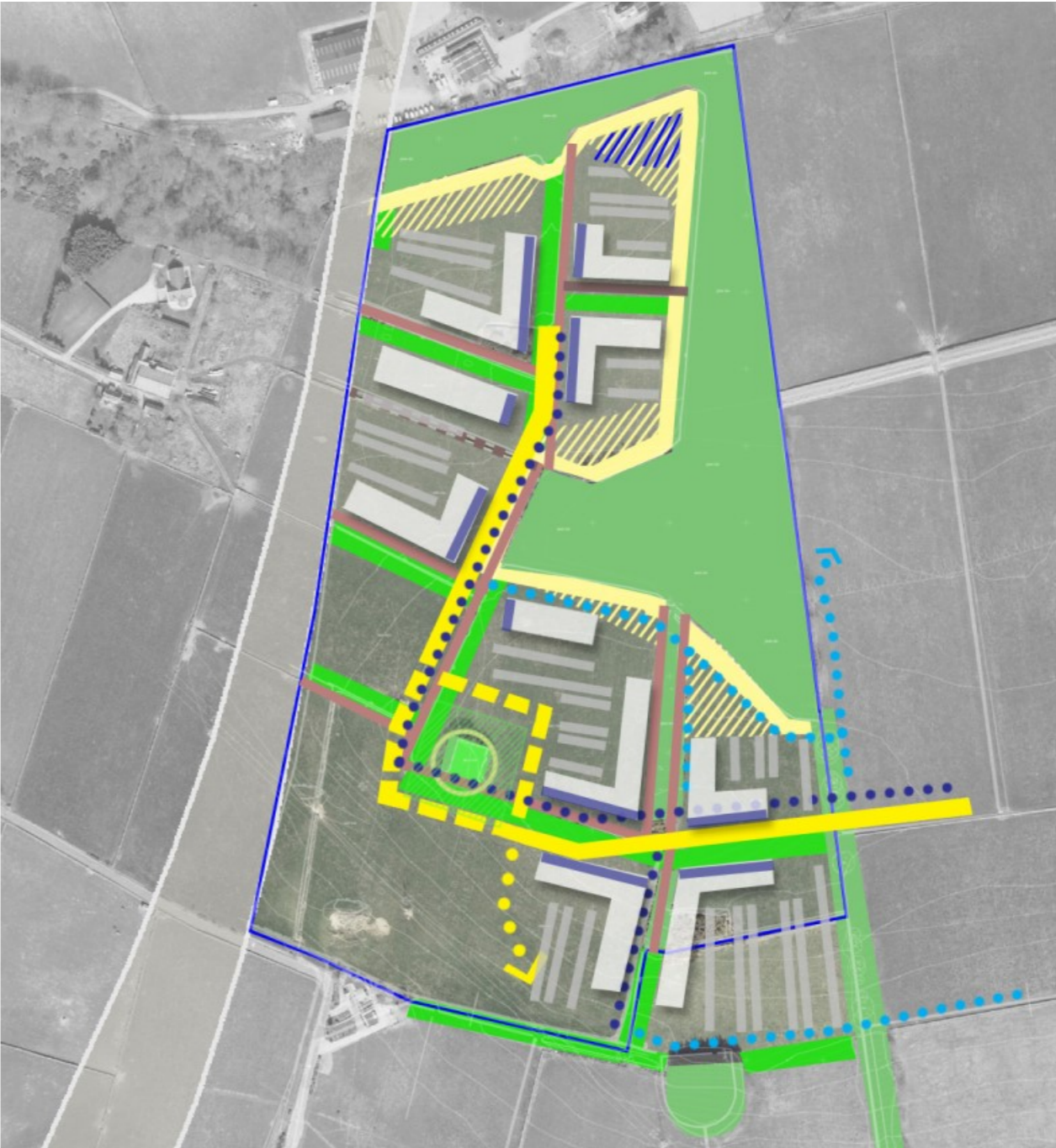


Figure 4: Previous OP63 Indicative Framework drawing

3. Framework Context

3. Framework Context

3.1 Key Principles

The following key principles were identified in the previously agreed Frameworks and are carried forward through this consolidated Framework:

- **Recognition and enhancement of existing landscape features and planting;**
- **Using traditional field patterns and woodlands as design inspiration;**
- **Differing approaches to be taken depending on the differing topography of the site;**
- **The relationship to the Kingswells Consumption Dyke and Green Space Networks; and**
- **Using footpath, cycle, and road networks to support and encourage sustainable travel to and around the site.**

Figures 5, 6 & 7 opposite illustrate the type of development, open space and infrastructure delivered in earlier phases. This clearly shows that key principles embedded in the original Frameworks and Masterplans can be applied in a flexible manner to deliver a high quality development.

The Northern Park, and the Consumption Dyke to which it relates, are key landscape features in the developed site. The existing field setting of the Consumption Dyke will be retained, protected and enhanced by the development of the Northern Park. Amenity value has been improved by the inclusion of accessible, bound gravel formal paths and informal mown paths. A car park for the use of

visitors to the park has also been provided. Feature earthworks have been constructed to highlight the eastern entrance to the business park and will act as a future local landmark on this main route to and from the Aberdeen airport.

The Green Space Network to the south eastern edge of the development has been enhanced considerably. The creation of the wetland adjacent to plot one has introduced new opportunities for semi-aquatic plant species into the site, establishing a new habitat and enhancing the site's overall biodiversity. Options to continue this on appropriate elements of future development will be examined.

Retaining and enhancing existing features will continue to be prioritised as the development continues westwards into future development phases.

Local Development Plan (LDP) - the site is allocated for specialist employment use in the LDP. Much of the history and background has been set out in this Framework. The business park has proven successful but as the City and the world changes, most recently with the focus on how people live and work as a result of the COVID 19 pandemic, energy transition and economically, this existing employment allocation also needs to respond in order to remain a successful, viable and sustainable employment focus for Aberdeen.



1.



Figures 5, 6 & 7: Landscaping & Infrastructure delivered on Phases 1-3

3.2 Vision

The vision for this Development Framework builds on the success of the Business Park to date.

Prime Four has been true to the original principles as set out in previous Frameworks and has delivered a unique, highly accessible business location that links with the existing community at Kingswells and provides facilities and opportunities that have historically been lacking.

The market for high quality business accommodation has, however, altered significantly since the original vision for Prime Four was set out. There is now less demand for large HQ office accommodation associated with the carbon-based energy industry. This Framework approach therefore updates the vision and overall development objective to allow flexibility to introduce new uses. The vision for the continuing development of Prime Four is:

Vision:

“To provide Aberdeen City with an innovative, desirable, high quality development opportunity that supports inward investment in one of the City’s most recognised and successful business locations. This development is unique in the North East of Scotland in providing occupiers with operational benefits associated with a highly accessible location, close to the local workforce and all within a quality award winning setting. Prime Four will continue to provide a sustainable, well-integrated extension to Kingswells, that can accommodate high quality business uses, leisure, research/education and employment opportunities to enhance the economic growth of the wider City Region.”

3.3 Framework Context

The 2017 Local Development Plan allocates two areas of land at Prime Four for development—OP29 and OP63. Figure 8 illustrates those zonings, the remaining development land and the buildings currently completed. This Framework document relates to the remaining development land as indicated by the red outline.



Figure 8: OP29/OP63 Development to Date and remaining development land

4. Development Principles

4. Development Principles

4.1 Framework Geographical

The purpose of the following sections is to provide guidance for future planning proposals for the site. They set out key principles to shape future applications so that they collectively deliver the vision set out previously. Collectively the key principles have been pulled together in an indicative framework drawing on page 33. Similar to previous Frameworks that indicative framework drawing should only be seen as a potential development option and as illustrating the general principles of development. The Framework sets out the main principles for the development of the remainder of the site. This Framework also allows for future changes in market forces or technical requirements during detailed stages of design whilst still reflecting key principles set out in this document.

The site lies to the north west of the current Prime Four Business Park. Within the wider context, the site is located four miles to the west of Aberdeen City Centre, adjacent to the settlement of Kingswells. Its western boundary abuts the Aberdeen Western Peripheral Road (AWPR). The settlement of Kingswells is adjacent, to the east of Prime Four, however visual links to the site from the settlement are limited due to ground levels and extensive shelter belt tree planting and the longer established woodland on site. The Prime Four Business Park also restricts views from Kingswells and the C89 Kingswells bypass. Westhill, just under 2km to the west, is visible from the site.

The area immediately surrounding the site has undergone a considerable change. The AWPR to the west of the site has dramatically affected the character of the area. To the east, the Prime Four Business Park has transformed the once agricultural setting to an award winning, international business hub.

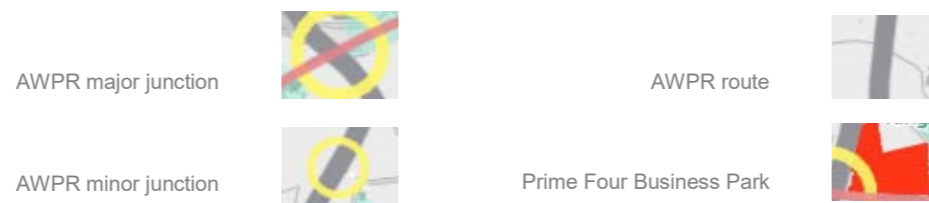


Figure 9: Framework Wider Context Plan

4.2 Development Area

This Framework applies to the development areas remaining at OP63/OP29 as shown in Figure 10 and illustrated in Figure 11. Detailed guidance on site sensitivities and the form of development is contained in the following pages.



Figure 11: Aerial View looking north east



Figure 10: Framework Site Plan

4.3 Potential Uses

Prime Four will continue to offer opportunities for the development of high quality HQ type developments.

The existing business park includes a mix of complementary uses including: Childrens' Nursery, sandwich and coffee shop, management suite, permission for a mix of Classes 1,2 and 3 uses in the Fourcourt pods and a Hotel/Spa and Restaurant use at The Village Hotel. The initial phases include a few remaining vacant plots that could also be developed for a mix of uses complementary to the existing developed plots. This could include business/office use but also potentially research, appropriate industrial or storage and distribution uses, training centre, small-scale complementary service or food and drink uses, medical use or high-tech industries.

Other parts of the remaining site could include similar alternative employment uses or an expansion/replacement of the existing uses already on site (including refuelling/recharging stations). Proposed non-business use should be of a nature and appropriate scale that can be designed to sit contextually alongside the existing Prime Four Business Park uses.

All development should be in accordance with the general design principles set out in this brief. Any proposed non-business use should ensure that impact on the road network is acceptable generally through an appropriate Transport Assessment or equivalent.

New Western Hub – this area (detailed in later sections of this Framework) can be considered a transitional zone that allows the existing business park to the east with its larger-scale single office buildings to transition into potentially alternative uses to the west. This part of the site offers the most opportunity to be flexible and support a range of uses. This could include small-scale retail, service, food and drink and other support uses to serve the business park, potentially additional on-site accommodation (hotel or other forms of accommodation) to service the surrounding uses in the park and create a more mixed-use development. Where this is proposed a masterplan should be prepared to consider context and provide justification for that approach.

Where single plots are being developed for employment or complementary uses in line with this Framework a masterplan should not be required.

A statement of conformity with this Framework will be required with all applications.

4.4 Key Design Principles

Distinctiveness

- The landscape strategy should be informed by existing natural features. Buildings, street patterns, spaces, skylines, building forms and materials are to enhance the sense of identity and reflect the high standard already delivered in earlier phases.
- The Framework supports the creation of a distinctive place, maintaining, as much as possible, the distinctive field pattern and character of the existing landscape.
- The proposed streets will be defined by a coherent and well-structured layout, and should function as a logical extension to earlier phases where these connect.

Easy Orientation

- The development will provide the opportunity for a visual marker at a key interchange for the passing AWPR/A944 traffic.
- Placement of buildings and the overall layout will make it easy for people to find their way around. .
- Existing views of the surrounding landscape will be incorporated into the development;
- Clear pedestrian/cycle links should be provided throughout.

Safe and Pleasant Environment

- The Framework allows for the creation of frontages to streets and will support safe, well lit and overlooked public spaces.
- Provision of public space will be well designed, and with suitable management arrangements put in place.

Adaptability

- The Framework allows for flexibility to deal with market changes and technical constraints.
- Provision will be made for a range of plot sizes depending on actual requirements and tenure mix.
- Future adaptability of buildings should be considered to reflect changing requirements

Easy to get to and move around

- A network of safe routes to well connected access throughout the development is required.
- Streets will be pedestrian and cycle friendly and provide good access to public transport.
- Car parking will be well-integrated into the overall site character.
- The Framework supports green networks in and around the proposed development area, and provisions be made to connect these to the site and wider area.

Resource Efficiency

- Significant natural features and other biodiversity elements should be protected and integrated into the overall development.
- The natural hydrology of the area will be considered and enhanced where possible.
- Opportunities to improve habitats and support wildlife should be considered in detailed design stages.
- Options for increased building energy efficiency should be considered
- Opportunities to incorporate enhancements to biodiversity should be considered at the detailed design stages

5. Design Principles

5. Design Principles

5.1 Access Strategy

The access strategy adopted is the same as that approved in the OP29 (previously OP40) OP63 Frameworks i.e. vehicular access from the existing roads infrastructure within the site and potentially from the A944 to the south of the site with a network of pedestrian and cycle connections throughout.

Circulation

The diagram opposite shows the how future development can be connected to the existing park as an extension of the current circulation strategy.

A clear strategy of pedestrian circulation has already been delivered throughout the park. Wide verges are provided alongside the primary streets and footpaths are set back beyond these verges. In and around The Fourcourt (the main pedestrian space) finishes have been enhanced to provide a multi-functional set of spaces. A secondary path network leads from the Forecourt to the Northern Park and the plots to the west. Footpath links have been formed north to south from the primary street to the Northern Park and connect with the informal path network alongside the Consumption Dyke.

Development heading westwards is primarily an integrated, logical extension to the previous phases of the business park. **The connectivity and circulation character will be a continuation of the strategy implemented in previous development phases.**

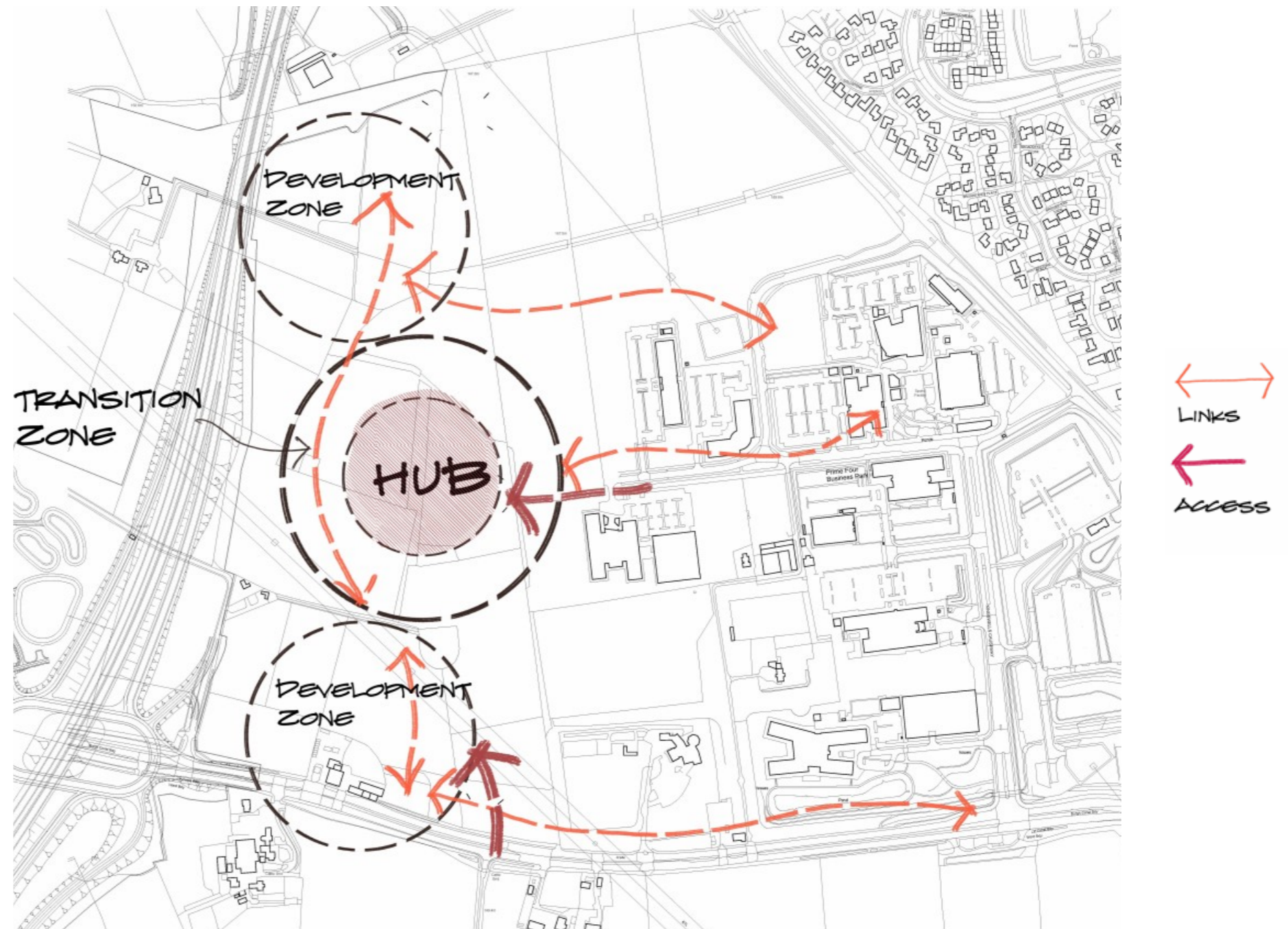


Figure 12: Access and Circulation Principles

5.2 Connectivity & Circulation

Vehicular Access

For the majority of the future development phase vehicular access will be through the continuation of the primary access, the Kingswells Causeway, which runs east-west. How junctions from the primary street should be dealt with has already been established within the existing business park. Any secondary roads from the primary street should aim to create areas of public space around them, and where appropriate provide areas of shared surfaces and enhanced hard landscaping.

Wide sloped verges should be provided either side of the primary street. Footpaths running adjacent should sit behind verges or retained existing dykes. The primary street will provide easy access to the proposed new transitional 'Hub' area.

A944 Access

For the south west section of the site a new vehicular access to/from the A944 may be possible. This new access opportunity is continued from previous Frameworks but will require detailed investigation to establish its location, form and capacity. Where proposals for a new access in this location are being considered applicants should engage with Aberdeen City Council officers at the early stage of any design process.

AWPR Junction

The AWPR is now operational and future applications will be required to demonstrate, through a Transport Assessment or equivalent, that the development proposed will not impact unduly negatively on the adjacent junction or that any impacts can be mitigated in an acceptable manner. Depending on the type of use being proposed, traffic modelling at a strategic level, using the ASAM model, could be useful to provide an indication of the scale and location of any potential impacts and help determine mitigation requirements.

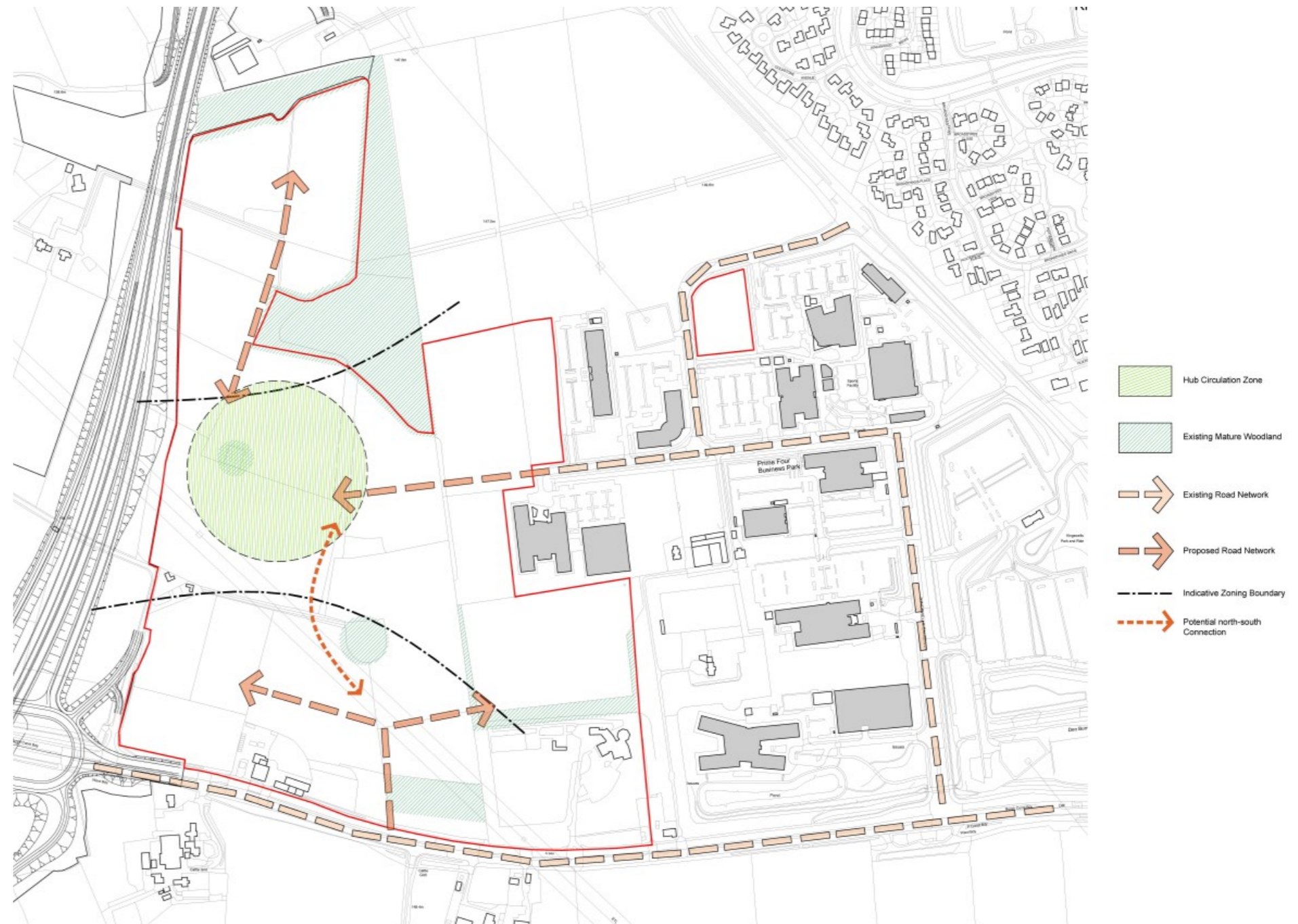


Figure 13: Existing & Proposed Connectivity

5.2 Connectivity & Circulation

Footpath / Cycle Connection

A cohesive pedestrian / cycle path network will be provided within the site. This should connect seamlessly into the existing business park and where possible, provide future connections into the later phases of development. Emphasis should follow the east-west access laid out in previous phases, however in order to access all parts of the site it is recognised that a north – south approach will be required in some areas. **In this situation the network should respect the ancient woodland and exiting field boundaries as well as site topography.**

A combination of formal and informal footpaths should be provided. Formal footpaths following the main vehicle roads will offer easy access to the main areas of the park. A network of informal paths has the potential to provide pleasant safe and secluded walks connecting to the already established the Northern Park. These informal paths will deliver a valuable contribution to the open space. The option of relocating the existing cycle path and footpath along the A944 into the site should be explored.

Active Travel and Public Transport

Aberdeen City Council and its partners are carrying out a number of studies to review and help improve active travel and public transport connectivity along the A944 and the A9119 corridors. **Active travel and public transport should be considered in relation to the relevant local and national policies and strategies in force at the time relevant applications are lodged in order to assist with choice of travel modes.**

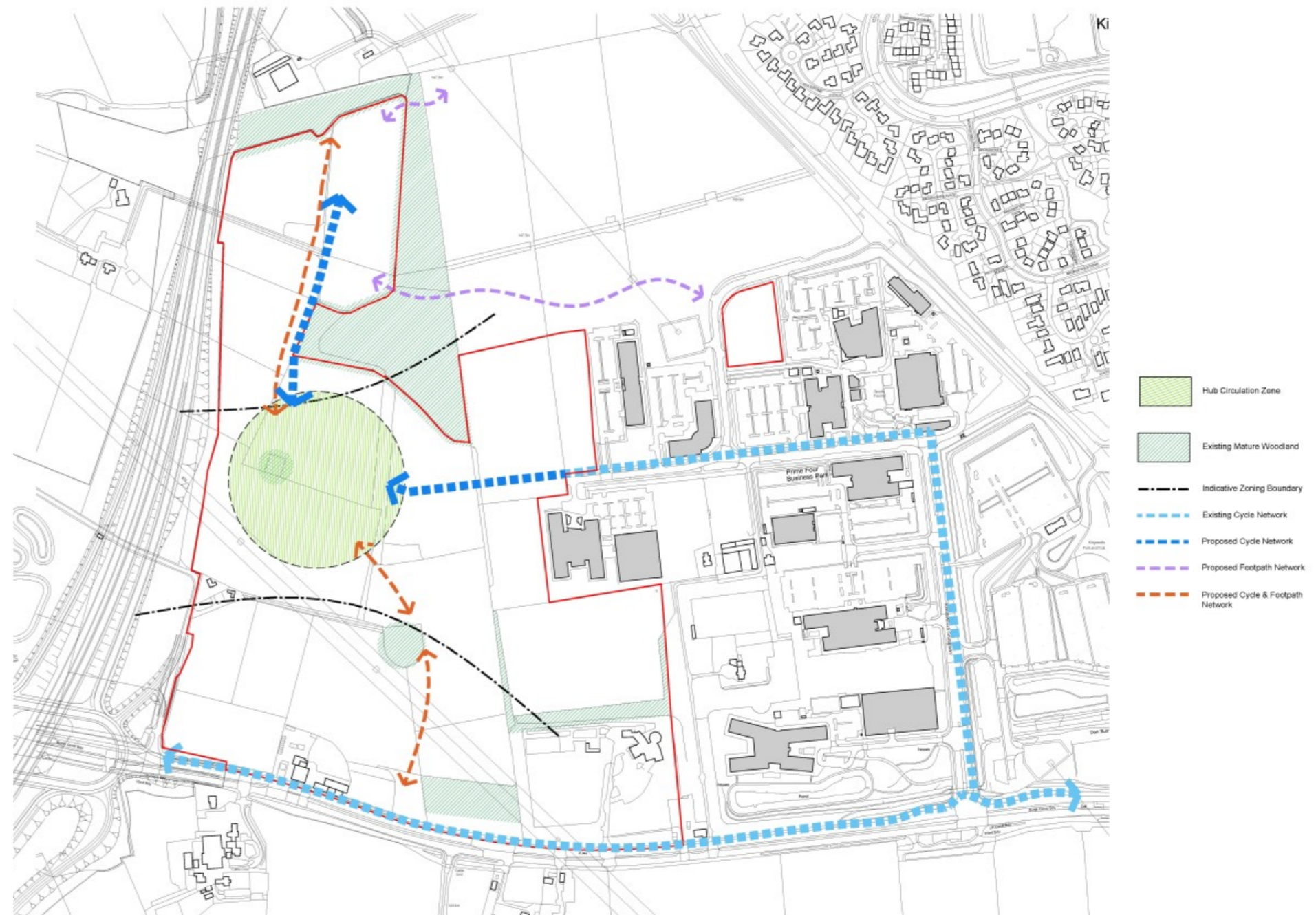


Figure 14: Existing & Proposed Connectivity

5.3 Key Views

Views To

The site has intervisibility from a number of locations but also benefits from woodland screening and topographical screening. From the north the elevated position of Brimmond Hill will give views over the site, although the site will be partially screened by landscaping to the north of OP63. The site can also be seen intermittently from the A944 and the AWPR, although only certain sections of the site are visible, with the AWPR and other local developments either providing foreground and background visual context. **Buildings will generally face onto internal road networks but the views into the site should be considered for appropriate applications including elevational treatments onto the site boundaries.**

Views From

Views from the site are predominantly to the west and the south and only from certain areas of the site (Fig 15). The ancient woodland and current Prime Four development restrict views to the north and east.

Immediate views will look over the AWPR. Southern views will look over future phases of development and over the A944 towards Kingshill Wood. Views south will be limited to the plateau and the south facing sloped area of OP63 due to topography.



Figure 15: Views from Site

5.4 Building Form & Parking

Form

Phases 1-3 of site OP29 employed a consistent approach to building design with the aim being to create a cohesive business environment. This approach should be carried through the whole site although slightly different approaches may be required for different end users.

The success of Fourcourt area has also shown that larger buildings can be accommodated within the masterplan if suitable amenity space and considered landscaping are provided. Larger or taller buildings could be accommodated in the form of a new transitional hub / focal point zone to the west providing visual landmarks and helping with orientation through the site. Applications of this nature should be supported with design analysis to illustrate the opportunity and impact. These two key hub zones will be linked by a continuation of the strong tree east-west boulevard road to provide a highly legible layout.

Buildings

As per previous phases, building orientation and position will be an important factor in delivering a quality and legible environment.

The OP29 Development Framework set guidelines for the creation of building clusters, and the relationships between neighbouring plots. This new Framework proposes to continue with a similar approach across the site and Figure 16 illustrates indicative building frontages and plots to reflect the character of each area. Buildings in the south west section of the site have the opportunity to address the A944.

Buildings should, where possible, cluster together to form relationships. Pedestrian routes between the buildings will encourage interaction and activity at street level. Parking should be designed in to the overall layout, carefully sited and not visually intrusive. The buildings will provide screening to the parking or operational areas which could be located to the north or south of the building cluster. Building orientation and form should also consider views to and from A944 and AWPR with well-designed, good quality elevational treatment.



Figure 16: Indicative Plot Layouts & Frontage

5.4 Building Form & Parking

Building Heights

Building heights will be determined by a number of factors, however the three main considerations are visibility, topography and existing tree heights. Over the entirety of the site there is a range of topographical situations, which broadly align with the differing landscape character zones (fig. 22).

As a major interchange along the AWPR the Kingswells south junction acts as a key node into the city. Given this and the proximity of Prime Four to this junction there is opportunity to provide a visual marker or statement signalling the ambition and aspirations of the city of Aberdeen and the important role it plays globally through the many international tenants of Prime Four Business Park.

A building of height i.e. greater than 5 storeys in the correct location could act as this marker although the exact location will be determined in relation to its context at the time of the proposal. Further analysis of the visual impact relating to scale massing and siting should be undertaken when a detailed application is brought forward on any proposed building. This should consider views in to the site, building heights in relation to the surrounding context and the wider visual impact of a taller building in this location.

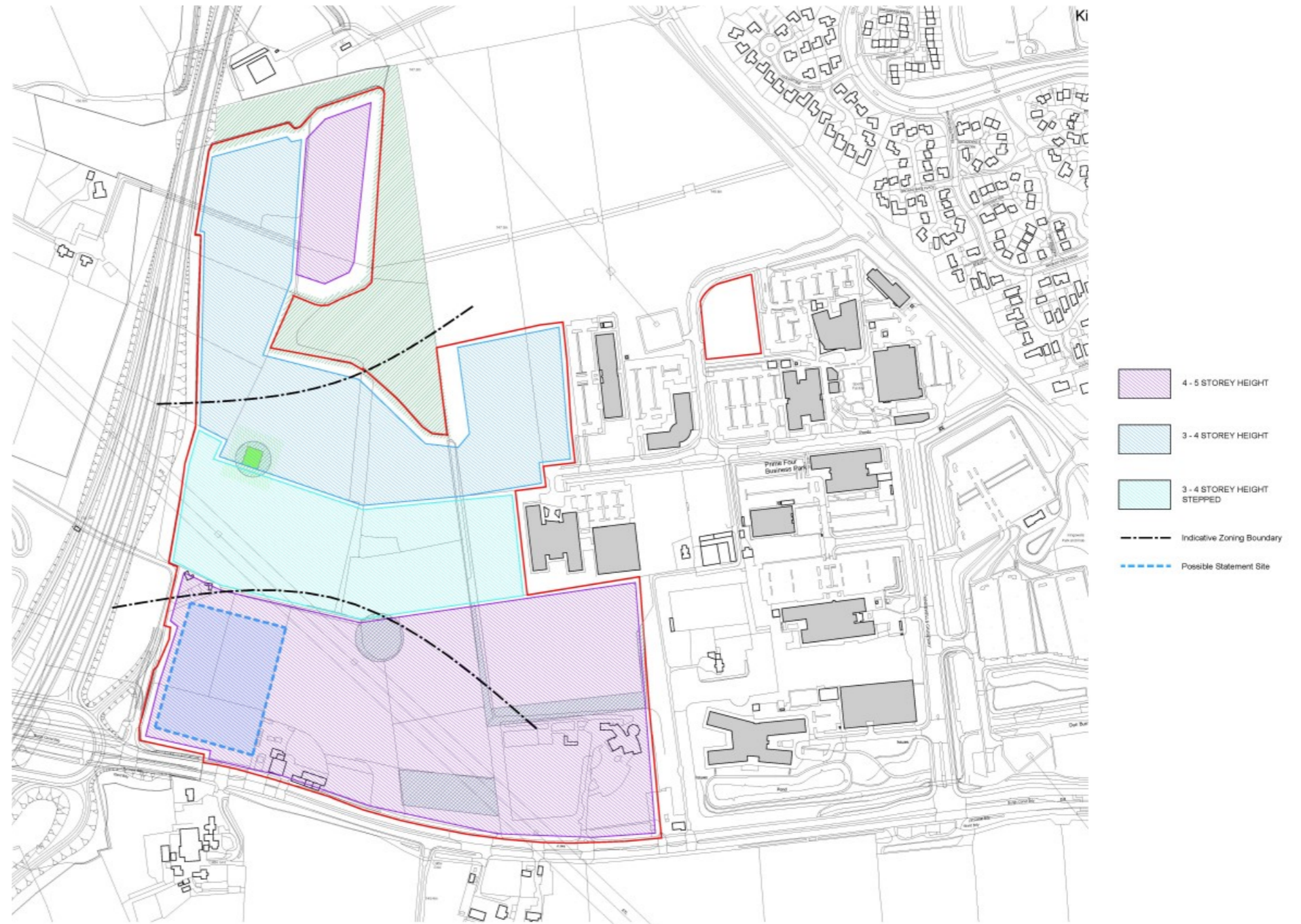


Figure 17: Indicative Building Heights Strategy

5.4 Building Form & Parking

Building Heights

Indicative site sections showing notional building height zones. Building platforms are indicative.

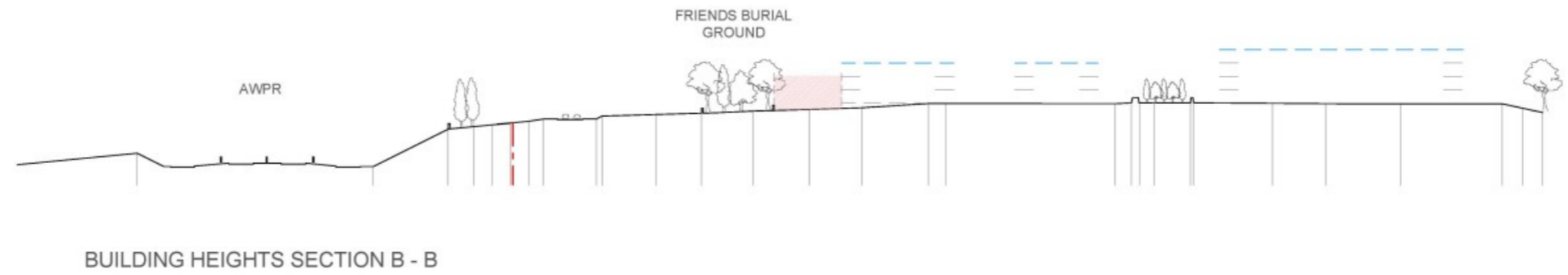
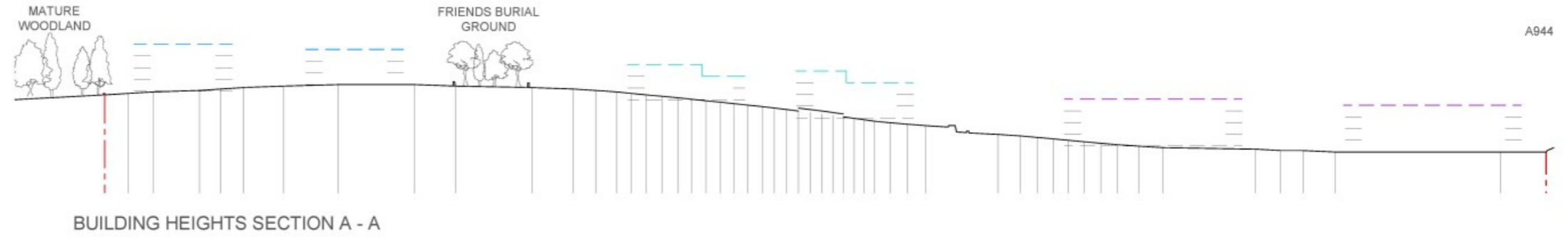


Figure 18: Site Sections

5.5 Historic Environment

Friends Burial Ground

The Friends Burial Ground is located to the west of the site. It stands on a south-facing slope, with views across the surrounding area. A blocked entrance in the south east of the enclosure wall faces the house at Kingswells suggesting a possible connection between the house and the burial ground.

The burial ground at Kingswells has a strong historical association with the Kingswells Estate and Kingswells House. However, whilst historical associations with the estate are strong, visual links between the burial ground and Kingswells House are not possible given the location of Kingswells house in a dip, and the relationship between the burial ground and house at Kingswells cannot be discerned from its observation in the field alone. The landscape which the burial ground overlooks to the south has been altered by roads and other modern intrusions. The visual sensitivity of the Friends Burial Ground has also been affected by the AWPR. **Future development of this part of the site can sensitively integrate it within the development and acknowledge its valued contribution to the cultural and natural landscape.**

As an important historical site and listed structure, it is to be retained within the development. **A minimum 20m buffer zone (fig. 19) will be provided between the proposed development and the Friends Burial Ground, in order to prevent direct impacts on this listed building and significant indirect impacts on its setting.**

Visual screening between the Burial Ground and any proposed development, particularly to the north of the Burial Ground, should be considered. Views towards the Burial Ground from the south should be kept open, with no trees planted within the southern area of the buffer zone. Here, native grasses and meadow plants would be seeded, encouraged and managed to retain an element of the informal rural character that currently exists. **Any building within close proximity to the buffer zone will require to take cognisance of its setting through material selection and the use of sensitive design including building height and massing.**

Notwithstanding the above, and whilst an important historical site, the Friends Burial Ground has the potential to be an integral part of the site.

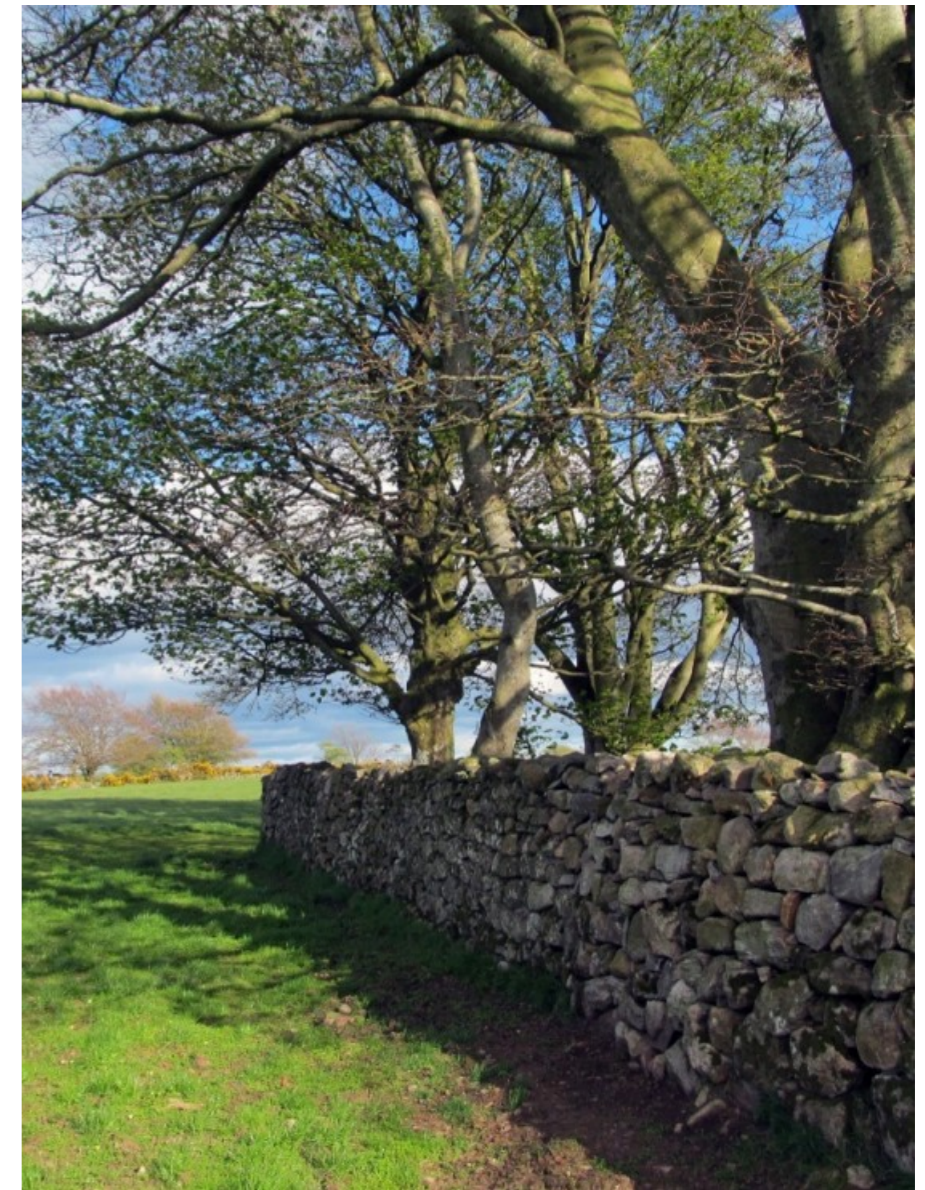


Figure 19: Friends Burial Ground - Existing Boundaries

5.5 Historic Environment

Friends Burial Ground

- 20 meter buffer zone required
- Views to/from the south protected

Indicative Road Layout Options

- North option—road screened behind burial ground keeping southerly views clear
- South option—topography used to screen road from southerly views



Figure 20: Friends Burial Ground

5.5 Historic Environment

Woodland Exclusion Zone

Figure 20 indicates woodland in and around the site. The area of woodland to the north is identified as Ancient Woodland. The important areas of mature woodland identified on this plan are to be protected as indicated, including a 10 metre minimum buffer zone and the inclusion of additional localised areas of open space. Areas of plantation woodland to the south are not protected and are proposed to be removed to accommodate the allocated development site.

The exact details of the buffer zone should be informed by an up to date tree survey to identify appropriate root protection zones, canopy spread and tree heights. These will help establish widths and locations of tree protection zones to be agreed with the Planning Authority and ultimately will inform future proposed layouts. No development should take place within the root protection zone and careful consideration will be given to the location of buildings in relation to tree canopies (mature future height). Where necessary woodland buffer zones will be wider than 10m.



Figure 21: Woodland Exclusion Zones

6. Landscape Framework

6.1 Landscape Principles

Landscape Principles

Landscape Principles set out in the previous Masterplans and Frameworks for OP29 and OP63 and the related aspirations and objectives contained in those documents will be taken forward in future phases, a **key objective being to incorporate new buildings into the landscape in a manner which is sympathetic to the character of the area.** The existing landscape features such as the ancient West Hatton Wood, the Friends Burial Ground, the dykes and tree belts provide both constraints and opportunities to construct a Framework within which development can be sensitively located.

Although the West Hatton Wood and The Friends Burial Ground need to be protected and treated with respect and care, they will provide a valuable asset in terms of amenity value, visual interest and a woodland backdrop that can be enjoyed by local residents, future employees and visitors to the Business Park.

Detailed Tree Survey reports and recommendations will help identify and retain trees in good or fair condition wherever possible. Where trees are to be felled, they will be replaced with specimens and species that are suited to the characteristics of the site. Best practice guidance as defined within BS 5837: 2012 'Trees in relation to design, demolition and construction' will also be followed.

As part of any detailed applications, Landscape Plans will be provided showing hard and soft landscape proposals, materials and tree and planting species. Careful consideration will be given to the area around the burial ground in view of its sensitivity.

Development proposals should consider opportunities to enhance

connectivity between open spaces and key green and blue infrastructure in line with emerging policy

Open Space

Open space and amenity space is to be provided through a connected network of informal areas. Improved access to the area around the burial ground will contribute to this. Informal paths leading from there can connect through the landscape, using existing features to define routes. The woodland periphery with its perimeter buffer zone provides the opportunity to create an informal path network. This will need to be established with input from an ecologist to ensure the buffer zones remain suitable for wildlife.

A potential SUDS basin in the northern zone of the remaining site has the opportunity to provide a high degree of amenity.



Figure 22: Established Landscape at the main entrance to Prime Four

6.2 Site Wide Landscape Zones

- The Southern Zone consists of the low lying area to the south of the site. This area is associated with the Denburn and in places sits below the level of the A944. The ground here is occasionally marshy and the vegetation of this area reflects this, giving a distinct character. There is a mature belt of tree planting running adjacent to the A944 along some of this length. A number of trees in this area are covered by Tree Preservation Orders (TPOs)

- The Central Zone consists of south facing agricultural fields divided by stone dykes. In some locations the slopes are considerable. The area is further subdivided by the policy planting of Kingswells House and the adjacent woodland belt of the Park and Ride site, as well as the walled enclosure to the west, thereby giving the landscape a different scale and a distinct character.

- This flat topped area running east to west includes Phase 2 and 3 of Prime Four Business Park. It is bordered to the north by the Northern Park & the Ancient Woodland. The area is characterised by agricultural fields defined by drystone dykes on a broadly flat open site. The Friends Burial Ground sits within this zone.

- Northern Park comprises grass fields with drystone dykes, with field boundaries running north to south in a regular formal arrangement and meets the Consumption Dyke at 90 degrees. These dykes define agricultural field patterns and are a distinctive and intrinsic feature of the site and wider North East of Scotland countryside. A network of informal mown paths through the landscape provides amenity to this area.

- The Northern Zone comprises grass fields with drystone dykes, with field boundaries generally running north to south with cross walls at 90 degrees in a regular formal arrangement. The ground falls away to the north. The Ancient Woodland provides enclosure to the east and north of this area with fair consistency in trees of approximately 15-25m high.

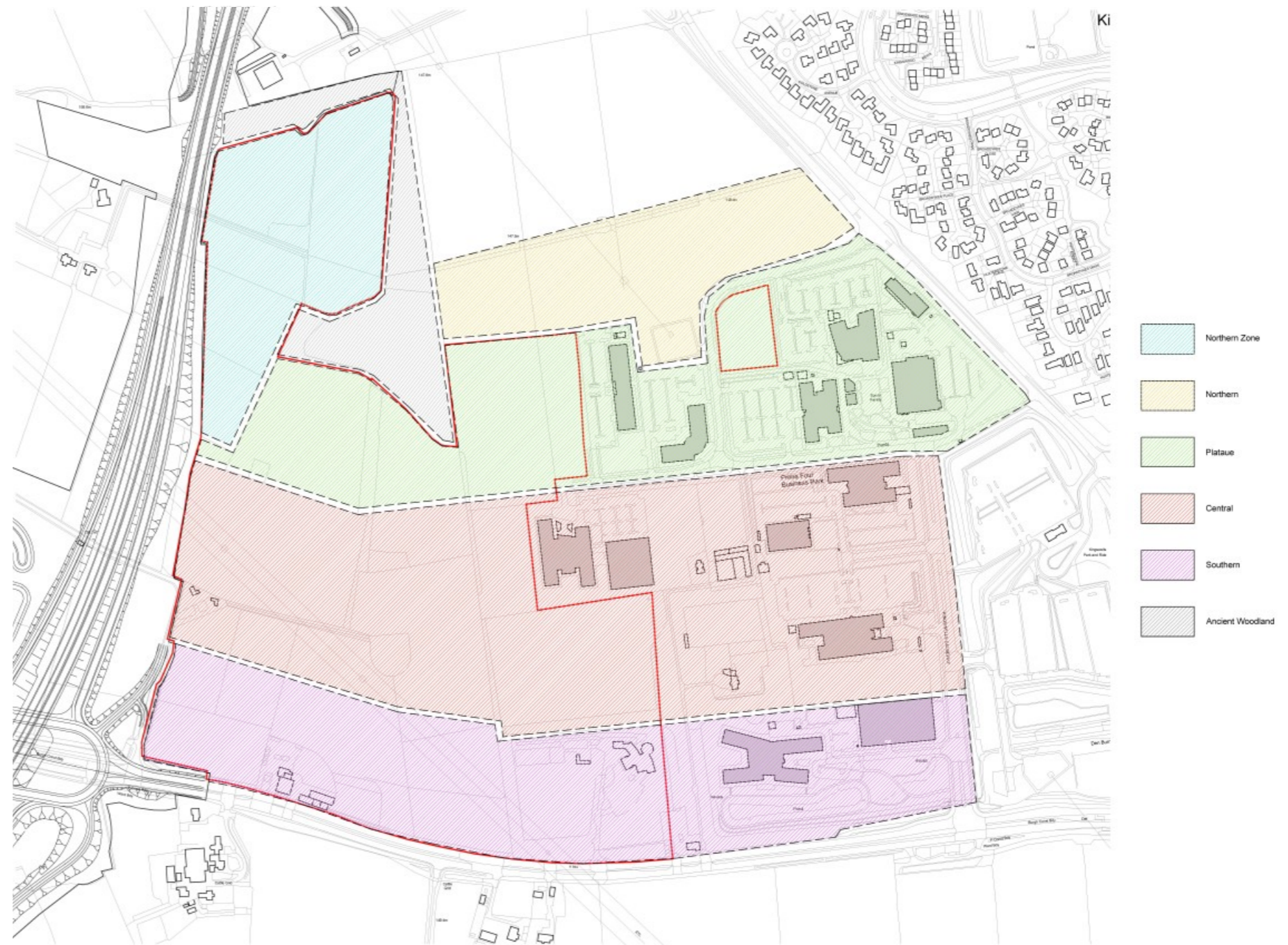


Figure 23: Landscape Zones

6.3 Landscape Framework

Landscape Framework

The landscape framework across the site is informed by the existing network of fields and natural boundaries. These have been successfully integrated into the existing developed section of Prime Four through a combination of retention and re-use. **In the remaining section of the site the key landscape elements are the ancient woodland and the Friends Burial Ground which are both protected through this Framework. These provide the basis for additional landscape elements to help define development rooms and integrate new with old and create a sense of place.**

Strategic locations for enhanced landscape treatment are indicated on Figure 20. This should include enhancements to the nature and function the green space network where appropriate.

Tree and shrub planting using appropriate native species will enhance the biodiversity value of the site. Species rich grassland can also be added to further enhance the ecological value of the green network, enhance the seasonal interest of the area, and increase the amenity value and the enjoyment of people using the network for recreational purposes.

The western edge of the OP63 is defined by the AWPR. The edge of the AWPR is delineated by a new drystone dyke. **A 'soft' boundary behind the new drystone dyke through a series of intermittent birch groves will provide an degree of screening when viewed from distance and will embed the development into its context.**



Figure 24: Landscape Network

7. Development Framework

7. Development Framework

7.1 Key Principles

This new Development Framework has outlined how the principles brought forward from the previous Frameworks and Masterplans can be combined to allow development at Prime Four Business Park to continue in a sustainable manner appropriate to current and future market conditions. The conceptual drawing in Figure 23 illustrates the following key principles which should be addressed in future development:

- Extending existing infrastructure appropriately into future phases.
- Continuing development in a coordinated manner.
- Flexibility of uses and plot sizes to support changing market requirements over time.
- Different zones can be considered individually to suit their particular context or opportunity.
- Enhancing existing landscape features and planting and using existing landscape features as design context.
- Connected footpath, cycle, and road networks to help support and encourage sustainable travel to and around the site.

This is however only a guide, and is flexible enough to respond to market requirements and changing economic circumstances.



Figure 25: Development Framework Diagram

7.2 Drainage

Foul Water Drainage

All foul drainage within the bounds of each plot will remain private and will be designed and constructed in accordance with the current building regulations. All of the proposed foul sewer infrastructure including any Waste Water Pumping Stations will be adopted by Scottish Water and be designed in accordance with the regulations noted within Sewers for Scotland 3rd Edition.



Figure 26: Indicative Drainage Diagrams

7.2 Drainage

SUDS & Drainage

All SUDS proposals will be designed in accordance with CIRIA SuDS manual C753. The proposed surface water sewers will be adopted by Scottish Water, with the proposed extended detention basins and grass conveyance swales being subject to a Section 7 agreement between Scottish Water and Aberdeen City Council's Roads Department. All drainage within the bounds of each individual plot will remain private.



Figure 27: Indicative Drainage Diagrams

7.3 Sustainability

Energy Management

BREEAM (Building Research Establishment Environmental Assessment Method) Scheme guidance was incorporated within Phase 1 of the business park. The aim was to increase the overall efficiency of the development through energy efficient design and management. This should be considered in any future phase and a minimum BREEAM rating of 'Very Good' shall be the target for each applicable building on the development. An energy strategy has been developed to optimise the incorporation of energy efficiency measures into the buildings on the site – including as a minimum the following design principles and studies:

- A lean mean green approach utilising passive solutions wherever possible
- Option appraisals utilising virtual environment modelling ensuring a holistic approach
- Minimising energy demand for the site through orientation and passive solar design
- Maximising the thermal efficiency of building envelopes
- Minimising consumption of energy used for water heating, space heating and cooling, lighting and power in individual buildings through efficient equipment and controls
- Harnessing of natural daylight and presence detection to reduce artificial lighting loads
- Use of Low or Zero Carbon (LZC) technologies including solar PV

- Compliance with Building Standards and Carbon Reduction Planning Policy
- The strategy will also consider the requirements of the Scottish Planning Policy in respect of carbon emissions and Proposed Local Development Plan Policy R7 which requires a percentage of the buildings energy to be met by low and zero carbon technologies.

Sustainability should be investigated at the initial stages of design including building orientation and layout and opportunities for passive sustainability measure should be investigated. The high-performance buildings currently constructed at Prime Four use the right blend of passive and active design strategies to minimize energy, materials, water, and land use.

Passive measure include direct solar gain, massing and orientation, thermal mass and shading for excess solar gain. Intelligent systems such as automatic daylighting sensors controlling lighting and photovoltaics as currently used on earlier phases, will be promoted here.

Dedicated spaces for recycling storage will be provided, as per earlier phases, in compliance with Breeam guidelines.

7.4 Infrastructure

General Infrastructure

The substantial investment in infrastructure for existing development in this location has already delivered a robust network of new utility services within the Business Park which now need to be extended and supplemented where required to serve future phases. These utility services have been strategically coordinated and planned to ensure flexibility yet ensuring maximum efficiency of distribution with minimum visual impact.

Easy access shall be provided to site services and communications infrastructure, with minimal disruption and need for reconstruction, allowing for future growth in services.

Wherever possible a single point of access shall be provided for each service running through the public realm. This should be remote from footpaths, cycle ways or roads to allow minimal disruption for maintenance and upgrade. Wherever possible additional ducting is also to be provided to allow for future expansion of services.

Relevant waste facilities will be provided on site in appropriate locations, and will take account of recycling requirements.

Natural Gas

A new gas supply was established to serve the site under the first phase of development and low pressure main distribution pipe work, with capacity to the overall development, has been laid underground following the main roadway routes. It is proposed to extend this distribution pipe work into this site again following the route of main roadways with individual gas meter kiosks being provided for each development plot so the supply of gas to the site will not be a constraint to development.

Electricity

A new electricity supply was established to serve the site under the first phase of development and an 11kV ring circuit for improved resilience with 7MVA capacity has been laid underground following the main roadway routes. It is proposed to extend this circuit into the remainder of the site following the main roadway routes where possible with individual substations being provided for each development plot. When this capacity is exhausted it is proposed to bring in a second 11kV ring circuit which it is anticipated would serve the remainder of the development so the supply of electricity will not be a constraint to development.

Water

A new water connection was established to serve the entire site under the first phase of development and it was taken from a branch connection off the existing water main crossing the site as recommended in the WIA report by Scottish Water. The new water main has been laid underground following the main roadway routes and it is proposed to extend this distribution pipe work across the remaining site following the main roadways where possible with individual water meters being provided for each development plot so the supply of water will not be a constraint to development.

Telecommunications

New telecommunication connections were established to serve the entire site when development commenced and these comprise of connectivity from the existing Openreach network as well as new infrastructure from the SSET network. These networks have been extended into the site by means of underground ducting laid underground following the main roadway routes but with diverse

routing to give a resilient telecommunications solution. It is proposed to extend these networks into the remaining site following the route of main roadways where possible with individual draw boxes being provided for each development plot.

The development has delivered 'future proofed' technology to ensure future occupiers are able to access up-to-date and efficient telecommunications.



Figure 28: Plot One solar panels



Figure 29: Plot One landscaping and external lighting

