

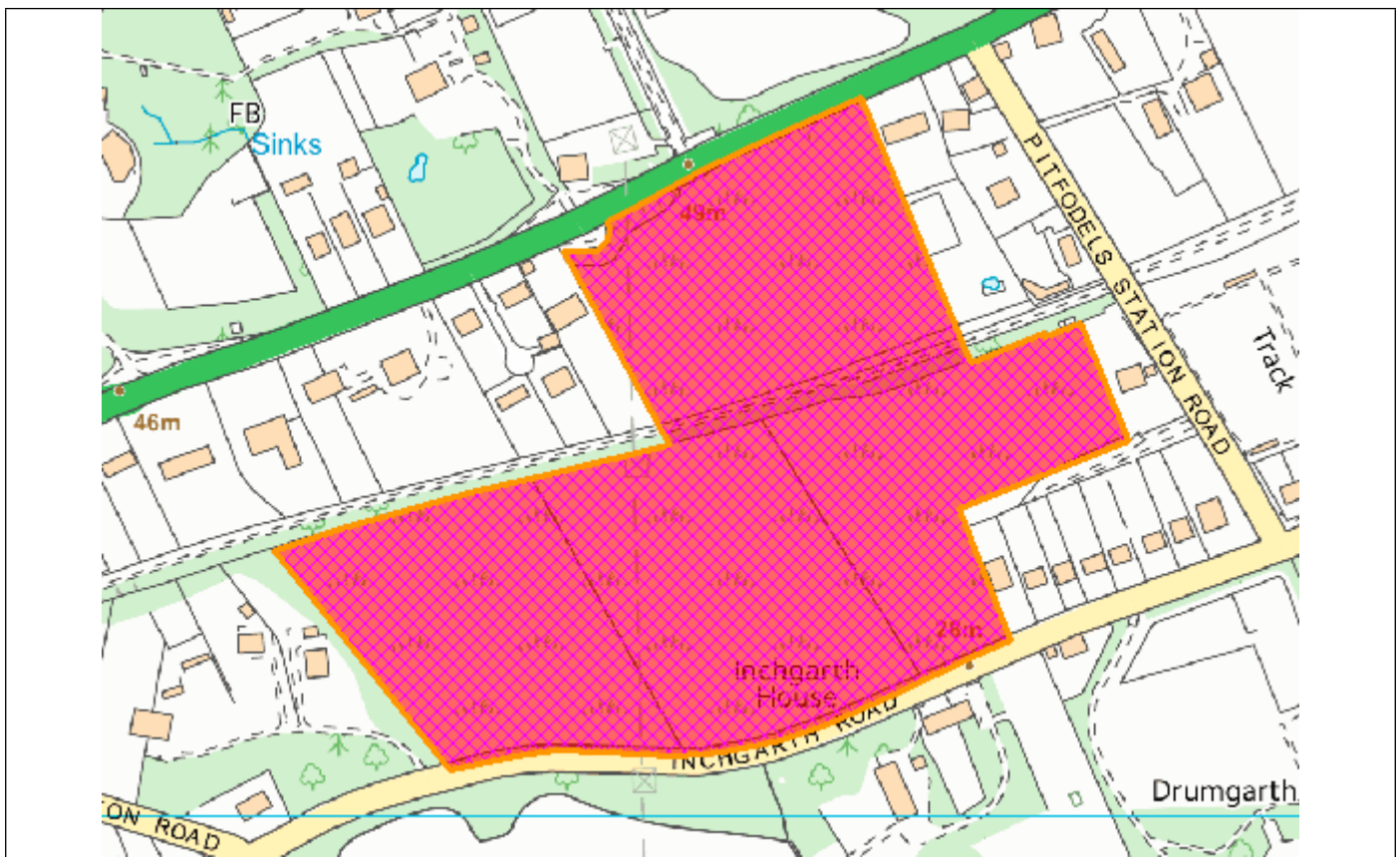


# Planning Development Management Committee

Report by Development Management Manager

**Committee Date: 30<sup>th</sup> April 2020**

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



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## **RECOMMENDATION**

Refuse

## **APPLICATION BACKGROUND**

### **Site Description**

The 9.87 hectare site lies between Pitfodels, to the west, and Garthdee, to the east, with North Deeside Road along the northern site boundary and Inchgarth Road along the southern boundary. The Deeside Way (public Core Path 66) cuts across the middle of the site from East to West. There is a significant change in levels across the site, with the northern boundary being approximately 21 metres higher than the southern. The site consists of fields with their dry stone dykes still in evidence. It is covered by a Tree Preservation Order (TPO No 237), with the larger trees located in particular along North Deeside Road, on land to the north side of the Deeside Way land and close to the site boundary to the east. The land now consists of rough grassland that has been heavily colonised by self-seeded trees and plants, especially across the southern area. Rear gardens to properties along North Deeside Road, Pitfodels Station Road and Inchgarth Road abut the site to the east and west. A significant power line also crosses the site, with a pylon close to the Deeside Way.

The site lies within the Pitfodels Conservation Area and the Category 'C' listed Inchgarth House lies immediately to the south, on the opposite side of Inchgarth Road. The Deeside Way is a Local Nature Conservation Site (Site No. 29). The designation describes the banks of this former railway line as a mixture of grassland, tall ruderal, small pockets of woodland, scattered trees and shrubs and a valuable green corridor in the west of the city. The footpath along the line begins at Duthie Park and passes alongside Cults, Bielside, Milltimber and Peterculter.

Pitfodels Station Road and Westerton Road are relatively narrow streets to either side of the site, Pitfodels Station Road has traffic light controls on the section crossing the Deeside Way bridge. Westerton Road has traffic calming build outs.

### **Relevant Planning History**

171259/ESP - Request for EIA Scoping Opinion in relation to proposed development including mixed of retirement housing; care home; local retail units and associated landscaping;

161620/ESC - Development comprising (retirement village for over 55s), care home, leisure and community facilities and construction of a relief road

Decision: EIA Required 15/12/2016

161227/PAN – Proposal of Application Notice for Sports facility (including all weather pitch, sports pavilion and changing facilities), small development of a mix of housing (including retirement village) and creation of relief road between Inchgarth Road and North Deeside Road

Decision: Further Consultation Required 12/09/2016.

## **APPLICATION DESCRIPTION**

### **Description of Proposal**

The application seeks planning permission in principle (PPP) for a residential led development for the retired / elderly, which would include affordable housing, a 50 bed care home and approximately 500m<sup>2</sup> of ancillary retail and / or community use space, public open space and associated infrastructure and a link road between Inchgarth Road and North Deeside Road (A93). The link road would involve bridging over the Deeside Way and indicative plans show that embankments would require to be formed in order to achieve this and to provide the junction with North Deeside Road. There would be a disabled access path between North Deeside Road and Inchgarth Road, via the Deeside Walkway. A cyclepath would be laid out along the length of the link road. To the west of the proposed link road plans show the existing open green space being retained and enhanced as part of the development.

An indicative Masterplan includes 95no. residential units as well as a 50 bed care home and 500m<sup>2</sup> retail / community uses. The residential units are as follows: 6 no. detached buildings each containing 4/5 x 2 bed room apartments, these would be in the area to the north of the Deeside Way; 16 x 2 bed semi-detached apartments, in the area to the east to the north of houses on Inchgarth Road; 6 no. 'houses' each containing 4/5 x 2 bed room apartments, these are in the area fronting Inchgarth Road; 14 x 1 bed amenity houses – these are affordable units designed for the elderly, shown on the plan to the north of the flatted houses fronting on to Inchgarth Road; 12 x 2 bed apartments, to the south of the Deeside Way, between the retail / community units and the semi-detached apartments.

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

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

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

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

## **Supporting Documents**

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PBSYAXBZ00D00>

Tree Survey Report by Astell Associates dated 24 February 2020  
Landscape and Visual Impact Assessment by DWA Landscape Architects Ltd Version 4 and including photomontages dated October 2019  
Lepidoptera Survey by Astell Associates of 8<sup>th</sup> August 2019

Environmental Report dated July 2019 (NB, some sections have been updated by the above)  
Appendices to the above:

Archaeology Desk -based Assessment by Cameron Archaeology;  
Transportation Assessment by Fairhursts, July 2019;  
Drainage Assessment by Fairhursts;  
Geo-Environmental Desk Study by Fairhursts, May 2018;  
Noise Assessment Report by Sandy Brown Version D 21 September 2018;  
Environmental Walkover Survey by Astell Associates 11 July 2019;  
Survey of trees for Bats by Astell Associates, dated 3<sup>rd</sup> June 2019;  
Tree Survey report by Astell Associates;

Design and Access Statement – by Fitzgerald Associates, May 2018.

### **Details of Pre-Application Consultation**

Following the submission of a Proposal of Application Notice to agree consultation measures with the planning authority, two public consultation events were held on 14<sup>th</sup> September and 9 November 2016 at the Marcliffe Hotel, Pittfodells. Around 100 people attended these events, with initial comments being provided on the proposals.

### **Requirement for a Pre-Determination Hearing and Determination of Application**

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 development located on an undeveloped and unallocated site within the Green Belt, wherein Policy NE2 'Green Belt' of the Aberdeen Local Development Plan applies, but does not allow for development of this type within its stated exceptions.

Until 1 March 2020, under Regulation 27 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 the planning authority was required to give those who make representations an opportunity to appear before and be heard by a committee of the authority at a Pre-Determination Hearing. In addition, any planning application which was the subject of a pre-determination hearing under S38A of the Town and Country Planning (Scotland) Act had to be determined by Full Council as per the Local Government (Scotland) Act 1973.

The Planning (Scotland) Act 2019 was passed by the Scottish Parliament in June 2019 and makes substantial changes to the 1997 Act. The implementation of the Act is underway and some of its provisions are now in force. Provisions were brought into force in Quarter 1 2020 removing the requirement for full Council to make decisions on applications where there has been a pre-determination hearing. Therefore, this application may be determined by Planning Development Management Committee.

The Pre-Determination Hearing took place on 13th January. The purpose of such hearings is to afford both the applicant and those who have made written representation on the proposed development the opportunity to present their views directly to the members of the Council.

### **Reason for Referral to Committee**

The application has been referred to the Planning Development Management Committee because this is a major application, as it is a significant departure from the development plan and there have been 301 no. representations.

## **CONSULTATIONS**

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

Contribution to health service provision would be due. Based on information from the NHS, the proposed development is served by a number of medical practices which are operating at or over capacity.

The nearest facilities – the Cults Medical Group and the Camphill Medical Practice – are operating with less space than required based on existing patient numbers. The Cults Medical Group is operating at approximately 3% below and the Camphill Medical Practice approximately 61% below the General Medical Services (GMS) space standards of 836m<sup>2</sup> and 483m<sup>2</sup> respectively (based on

the existing number of patients).

Although the proposed development does not require to address existing healthcare shortfalls, it will place further pressure on healthcare facilities through the creation of additional patients. In order for the development to be made acceptable if a healthcare facility is not provided on site, a contribution will be required towards extension works to create additional capacity at existing healthcare facilities serving the development, as advised by the NHS. The healthcare contribution is calculated in accordance with the methodology in section 4.5.2 of the Developer Obligations Supplementary Guidance, based on the Standard House Unit Equivalent (SHUE) for the proposed development and using the extension rate outlined in the Supplementary Guidance.

It is understood that the proposed development indicatively comprises 81 x 2 bed units and 64 x 1 bed units (including the proposed 50 bed care home). This equates to a SHUE of 103.2. The healthcare contribution is therefore:  $103.2 \times \pounds 1,023.57 = \pounds 105,632$ .

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

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

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

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

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

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

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

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

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

The concept of a link road, in conjunction with one of the options for 'Access from the South' was considered through the Scottish Transport Appraisal Guidance (STAG) stage 1 and stage 2 process, it was acknowledged that the option required further consideration to make a comprehensive judgement.

It is logically concluded that local traffic would be channelled onto the proposed link road, and this has been included in an analysis, which shows that in this scenario, both junctions operate within capacity at the peak hours.

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

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

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

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

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

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

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

In response to the points made in the Community Council additional comments of 6<sup>th</sup> December:

It is not considered appropriate to request a further analysis of the traffic west of the site on Deevie Road South etc, as sufficient analysis has been carried out for the purposes of the assessing the proposal – ie, traffic entering the site. The proposed link would replace two less suitable links.

In terms of potential changes to existing streets to reduce traffic, for example, by one-way restrictions, this would be addressing a problem that already exists, and as such, is it not appropriate to request that the applicant do this.

In terms of the cycle route joining the Deeside Way, there would be routes through the site to the Deeside Way. This could be dealt with at a detailed stage.

The accident statistics covering the period January 2014 to end of 2018 for the surrounding roads are as follows:

- There were 8no. accidents reported to police;
- Seven accidents were slight in severity, and one was serious;
- The serious accident was at the junction was Westerton Road and North Deeside Road, when a car driver turned right into Westerton Road, hitting two cyclists heading west on North Deeside Road.
- There was a minor accident involving a car waiting to turn right into Westerton Road being shunted.
- Further minor accident on North Deeside Road at the junction with Pitfodels Station Road.
- The other accidents were on North Deeside Road not immediately adjacent to the site.

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

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

Conditions also requested requiring

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

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

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

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

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

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

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

**Scottish Natural Heritage** – In response to the initial consultation it is confirmed that the proposal is unlikely to have significant effect on qualifying interests of the River Dee, Special Area of Conservation (SAC) and appropriate assessment is therefore not required.

SNH confirm their role in commenting on surveys of protected species and that these need to be requested by the planning authority where relevant (updated bat survey was submitted by the applicant).

SNH highlight that in the summary of likely effects in the Environmental Statement the magnitude of impact on the ecology of the area is considered 'significant beneficial'. The area to the west that will be retained is capable of improvement in terms of biodiversity, however, given that approximately two thirds of the development will result in the loss of semi-natural vegetated areas, SNH disagree with the significant beneficial conclusion.

In response to the consultation on further information, SNH explain that they are currently providing detailed landscape and visual advice only in the highest priority cases, where the effects of proposals approach or surpass levels that raise issues of national interests. It is advised that the proposals do not raise issues of national interests in terms of:

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

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

**Historic Environment Scotland** – Proposals have the potential to effect Pitfodels Castle, motte 30m E of Norwood. HES have no comments based on the information received.

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

The Community Council offer conditional support to the proposal based on the supportive community feedback for the link road and retirement - friendly housing. The Community Council also commented on the potential for improved access to the Deeside Way, public open space, provision of a wildlife corridor and possibility of local retail and health services.

Understanding for the views of objectors was expressed, together with the view that these could be balanced against potential overall benefit to the community.

The following points were made:

- There is strong public support for an improved road connection between Pitfodels Station Road and Inchgarth Road, to relieve the existing roads, open up the possibility of public transport and to cope with traffic increase from continued housing development to the west.
- The Community Council were not consulted by the developer on the current proposal, which has changed considerably since the previous iteration;
- Whilst it is understood that this is an application in principle, the design lacks imagination:
  - density is too high and out of keeping with the area;
  - A greater variety of house types could be provided;
  - The layout is too linear;
  - Parking should be next to properties to assist those with poor mobility;
  - A small parking area should be provided in the green space, to allow non-residents to visit the open space.
- Although there is support for retirement-friendly housing, age diversity would be welcomed;
- It is important that there is some green space to maintain separation from the existing built up area and to character of North Deeside Road;
- Disappointment is expressed that the re-positioning of the link road in the application makes it impossible to create a sports facility.
- It is suggested that Aberdeen City Council should contribute to the development, in order to alleviate traffic problems and allow a lower density development to be provided.

In terms of the Transport Assessment, the Community Council comment that:

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

### **REPRESENTATIONS**

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301 no. representations have been made, consisting of 22no. letters of objection, 278no. letters of



support and 1no. neutral.

The following matters were raised:

1. Although the application makes great play of the support for sustainable development within Scottish Planning Policy, the SPP makes clear that this does not override the primacy of the development plan. The proposal is contrary to the Local Development Plan. This is the starting point for decision making.
2. The proposals for Access from the South offer three options, only one of these includes the link road on this application site. It is not therefore necessarily 'essential infrastructure' as mentioned in Green Belt policy.
3. Lack of evidence that the road is needed. Easier access would encourage more usage.
4. There is no mention of the link road in the Local Development Plan.
5. The new road would increase noise and pollution. Policy T5 states a presumption against noise generating development.
6. Nearest bus stop is on Inchgarth Road, at some distance from the site and where there are narrow and uneven footpaths
7. Objection due to the proposal being contrary to Green Belt Policy. The proposal does not fall within any of the exceptions to the general presumption against development.
8. Objection due to the proposal being contrary to Green Space Network Policy. It would result in approximately two thirds of the semi natural habitat being lost and would erode the character and function of the network of open green spaces.
9. This is the first area of natural scenery along the Deeside Way heading out of the City. It is beautiful and should be retained.
10. The site provides ready access to nature, which enhances well-being.
11. The site is home to many species and types of wildlife and is a local asset.
12. That a Right of Way may have been created across the site by regular use over the last more than 20 years, between the rear of houses on Inchgarth Road and the east side of the site. This needs to be taken into account.
13. The supporting statement makes reference to the SPP stating that where a need is identified, then the LDP should consider allocating sites and provide policies to meet such a need. However, there is insufficient evidence of a need for care and retirement accommodation in Aberdeen, the evidence is national.
14. Proposal would result in an adverse impact on the environment in the Pitfodels Conservation Area.
15. The area has been subject to aggressive development over the recent years, with development setting a precedent for further development, until no green space is left.
16. That the bat survey contains incorrect references and prior to authorising commencement of development the planning authority must ascertain whether there is a presence of protected species on the site, and what the effect of this might be.
17. That owls, pine marten and red squirrel are also present on the site, as well as a significant variety of birds, insects, bumblebees and butterflies.
18. The ecosystem on the site should be left for future generations.
19. The proposal is proximate to several well studied badger setts, which have not been taken into account. The proposal would result in the loss of foraging resources.
20. That the link road provides only another route onto Inchgarth Road. It would create a new rat run and bring traffic into the Conservation Area.
21. That the proposal is within the Conservation Area and would destroy beautiful countryside.
22. That there was an application for over 50s living at the Marcliffe Hotel and the objector queries how much of this the community facilities can cope with.
23. There are already several retirement homes in the area and they create a burden on caring services.
24. Objector queries whether there is really demand for retirement homes, and that this site is steeply sloping, with no easy access to shops and services.

25. Objector considers that affordable housing in this area is not a serious suggestion.
26. There is no guarantee that the shops, including pharmacy would be provided and occupied. There are already two pharmacies in the area.
27. There is a lack of GPs to run surgeries. It is reportedly very difficult to get an appointment at Cults medical practice, the proposal would put more strain on that facility.

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

28. The owner of land to the south of the application site confirms that their land is available to provide enhanced and integrated roads and access, incorporating existing access to their own land.
29. The owner of land to the south confirms that their land is also available to help deliver an enhanced and integrated north – south wildlife corridor.
30. Owner of land to south highlights the two developer bids to the proposed Local Development Plan, reference B0944 relates to the application site, whilst reference B0917 relates to the land to the south, both are currently green belt and green space network. The application that is the subject of this report incorrectly refers to the land to the south as 'urban green space'. The writer supports the allocation of both sites in the new LDP.
31. That the proposal will benefit the local community by the provision of a link road that would improve traffic flow in the area and is needed, including to assist with the problem of rat running in the area. Existing roads are narrow with narrow pavements and vehicles speed along them, resulting in a dangerous situation.
32. T junction at Inchgarth Road would be better than a roundabout, and traffic should be directed preferentially onto the link road, with Inchgarth Road to the west becoming a minor road.
33. Provision of a bus service along the proposed link road to provide access to the shops at Garthdee, would be a good idea.
34. That the proposal is sympathetic and would also provide benefits with the residential and community facilities of a pharmacy, café and doctors surgery. The housing would allow people to downsize whilst remaining within the area, it would take pressure off the NHS and social care provision. There is demand for this sort of housing within the area and the proposal for a care home is supported due to need for the facility.
35. The site is currently unkempt and contributes little to the character and amenity of the area, as it is not available to the public and is therefore a wasted space.
36. Scale of development would hardly be visible from North Deeside Road.
37. Improvement of land, for wildlife, is a great idea.
38. Access to the Deeside Way would be improved, especially for disabled people.

### Pre-Determination Site Visit and Hearing

A Hearing site visit was held on Monday 13<sup>th</sup> January 2020 to familiarise members with the context of the site and the positioning, scale, changes in ground levels and means of access to the proposed development.

A Pre-Determination Hearing took place following the site visit on 13<sup>th</sup> January. The Hearing afforded the applicant and those people who submitted written representations on the proposed development the opportunity to verbally present their arguments/case directly to the Planning Development Management Committee, which on this occasion, was open to all Members of the Council. The minute from that hearing can be found on the Council website along with the agenda pack

– <https://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=348&MId=7307&Ver=4>

The hearing was addressed:

- by officers from the City Council on the planning and roads considerations pertinent to deciding the planning application,
- by the applicants and applicants' representatives in terms of the merits of the proposed

development;

- by organisations and individuals speaking for and against the proposal including Cults Milltimber and Bieldside Community Council and local residents for and against the proposal.

Members asked questions of many of the speakers.

The minute of the hearing has been scrutinised to make sure that any material planning issues and points raised in the hearing have been addressed in the evaluation of the application.

## **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

Scottish Ministers, through SPP, expect the planning system, amongst other things, to focus on outcomes, maximising benefits and balancing competing interests; play a key role in facilitating sustainable economic growth, particularly the creation of new jobs and the strengthening of economic capacity and resilience within communities; and be plan-led, with plans being up-to-date and relevant.

SPP's identified outcomes include achieving 1. *'A successful, sustainable place – supporting sustainable economic growth and regeneration, and the creation of well-designed, sustainable places'*; 2. *'A low carbon place – reducing our carbon emissions and adapting to climate change'*; and 3. *'A natural, resilient place – helping to protect and enhance our natural and cultural assets and facilitating their sustainable use.'*

Paragraph 15 highlights the role of SPP to set out how these outcomes should be delivered on the ground. By locating the right development in the right place planning can provide opportunities for people to make sustainable choices and improve their quality of life.

Paragraph 28 states, as a policy principle, that the planning system should *'support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost'*.

As regards green belts, paragraph 49 sets out in the context of development planning that these will not be appropriate to all settlements, however, where planning authorities consider it appropriate, the development plan may *'designate a green belt around a city or town to support the spatial strategy by:*

- directing development to the most appropriate locations and supporting regeneration;*
- protecting and enhancing the character, landscape setting and identity of the settlement; and*
- protecting and providing access to open space.'*

Again in the context of development planning, para 52 sets out that local development plans should describe the types and scales of development which would be appropriate within a green belt. These may include:

- development associated with agriculture, including the reuse of historic agricultural buildings;*

- development associated with woodland and forestry, including community woodlands;*
- horticulture, including market gardening and directly connected retailing;*
- recreational uses that are compatible with an agricultural or natural setting;*
- essential infrastructure such as digital communications infrastructure and electricity grid connections;*
- development meeting a national requirement or established need, if no other suitable site is available; and*
- intensification of established uses subject to the new development being of a suitable scale and form.*

Paras 193 & 202-204 address the policy 'Valuing the Natural Environment':

Paragraph 193 notes the importance of planning in '*protecting, enhancing and promoting access to our key environmental resources, whilst supporting their sustainable use*'.

Paragraph 202, in the context of development management, states that '*The siting and design of development should take account of local landscape character*', and that '*developers should seek to minimise adverse impacts through careful planning and design, considering the services that the natural environment is providing and maximising the potential for enhancement*'.

Paragraph 203 states that '*Planning permission should be refused where the nature or scale of proposed development would have an unacceptable impact on the natural environment*'.

#### National Planning Framework (NPF3)

This is currently under review and its replacement (NPF4) will set out Scotland's vision for the future as well as introducing national policies on various topics.

NPF3's key vision for Scotland's spatial development is to create:

- a successful, sustainable place;
- a low carbon place;
- a natural, resilient place; and
- a connected place.
- 

NPF3 contains a number of large infrastructure projects, many of which are either completed or under way.

#### Historic Environment Policy Statement (HESPS) 2016

Key to managing change within the historic environment is understanding its significance, the attributes that form its character; manage change in a way that protects the historic environment and minimise change where it is unavoidable. Alternatives should be explored and mitigation measures put in place. It is stated that the historic environment should be managed in a sustainable way to ensure that it benefits everyone now and in the future.

#### Local Transport Strategy (2016-2021)

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

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

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

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

#### Strategic Infrastructure Plan (2013)

Aberdeen City Council's Strategic Infrastructure Plan (SIP) focuses on the delivery of key strategic priorities. One of the Key Goals was better local transport and one of the criteria for this Goal is improving cross-city connections.

Fourteen priority projects are identified in the SIP and one of these is 'Access from the South'.

The results from the initial stage of a study, completed in 2011, found that in the long-term increasing levels of development south of the River Dee will lead to further problems at bridge crossings. The study identified the long term need for additional capacity across the River Dee and investigation of these capacity issues is now the focus of an ongoing study.

The SIP states that "included in this project is exploring the merits of a link road between Inchgarth Road and North Deeside Road as part of a wider solution combined with the proposals for the Bridge of Dee."

There was a report on the Scottish Transport Appraisal Guidance (STAG) Part 1 Appraisal of Access from the South to the Enterprise, Planning and Infrastructure Committee in March 2014, which referred to the option including link road through this site as 'Concept 6B'. The conclusions from comparative assessment of the various concepts concluded that Concept 6B be rejected for further consideration on the basis that the link had been demonstrated not to be necessary as part of the wider solution combined with the proposals for the Bridge of Dee. However, the A93/Inchgarth Road link had not been progressed and scrutinised to the same level of detail as other concepts, therefore, to enable a consistent comparison between all concepts to be fully explored, it was considered appropriate to take the '6B' concept, including an Inchgarth / A93 link road forward for further consideration to enable it to be progressed to a comparable level of detail. As such, the link road proposed through this planning application is not a material planning consideration.

There was a further report (STAG Part 2 Appraisal) to Communities, Housing and Infrastructure Committee in January 2017. The Key Findings in respect of the link road (which is part of Concept 6B) were that the link road did not make Concept 6B materially better than Concept 6 (same Concept, but without the link road), and that the link road element resulted in additional cost and environmental impact.

The next step in the consideration of the 'Access from the South' study is a post Aberdeen Western Peripheral Route (AWPR) review which will commence later this year. A likely timescale would be that the review is completed by late 2021 and will be followed by Committee reporting.

This matter is discussed later in the Evaluation section, however, in summary, at present the Access from the South study has not resulted in an agreed option and accordingly [it is not](#) possible on the basis of the SIP to draw support for the link road proposal that forms part of this planning application.

#### City Region Deal

Access from the South is not part of the City Region Deal.

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

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

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

The Aberdeen City Local Development Plan 2017 will continue to be the primary document against which applications are considered. The Proposed Aberdeen City & Shire SDP may also be a material consideration. The Proposed SDP constitutes the settled view of the Strategic Development Planning Authority (and both partner Councils) as to what should be the final content of the next approved Strategic Development Plan. The Proposed SDP was submitted for Examination by Scottish Ministers in Spring 2019, and the Reporter has now reported back. The Scottish Ministers will consider the Reporter's Report and decide whether or not to approve or modify the Proposed SDP. The exact weight to be given to matters contained in the Proposed SDP in relation to specific applications will depend on whether:

- these matters have been subject to comment by the Reporter; and
- the relevance of these matters to the application under consideration.

The Vision of the Proposed SDP includes recognition of the City Region's unique built, historic and natural environment, which will be protected and where appropriate, enhanced as a key asset in underpinning a high quality of life and place.

The PSDP contains a number of Aims, in order to make the Vision a reality, these are to:

- provide a strong framework for investment decisions which will help to grow and diversify the regional economy in a sustainable manner;
- promote the need to use resources more efficiently and effectively whilst protecting our assets; and,
- take on the urgent challenges of climate change.
- 

In assessing proposals for development, Policy states that the importance given to each Aim will be balanced, taking into account the Vision, Spatial Strategy, Objectives and Targets of the Plan.

In supporting the Aims, the Plan identifies a number of needs, including:

- protect and enhance valued assets including biodiversity, the historic and natural environment
- help create sustainable mixed communities, with high quality urban design and catering for the needs of the whole population
- 

The PSDP continues the Spatial Strategy from the SDP 2014. The whole of ACC area is a Strategic Growth Area. Within this multifunctional green networks and green spaces are seen as a key focus of providing sustainable mixed communities.

Figure 2 in the PSDP shows key features in the Aberdeen City Strategic Growth Area and includes the Deeside Way and the Movement Intervention – River Dee Link (indicating the river crossing).

Paragraphs 6.8 – 6.12 deal with the Green Belt and Green Networks. Protection of designated sites

is identified as important. It is stated that the green belt will continue to protect the character and landscape setting of the City and ensure that development is directed to appropriate locations. Green infrastructure and networks are seen as key for the environment, creation and health and well-being.

The Reporters' recommendations to the Scottish Ministers do not alter the principles as far as the paragraphs above relate to the development.

### Aberdeen Local Development Plan (2017)

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

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

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

#### **D2: Landscape**

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

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

#### **D4: Historic Environment**

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

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

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

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

#### **I1: Infrastructure Delivery & Planning Obligations**

Development must be accompanied by the infrastructure, services and facilities required to support new or expanded communities and the scale and type of developments proposed. Where development either individually or cumulatively will place additional demands on community facilities

or infrastructure that would necessitate new facilities or exacerbate deficiencies in existing provision, the Council will require the developer to meet or contribute to the cost of providing or improving such infrastructure or facilities.

### **T1: Land for Transport**

Includes a list of transport projects for which land has been safeguarded. None of these include the application site, nor any possible options involving the site.

Paragraph 3.39 in the ALDP states that the plan takes cognisance of the Local Transport Strategy (LTS), the Neustrans Regional Transport Strategy (RTS) and the National Transport Strategy (NTS)

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

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

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

New developments must be accessible by a range of transport modes, with an emphasis on active and sustainable transport, and the internal layout of developments must prioritise walking, cycling and public transport penetration. Links between residential, employment, recreation and other facilities must be protected or improved for non-motorised transport users, making it quick, convenient and safe for people to travel by walking and cycling. Existing access rights, including core paths, rights of way and paths within the wider network will be protected and enhanced. Where development proposals impact on the access network, the principle of access must be maintained at all times by the developer through the provision of suitable alternative routes. Recognising that there will still be instances in which people will require to travel by car, initiatives such as like car sharing, alternative fuel vehicles and Car Clubs will also be supported where appropriate.

### **T4: Air Quality**

Development proposals which may have a detrimental impact on air quality will not be permitted unless measures to mitigate the impact of air pollutants are proposed and agreed with the Planning Authority.

### **T5: Noise**

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

### **H3: Density**

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

1. Meet a minimum density of 30 dwellings per hectare;
2. Have consideration of the site's characteristics and those of the surrounding area;
3. Create an attractive residential environment and safeguard living conditions within the



development; and,

4. Consider providing higher densities in the City Centre, around local centres, and public transport nodes.

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

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

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

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

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

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

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

The Council will protect, promote and enhance the wildlife, access, recreation, ecosystem services and landscape value of the Green Space Network (GSN), which is identified on the proposals map. Proposals for development that are likely to erode the character and / or function of the GSN will not be permitted.

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

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

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

#### **NE2: Green Belt**

No development will be permitted in the Green Belt for purposes other than those essential for agriculture; woodland and forestry; recreational uses compatible with an agricultural or natural setting; mineral extraction/quarry restoration; or landscape renewal. There are exceptions to this policy, including:

1. Proposals for development associated with existing activities in the green belt will be permitted but only if certain criteria are met.
2. Essential infrastructure (such as electronic communications infrastructure, electricity grid connections, transport proposals identified in the LDP or roads planned through the masterplanning of opportunity sites) will only be permitted if it cannot be accommodated anywhere other than the Green Belt.
3. Buildings in the Green Belt which have a historic or architectural interest, or a valuable traditional character, will be permitted to undergo an appropriate change of use which makes a worthwhile contribution to the visual character of the Green Belt.
4. Proposals for extensions of existing buildings, as part of a conversion or rehabilitation scheme, will be permitted in the Green Belt with certain provisos.

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

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

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

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

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

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

#### **NE5: Trees and Woodlands**

There is a presumption against all activities and development that will result in the loss of, or damage to, trees and woodlands that contribute to nature conservation, landscape character, local amenity or climate change adaptation and mitigation. Buildings and services should be sited so as to minimise adverse impacts on existing and future trees.

Policy states that where appropriate, the Council will promote creation of new woodland and tree planting.

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

Development will not be permitted if:

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

2. It would be at risk itself from flooding;

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

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

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

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

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

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

#### **NE8: Natural Heritage**

Where local heritage designations are impacted, this should be addressed through design and mitigation. Where there are adverse effects, even with mitigation measures, then development will only be permitted where the effects are outweighed by social, environmental or economic benefits of citywide importance.

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

In all cases of development:

1.No development will be permitted unless steps are taken to mitigate negative development

impacts.

2. An ecological assessment will be required for a development proposal likely to affect a nearby designated site, or where there is evidence of protected species.
3. A Construction Environmental Management Plan may be required to address any potential negative impacts on protected species, waterbodies or local diversity within the construction phase.
4. Natural heritage beyond the confines of the designated sites should be protected and enhanced. Measures will be taken in proportion to the opportunities available to enhance biodiversity through creation and restoration of habitats and incorporating existing habitats where possible,
5. Where feasible, steps to prevent further break up of habitats, and to restore links, will be taken.
6. Natural riparian buffer strips should be created to enhance waterbodies.

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

New development should not compromise the integrity of existing or potential recreational opportunities including general access rights to land and water, Core Paths, other paths and rights of way. This includes any impacts on access during the construction phase of a development. Wherever possible, developments should include new or improved provision for public access, permeability and/or links to green space for recreation and active travel.

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

The City Council will require that all land that is degraded or contaminated, including visually, is either restored, reclaimed or remediated to a level suitable for its proposed use. This may involve undertaking site investigations and risk assessments to identify any actual or possible significant risk to public health or safety, or to the environment, including possible pollution of the water environment, that could arise from the proposals. Where there is potential for pollution of the water environment the City Council will liaise with SEPA. The significance of the benefits of remediating a contaminated site, and the viability of funding this, will be taken into account when considering proposals for the alternative use of such sites.

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

All new developments should have sufficient space for the storage of general waste, recyclable materials and compostable wastes where appropriate. Recycling facilities should be provided in all new superstores or large supermarkets and in other developments where appropriate. Details of storage facilities and means of collection must be included as part of a planning application for any development which would generate waste.

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

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

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

### **CI1: Digital Infrastructure**

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

### Proposed Aberdeen Local Development Plan (2020)

The Proposed Aberdeen Local Development Plan (Proposed ALDP) was approved at the Council meeting of 2 March 2020. 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 –

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

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

## **Policies**

Where policies differ or include additional provision that relate to this application, these have been described below, others that largely reiterate policy, as it relates to this application, have been listed without further description. Where there are new policies or new elements within policies, although these issues have been through the Main Issues Report stage, the policies have not been subject to consultation, and the weight they carry is therefore, limited.

The zoning of the land that is the subject of the planning application is not altered by the Proposed LDP, it remains Green Belt / Green Space Network.

### **NE1 – Green Belt**

#### **NE2 – Blue and Green Infrastructure**

In addition to the requirements of the NE1: Green Space Network policy in the ALDP, this policy requires that where infrastructure crosses the GSN, appropriate provision should be made for access across roads for wildlife and outdoor recreation.

Open Space in New Development: requires the provision of biodiverse, usable and appropriate open space in new developments to ensure functionality. SG is referenced for calculation of size and type of provision. Reference is made to the Open Space Audit, stating that where the audit identifies opportunities for enhancement, then contributions may be sought.

In respect of core paths and access rights, this policy includes provisions very similar to Policy NE9: Access and Informal Recreation in the ALDP.

### **Policy NE3 – Our Natural Heritage**

This covers the same requirements as Policy NE8 in the ALDP, with the addition, that there should be an assessment of alternative solutions to avoid adverse impacts (on natural heritage assets); and that the assessment of natural heritage assets should include proposals to achieve overall biodiversity gains for the site.

### **Policy NE4 – Our Water Environment**

#### **Policy NE5 – Trees and Woodland.**

This policy is very similar to NE5 within the ALDP, however, has a stronger emphasis on development proposals seeking to increase tree and woodland cover. It states that where development does not include replacement planting to achieve a net gain in tree cover, it will not be supported.

### **Policy D1 – Quality Placemaking**

This policy contains the same requirements as D1 in the ALDP, with the addition of specific mention, including biodiverse open space and high-quality public realm.

### **Policy D2 – Amenity**

In order to [provide amenity for existing and future occupiers:

- make the most of views and sunlight,
- that adequate levels of amenity are afforded in relation to daylight and sunlight, noise, air quality and immediate outlook, and privacy
- public face to street and active frontages
- ensure that refuse, recycling, cycle storage, renewables, plant and machinery are all sensitively integrated into the design.
- Ensure that neighbouring developments are not adversely affected
- Ensure that external lighting minimises spillage
- Ensure minimum standards for residential indoor and external floor space.
- No less than 50% of private residential courts should be amenity space, where car parking is provided.
- All residents to have access to usable private / semi/ private open spaces and sitting out areas
- Residential development to have a private face to an enclosed garden / court.

#### **Policy D4 - Landscape**

Landscape which contributes to a 'sense of place' will not be adversely affected by development. Development will provide opportunities for conserving or enhancing existing landscape including linear features.

Development should avoid adversely affecting the character of landscapes which are important for the setting of the city and river valleys.

Development should avoid disturbance to, or loss or damage to important recreation, wildlife or natural resources or to the physical and functional links between them.

Green spaces between and around places or communities, and those which can provide opportunities for countryside activities, will not be eroded by development.

Landscape and Visual Impact Assessment (LVIA) to be submitted with proposals.

#### **Policy D5 – Landscape Design**

Development proposals will be designed with effective, functional and attractive landscape frameworks.

#### **Policy D6 – Historic Environment**

#### **Policy R6 – Low and Zero Carbon Buildings, and Water Efficiency**

#### **Policy R8 – Heat Networks**

Major developments will be required to connect to an existing network where available, or provide within the site and independent Heating / Cooling network and plant capable of connecting to the network at a future date, or where it can be proven that provision of an independent heat network or connection to existing are unviable, a network of soft routes will be provided through the development for the future provision of a heat network. Agreed network design will be required.

A chapter of new policies relating to Health and Wellbeing have been introduced to the PLDP. This includes policies on air quality and noise, which are similar to policies T4 and T5 in the ALDP, as they relate to this application.

#### **Policy WB1 – Healthy Developments**

Developments are required to provide healthy environments, reduce environmental stresses, facilitate physical activity and promote physical and mental wellbeing. Major developments, and those requiring EIA will require Health Impact Assessments to enhance health benefits, and mitigate any identified impacts on the wider determinants of health; this may involve planning obligations.

## **Policy WB2 – Air Quality**

## **Policy WB3 – Noise**

## **Policy WB4 – Specialist Care Facilities**

Proposals for new residential care facilities (such as care homes, nursing homes, sheltered living) should:

1. Be well connected; located close to public transport links and community amenities for residents and staff, and provide visitor parking; and,
2. Meet design and amenity standards in line with other types of 'residential' developments.

## **Policy H1 – Residential Areas**

## **Policy H3 – Density**

Subject to context, this policy raises the density sought for new residential development, to 50 dwellings per hectare.

## **Policy H4 – Housing Mix and Need**

In addition to the requirements in Policy H4 in the ALDP, this policy states that where possible, housing units should demonstrate a design with accessibility and future adaptability in mind.

## **Policy H5 – Affordable Housing**

## **Policy VC12 – Retail Development Serving New Development Areas**

## **Policy I1 – Infrastructure Delivery and Planning Obligations**

## **Policy T1 – Land for Transport**

Land has been safeguarded for the transport projects listed below and these are highlighted on the Proposals Map. Only development related to the following projects will be accepted in these areas:

- Improved rail services;
- Dyce Railway Station expansion;
- Aberdeen South Harbour and associated infrastructure;
- Berryden Corridor improvements; and
- South College Street improvements.

Page 123 of the Proposed LDP includes a 'Summary of Transport Intervention Options'. These include Road Junction and operational efficiency enhancements on urban corridors, including the Bridge of Dee corridor. The plan states that the Transport Intervention Options will require further appropriate appraisal and review but are, at this stage, required to assist the delivery of the Plan's spatial strategy and growth aspirations.

## **Policy T2 – Sustainable Transport**

## **Policy T3 – Parking**

This policy relates to parking levels, and states that low car development is encouraged within conservation areas. It contains requirements for electric vehicle charging points and cycle parking within new developments.

## **Policy CI1 – Digital Infrastructure**

### Supplementary Guidance:

## **Planning Obligations**

**Green Space Network and Open Space** – this is relevant to policies including those relating to GSN, Open space in new development and access and informal recreation generally reflects the

provision identified in the NE4 policy in the ALDP.

## **Resources for New Development**

**Trees and Woodlands**

**Flooding, Drainage and Water Quality**

**Landscape**

**Natural Heritage**

**Noise**

**Transport and Accessibility**

**Planning Obligations**

Technical Advice Notes:

**Natural Heritage**

Other Material Considerations

## **Pitfodels Conservation Area Character Appraisal and Management Plan**

The area is characterised by many large houses set in open space with many substantial trees, parkland and formal landscaping. The Area is on a southern slope on the north riverbank of the River Dee.

The Appraisal identifies a number of long-distance views from North Deeside Road looking south across the site to the Deeside Way and beyond. The character of Inchgarth Road is noted, with its stone walls, increasingly rural character and mature trees on the south side. The character of the narrow roads leading up from Inchgarth, such as Pitfodels Station Road and Westerton Road, are noted, with the current / recent level of traffic being unsuited to those roads.

Materials prevalent within the Conservation Area are granite, slate roofs, timber, as well as harling and terracotta roofs.

## **Local Outcome Improvement Plan 2016 – 26**

The Proposed LDP seeks to support the outcomes of the LOIP through creating a healthy environment, many of the outcomes cannot be achieved without an appropriate environment.

## **ENVIRONMENTAL STATEMENT**

Before considering the merits of the proposed development it is appropriate to comment on the background to the necessary Environmental Impact Assessment process and the Environmental Statement submitted in conjunction with this application for planning permission.

### EIA Directive

EU Directive 2011/92/EU (as amended by Directive 2014/52/EU) aims to ensure that an authority granting consent (the 'competent authority') for a particular project makes its decision in full knowledge of any likely significant effects on the environment. The directive sets out a procedure that must be followed for certain types of project before they can be given 'development consent'. This procedure - known as Environmental Impact Assessment or 'EIA' - is a means of drawing together, in a systematic way, an assessment of a project's likely significant environmental effects. This helps to ensure that the importance of the predicted effects, and the scope for reducing any adverse effects, are properly understood by the public and the competent authority before it makes its decision.

### EIA (Scotland) Regulations

The purpose of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 is to transpose the relevant EU directive into the Scottish planning system. It is noted that regulations relating to the Environmental Impact Assessment (EIA) process in Scotland

were recently updated through the coming into force of the *Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017* on 16th May 2017.

It is the applicants' responsibility to prepare the Environmental Statement (ES). There is no statutory provision as to the precise form of an ES. It must contain the information specified in Part II, and such of the relevant information in Part I of Schedule 4 to the Regulations as is reasonably required to assess the effects of the project and which the applicant can reasonably be required to compile. Whilst every ES should provide a full factual description of the development, the emphasis of Schedule 4 is on the 'main' or 'significant' environmental effects to which a development is likely to give rise. Other impacts may be of little or no significance for the particular development in question and will need only very brief treatment to indicate that their possible relevance has been considered.

It is for the Council to satisfy itself of the adequacy of the ES, ensuring that the submitted statement contains the information specified in Part II of Schedule 4 to the Regulations and all the relevant information set out in Part I of that Schedule that the applicant can reasonably be required to compile. Schedule 4 also sets out requirements for the provision of a non-technical summary of this information.

#### Environmental Statement - Adequacy

This proposal was subject to Environmental Impact Assessment as a "Schedule 2 Development", by virtue of the characteristics of the proposed development and its potential impacts. This was established via a process of EIA Screening and confirmed via a Screening Opinion issued by Aberdeen City Council, which identified that the project falls within Schedule 2 Class 10(b) and (f) of the EIA Regulations, relating to Infrastructure Projects.

It was considered that EIA was required for the proposed development taking into account the following factors:

- The site consists of former fields, that have largely become self-seeded with plants and trees, and lies within the Pitfodels Conservation Area, and within an area zoned as Green Belt and as Green Space Network in the extant local development plan, as well as in the emerging Proposed Local Development Plan 2016. This is a relatively narrow area of green belt, with residential uses to the west and to the east. The site includes a significant proportion of the green belt in this location and the site is not allocated for development within the development plan.
- Potential for loss and future loss of trees. There are a large number of trees, including along the site boundaries and adjacent to the Deeside Walkway. Some of these are covered by Tree Preservation Order.
- The size of the site is 9.87 hectare, although it is acknowledged that area of development for Option B (the option that includes retirement units rather than the pitch) does not include the entire site.
- Extent of cut and fill, including the extent of building up of land to create the gradient and alignment needed for the proposed road, together with the development of the site itself.
- Potential for use of the proposed road by traffic as a 'rat run', including non-local traffic, including the air quality and noise pollution impact from traffic, both locally to the site and further afield, due to potential for changes to traffic routes and volumes. Also taking into account the Air Quality Management Zone on South Anderson Drive.
- The proximity of the River Dee Special Area of Conservation and catchment area and the Local Nature Conservation Site and core path along the former Deeside Railway.
- Potential impact on protected species and wildlife habitat of development of the site.
- Potential landscape and visual impact of the proposed development taking into account the factors above.



It is considered that the cumulative effect of the size, location and nature, including taking into account the factors above would be likely to result in a complex, long term and irreversible impact on the environment. EIA is therefore required and any proposed remediation measures may be fully explored in the Environmental Statement.

The ES includes a Schedule of Mitigation (in Part I) which summarises the proposed environmental mitigation measures that would be undertaken by the applicant/contractor, or other parties, to avoid, reduce or offset environmental effects before, during and after construction and during the operation of the development.

Following initial consideration of the submitted Environmental Statement, the planning authority sought further information in particular in relation to the Landscape Visual Impact Assessment, as provided for by Regulation 23 of the relevant EIA regulations. Having received further submissions from the applicants, it is considered that the Environmental Statement contains the required information and is therefore adequate for the purposes of informing assessment of the environmental effects of the proposal.

### Summary of Environmental Statement (ES) findings

The Environmental Statement is a suite of documents comprising:

- 1: Main document – full text of Environmental Report along with figures and tables
- 2: Appendices – contains technical surveys, reports and supporting documents to Volume I
- 3: Non-Technical Summary

The results of the Environmental Impact Assessment are intended to inform the planning process on what environmental effects are predicted to arise and what will be done to avoid or reduce them, and also to demonstrate how design decisions have been taken to avoid or reduce the significance of any impacts where it was practical to do this and it can be demonstrated. The impacts identified and mitigation measures proposed within the Environmental Report are summarised below.

### Landscape Visual Impact Assessment

This describes the site as lying on a plateau on the northern banks of the River Dee. The LVIA includes photomontages which aim to provide an indication of how the development would look within the landscape. The report acknowledges the limitations of the photomontages.

The LVIA assessments takes account of national and local policies; landscape character based on the Landscape character assessment of Aberdeen published by SNH in 1996; identification of contextual features within 5km, such as settlements, roads, paths, cultural heritage and natural heritage both as a baseline and secondly to assess impact on them. The physical attributes were considered, including topography, gradients, vegetation and built form.

A 'Zones of Theoretical Visibility drawing was created. This is based on topography of the ground (and therefore does not consider buildings etc). Coloured areas on the drawing indicate theoretical visibility of all or parts of the site, whilst clear areas show that views will not be possible from those locations.

Assessment was made of the impact on 'visual receptors' – views from dwellings, settlements, transport routes, cultural heritage and recreational locations and protected natural areas.

The LVIA report considers impacts on views of, from and across the site, taking into account existing tree cover and tree removal for the road; the change in character of the Deeside Way as it passes through the site, due to development and the extent to which this could be mitigated by design and planting. The report contains analysis of the visual impact on the viewpoints identified, including photomontages.

The report reaches several conclusions in terms of visual impact:

- That due to the nature of the river valley and mature wooded character of Pitfodels, the visual impact within the landscape will be very low;
- Impacts would be limited to the landscape immediately adjacent to the site boundaries on the Deeside way, North Deeside Road and Inchgarth Road, as well as, to some degree, the properties bounding the site;
- That preservation of the majority of tree cover along with enhanced landscape buffers would help mitigate residual impacts significantly;
- Low density development, in keeping with the style of the surroundings would help integrate development into landscape and mitigate visual impacts.
- From south of the Dee, impacts would be low in the valley and as elevation of viewpoint increases, so does distance;
- From location on southern slopes of the valley, views of the development would be within the context of the built environment – magnitude of change to views from this direction are cited as low.

### Mitigation

The following are seen as important in mitigating the impact of the development on the landscape:

- Protection of the GSN by maintaining significant tree cover on boundaries, in order to connect habitats and the green corridor of the Deeside Way.
- Enhancement of recreational access and biodiversity must be incorporated into the design of the development, to maintain and improve the GSN and the wider character of the landscape;
- Development masterplan must help to define settlement boundaries and not compromise Aberdeen's landscape setting and result in coalescence.
- Low density development would provide for large plot sizes and green spaces, that would fit with the character of the Conservation Area.
- Integrity of the Deeside Way must be protected during the course of development and its role as a green corridor for recreation and wildlife, enhanced.
- Tree retention and planting to enhance the character of the surrounding area.
- Overhead powerlines require a development offset and these should set the limit of development in a westerly direction, in order to maintain the separation of settlements.
- Stonewalling is a key feature in the Conservation Area and this should be preserved and / or integrated into the development.

### Noise Assessment Report

This predicts noise levels in the proposed development, by using road traffic flow data. The report concludes the following:

1. In order to provide suitable residential conditions in areas 1, 3, 4 and 6, it is recommended that noise mitigation measures should be provided to reduce impacts from traffic noise. These are indicated as sound insulating windows and trickle vents
2. To reduce noise levels in external areas in line with ACC criterion, noise barriers are recommended in a number of locations. Noise barriers are indicated along the North Deeside road boundary- the existing stone wall is thought sufficient, along the east and west sides of the proposed link road within the area north of the Deeside Way, and along the Inchgarth Road site boundary. It is considered likely that a 2.4m high close boarded fence along Inchgarth road site boundary and a 1.8m high similar barrier along the link road, would be required.
3. To protect amenity of occupiers of existing properties to the west of the proposed link road, it is recommended that a noise barrier be constructed to screen the road.
4. The design of proposed building services plant would need to meet the limits given.
5. Deliveries and service collections to and from retail units would need to be limited to between certain daytime hours.

### Tree Survey

The tree survey lists 75 individual trees that would be removed for development and a further 15no.

trees for management reasons. Of the trees removed for development, a large number are birch and willow, two limes and some sycamore and Norway maples. These numbers would not include a large number of smaller saplings. Many of the larger trees are required to be removed to accommodate the proposed link road, and are located along its route, near to the Deeside Way, and on the North Deeside Road.

Most notable amongst the trees to be removed are: 2no. Category B mature limes, 4no. beech and a Category B mature elm.

### Ecology

Seven of the trees proposed to be removed, were identified from the ground as having bat roost potential. A further survey was carried out to identify actual bat roost potential and to recommend mitigation measures. An aerial survey found that five of the trees have no actual roost habitat. Elm no. 8 could support roosting bats although no evidence was found. A birch (that was originally to be felled for health reasons, will now remain) with roost potential was to be retained.

Mitigation measures recommended were the carrying out of a dawn survey prior to felling of Elm 8 and the installation of bat boxes on trees bordering the Deeside Way and North Deeside Road.

Walkover Surveys took place in October 2016, June and October 2017 and updated in 2019. No evidence was observed of protected species; a badger footprint was found leading to the conclusion that badgers forage on the site. Trees were found to be unsuited to squirrels. There was found to be a mosaic of habitats that could support breeding birds. The habitats were found not to be valuable ecologically in themselves, however, some could support protected species at certain times of year. It was recommended that a breeding bird survey be carried out if work were to take place between February and August. It was further proposed that tree and shrub planting would help improve biodiversity and improve habitat potential.

Japanese Knotweed was found in a 3m<sup>2</sup> patch.

### Lepidoptera Survey

This recorded 51 species of butterfly and moth at the site, including 5 BAP priority species and 3 species considered 'local' on a national level. The survey describes the various habitat types on the site, and how these suit the various species. The potential impacts on habitat and therefore on the future success of various species is considered and mitigation measures identified, to ensure that if construction took place, there would be a continuity in habitat provision.

### Archaeology and Cultural Heritage

The consisted of a desk based study of all statutorily designated assets within 1km of the site and on site, including listed buildings, conservation areas, scheduled ancient monuments and archaeological finds, those within 1km include the former Pitfodels Railway Station and, the listed Inchgarth House.

There are no features on the site, and therefore no direct impact. The study concludes that impacts on nearby features are negligible and not significant. It would be proposed that a programme of archaeological works including trial trenches would be required to be undertaken on site prior to any development.

The LVIA also makes reference to the Conservation Area, and that is included above.

### Transportation

The transport assessment (TA) considered traffic impacts and walking, cycling and public transport accessibility. This was carried out in accordance with industry standards.

The TA included the road links and junctions at:

- Pitfodels Station Road, to the immediate east;
- Westerton Road, to the west;
- Inchgarth Road / proposed link road and junction; and,

- A93 North Deeside Road / proposed link road 'ghost island' junction.

The TA reported on the traffic capacity during morning and evening peak hours at the relevant junctions with the development in place. It was assumed that all traffic currently travelling between North Deeside Road and Inchgarth Road along Pitfodels Station Road and Westerton Road, would use the proposed link road. With this assumption, it was shown that the proposed development could be accommodated on the road network with both new junctions operating within capacity.

The TA proposes no mitigation as the increase in traffic levels (ie, from the development) would not overburden the road network as proposed. It is noted that traffic noise is dealt with separately, and mitigation is proposed in relation to that.

### Flooding and Drainage

The study is based on a Drainage Impact Assessment (DIA) and Flood Risk Assessment (FRA). FRA indicates the only flood risk to be from surface water overland flooding. The proposal would need to provide mitigation for surface water from the site, as well as external sources.

In terms of drainage, mitigation is proposed by SUDS measures to control run off and provide filtration and settlement treatment.

Gravity foul sewers would be required to serve the development and Scottish Water has confirmed sufficient capacity to deal with this.

Plans also indicate the possibility of a culverted watercourse across the site, it is unknown whether this exists as an active watercourse.

### Geo-environmental Site Investigation

Following investigations this concludes that:

- There is no known contamination from previous use of the site, other than the former railway;
- There is some indication of a low level of radon in the area to the south of the site. Any future development may require protection measures within part of the site;
- Need to create development platforms and the existence of the retaining wall to North Deeside Road is noted;
- Japanese knotweed exists on a bund in the south west corner of the site;
- There are several major services running across the site, including overhead powerlines, an aqueduct along the southern edge of the site and surface and foul water pipes. There is also a watercourse indicated, although could not be located on a walkover.

There are no specific mitigation measures identified, although some of the above matters would need to be the subject of conditions on any permission.

## **EVALUATION**

### **Legislative requirements**

Section 25 and Section 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 the determination shall be made in accordance with the Development Plan, unless material considerations indicate otherwise.

The issues for consideration are:

- the principle of the proposed uses on this site; visual impact on the character of the landscape, in particular from public viewpoints, and in the context of the green belt and conservation area designations;
- impact on the natural environment, including the site as part of the wider green network; impact on recreation;
- the impact on the residential amenity of the occupiers of nearby housing; transportation, including walking, cycling and public transport provision;
- whether an acceptable residential environment for the extent of development indicated, could be created on the site based on the indicative layout and whether there is justification for the development due to other material considerations, such as the need for housing and the link

road, and whether this overrides policy considerations, which seek to protect the green belt and natural environment.

### **Green Belt and Principle of Development**

National and strategic guidance strongly supports the Green Belt in its role of directing development to appropriate locations, protecting access to open space and protecting and enhancing the character and landscape setting of settlements. SPP identifies types of development that may be appropriate in the green belt and Policy NE2 in the ALDP further specifies this for Aberdeen.

In respect of Paragraph 193 - 203 of SPP, the key considerations are: would the proposal result in the protection, enhancement and promotion of access to a key environmental resource and whether the nature or scale of proposed development would have an unacceptable impact on the natural environment.

The application site extends across roughly half the width of the Pitfodels Green Belt designation between the eastern edge of the Aberdeen City suburbs and the Lower Deeside suburbs, and bounds the edge of the Cults residential area to the west. The proposal would result in built development on the major portion of the site, it would therefore significantly increase the risk of settlement coalescence between Aberdeen City and Cults, with the proposed public open space in the western area of the site, being the only remaining green space separating the site from Cults. The role of the Green Belt, and the setting of the City as described above would be seriously compromised.

In terms of the ALDP, the key issues for consideration are whether the proposed development complies with the uses identified as being appropriate within the green belt, and secondly the extent of impact upon the character and landscape setting of the settlement, which it is the green belt's role to protect.

ALDP Policy NE2 presumes against development, with some exceptions that are specified above, in the Policy section. In response to the exceptions, it is noted:

1. The proposal does not involve development associated with an existing activity on the site;
2. The proposal does not involve essential infrastructure. The link road is not a transport proposal identified in the ALDP, nor is it within a masterplanned Opportunity Site – a site identified in the ALDP.
3. 4. and 5. relate to existing buildings, extensions and replacements of existing building and none of these apply to the proposal.

None of the built elements of the proposal fall within these categories of exception to Green Belt Policy. The public open space element of the proposal relates to a recreational use, but in all other respects the proposal development is contrary to Policy NE2.

It is noted that the proposed link road is mentioned in the Strategic Infrastructure Plan (SIP). The SIP makes mention of the link road in the context of proposals for enhancing access from the south, over a widened Bridge of Dee or additional bridge. A report was taken to committees (in 2014 and 2017) which included several options, one of these included the link road as part of a proposal of which the main part involved an enhanced crossing of the River Dee. There was no option selected and the current position is that a review of the traffic impact of the AWPR will take place to inform further decisions at a future date. As the link road was mentioned only in the context of the wider proposals, little weight can be attached to the link road as a result of its inclusion in the SIP.

All proposals for development in the Green Belt must be of the highest quality in terms of siting, scale, design and materials. All developments in the Green Belt should have regard to other policies of the Local Development Plan in respect of landscape, trees and woodlands, natural heritage. Evaluation of the impact of the proposal on trees and woodlands, natural heritage are given in the

following two sections of the report. Analysis of the significant impact on the character of the green belt, including landscape and visual impact is considered in this instance to be very much intertwined with evaluation of the character of the Conservation Area: the latter being formed by the rural and landscape setting. This is discussed further below in the section on Historic Environment.

### **Trees and Woodland**

As noted above approximately 75no. mature and semi mature trees would be removed along the site boundaries with existing road and pedestrian routes, in order to build the road. The need for the road to be on an embankment for much of its length further increases tree loss due to the significant changes in levels involved. Plans have been submitted showing existing and proposed ground levels and these show changes within the root protection areas of additional trees that are not identified to be removed within the Tree Survey. These are trees along the eastern boundary of the site and consist of beech trees that form the boundary between the end of the 'cul de sac' in the northern part of the site, and the existing neighbouring property and grounds, to the east. The applicant's proposal is to reduce the canopies of these trees in order to reduce the required root protection area, however, the Council's arboriculturalist has doubts that this approach would result in a lesser root protection area being required for the long term health of the tree. There are ground level changes proposed within the area that would assess as RPA under the standard methodology.

In order to avoid the root protection areas of the trees that are proposed for retention on the north side of the Deeside Way, it is proposed to build a retaining wall of between approximately 2m and 3.5m in height set back approximately 16m from the edge of the Deeside Way. Whilst the intention is to protect the tree roots, it is the view of the Council's arboriculturalist that changes to hydrology in the area would result in a long-term damaging impact on the trees. The proposal would also result in a significant structure within the rear garden areas of the residential units proposed in this area, to the detriment of the amenity of the occupiers.

Whilst the plans indicate that significant changes in levels would be kept outside root areas, in several instances the level changes would result in engineered rather than natural looking solutions. This appears to be an inevitable consequence of attempting to accommodate the level of development proposed on a site of this topography.

Elsewhere, proposals for tree management are considered unnecessary in some instances and a more nuanced approach could be taken with these by requiring further details by condition if permission were to be granted.

Taking into account the foregoing adverse impacts on trees the proposal is considered to be contrary to Policy NE5 which presumes against development that would result in loss or damage to trees that contribute to nature conservation, landscape character and local amenity. Trees that would be lost for the development are alongside well used publicly accessible and prominent site boundaries and very much contribute to the character of the adjoining tree lined roads, (North Deeside Road and Inchgarth Road), and the Deeside Way, which is a Nature Conservation Site. Planting of replacement trees could not mitigate the loss of the 75no. broadleaved trees detailed above, even in the longer term, as the proposed road would create a wide swath of raised hard surfaced area – the road and associated foot / cycle way would be approximately 12.0m in width, whilst the overall width of raised ground from the edge of the embankment would be approximately 30.0m wide at the point of crossing the Deeside Way. The extent of hardsurfaced area would obviously reduce the area available for tree planting and be difficult to screen, especially in the northern area where there would be significant embankment. Views from North Deeside Road would reveal the full length of the road breaking through the tree line on the Deeside Way. As the proposal is for development that does not comply with green belt policy and there are no other material considerations overriding this, it is considered that the extent of tree loss is unacceptable, has a resultant damaging effect on wildlife, such as breeding birds, and does not comply with policy.

## Green Space Network, Open Space and Natural Heritage

The purpose of the Green Space Network (GSN) is to provide a network of green spaces for recreation, wildlife, access, the ecosystem and landscape value. The Deeside Way is a core path and designated as a Local Nature Conservation Site. Although the recreational and wildlife link along the Deeside Way would remain, most of the wildlife, ecosystem and landscape value of a significant area of GSN, to the east of the proposed road, would be lost. This is because, in the area to the east of the road, due to the proposed extent of development and associated hard surfacing, landscaping and tree planting would not be capable of mitigating the loss of green space to the degree required to maintain a functioning green space network. Enhancement to biodiversity by way of a scheme within the area to the west of the road would not compensate for the loss of this significant area, which is gradually being naturally colonised. Access would be maintained, however, the natural character of the Deeside Way in this area would be significantly altered to that of a suburban residential area.

The site provides a suitable habitat for wildlife being uncultivated and increasingly naturalised, it is used for foraging by bats, badgers, and anecdotally a range of other species, and is heavily used by breeding birds, it has 51 species of butterfly and moths, including 5 species of lepidoptera included in the Biodiversity Action Plan (BAP) identified as being the most threatened and requiring conservation action. The site walkover did not identify the need for survey of protected species (other than bats and lepidoptera) as the site's value for other species is a foraging habitat and linkage between green spaces.

Given that this is part of a narrow area of green belt, albeit there are large more managed and cultivated private green spaces within the area, it is an important unbroken area allowing movement, breeding habitat for birds, foraging and undisturbed area. The area provides links to the River Dee to the south and along the Deeside Way green link.

The conclusion of the EIA report that there would be a beneficial impact overall on ecology and biodiversity is disputed due to reduction in habitat, as noted by SNH in their first consultation response, and it is considered that the proposal would be contrary to Policy NE1 (Green Space Network) and Policy NE2 (Green Belt) due to loss of habitat.

## Landscape and Visual Impact

In addition to the photomontages, the LVIA report identifies various impacts (shown below in italics). These are useful points for evaluation and comment:

- *Impact on views from North Deeside Road across the River Dee valley, due to the development. On the other hand, the development would be set lower than North Deeside Road, views are currently partially screened by trees, and the construction of the access road would necessitate the opening up of views.*

Whilst these views would be opened up, the short and medium range would reveal the extent of development across the site, with the link road cutting through the tree line of the Deeside Way at a raised level.

- *Visual impact of new built form on the site – the report states that this would be mitigated by tree planting, although there would also be tree loss, in particular for the new link road.*

The tree loss is noted above, areas for tree planting would be limited due to development on the east side of the site, and in the north west by the raised pedestrian / cycle way. Whilst tree planting could take place on the lower slopes of the embankments, it would not screen views from the north.

- *Impact on recreational areas, namely the Deeside Way. The report highlights that the route would be protected and new links to it, provided. However, there is acknowledgement of the change in character of the Way in the section adjacent the development site, which would move from a natural and relatively remote path to one adjacent to development. In adjacent stretches, the path is separated from existing houses by large plots with tree cover. The west of the site is proposed to remain natural and the report states that tree cover would for the*

*most part be retained on the north side of the path (however, see Trees and Woodland section below). It is acknowledged that some development would be visible and there would be a proposed road over the Way. The impact is noted as being Medium to Low*

The description in the LVIA identifies the downgrading in experience for users of the Deeside Way. It is clear that the relatively remote semi-rural nature of this stretch would be lost and it would become hedged in by suburban development. This change would devalue the Deeside Way in terms of its contribution to well-being.

Enhancement and mitigation is recommended in the submissions, in the form of establishing native shrubs along the sides and embankments of the railway path.

On the basis that tree cover around the site boundary (including the Deeside Way boundary) would be lost along significant stretches, acknowledging that it would be retained with enhancement to the west of the link road and taking into account that there would be a large degree of reduction in the space between Pitfodells and Cults, together with suburbanisation of part of that space, there would be an increased the risk of settlement coalescence. It is considered that through tree loss and significant changes to the natural land form, the proposal is contrary to Policy D2 and is unacceptable.

Landscape is considered further, below, in the context of the Conservation Area.

### **Conservation Area, Green Belt and Landscape Character and Setting**

The impact on the character of the Pitfodells Conservation Area requires careful consideration. The site lies at the heart of the Conservation Area and the character of the area is one of large houses within ample plots surrounded by a large number of mature trees that line the roads, hedges and stone walls and an informality in terms of layout, house designs and street frontages, reflecting the organic growth and gradual infill of the area over a long period. The site is steeply sloped, and in order to provide an acceptable gradient for current adoptable standards, the link road would require to take a meandering course and to be raised on an embankment from south of the Deeside Way up to the junction with North Deeside Road. This would be a significant height at approximately 4m above the level of the Deeside Way. The construction of the road would involve removal of trees along an approximately 30m wide stretch of the Deeside Way and along an approximately 15m wide stretch along North Deeside Road. Development platforms would require changes in levels and would create a highly engineered, rather than natural landform across the site area east of the proposed road. The creation of retaining walls of 2-3.5m in height within rear garden areas to the north of the Deeside Way would be visually intrusive. The alignment of the road and its engineered appearance, raised above surrounding ground and with noise barriers of 2m in height would result in a character at odds with that of the Conservation Area.

Turning to the proposed buildings, it could be argued that the design of flatted blocks to give the appearance of large houses, could reflect the Conservation Area character of large houses within extensive plots if appropriately handled at the design stage. However, there are acknowledged difficulties with attempts to create the sort of variety and character that is achieved through organic growth within historic areas. In addition, account needs to be taken of the ancillary requirements of a large number of residential units. These would include the number of parking spaces that would be required due to the number of residential units within each 'house', features such as refuse storage, cycle storage and extent of hard surfacing for turning areas, as well as servicing areas for the nursing home and retail units. These factors, together with the absence of existing mature trees within the central areas of the site and that, even with extensive tree planting, it would be a considerable length of time before the trees performed a role in screening development to bed it into the Conservation Area, would result in an adverse impact on the character of the Conservation Area.

The Conservation Area is currently viewed from North Deeside Road, the Deeside Way and Inchgarth Road, whereas once implemented, the site would be also be highly visible from the



proposed link road. The view southward from North Deeside Road would be opened up by the creation of the proposed road junction. Although development would sit at a lower level than the road, the existing view long range views from the south pavement of the road would be significantly adversely altered.

From the Deeside Way, the current rural character would change to one of a road bridge, with vertical walls to an approximately 20m stretch of the Deeside Way and built to the east of the bridge.

On Inchgarth Road, which is relatively narrow and rural in character at this point, 2.4m noise barriers are recommended in order to protect proposed residential development from road traffic, with an approximately 30m wide junction mouth onto the proposed road resulting in, the an additional erosion of landscape character.

Overall, it is concluded that the development would significantly erode the character and landscape setting and have an adverse visual impact due to loss of trees and the changes to the land form resulting in an overly engineered and hard surfaced development. It is further noted that the site covers a substantial area of land within the centre of the Pitfodels Conservation Area and therefore the extent, type and character of development would have a significantly adverse impact. In summary the proposal would not preserve or enhance the character of the Conservation Area and would be contrary to Policy D4 in the ALDP, to SPP and HESPS.

### **Historic Environment**

There are a number of listed buildings within close proximity of the site, in addition to the Pitfodels Conservation Area designation covering the site. On the opposite, southern side of Inchgarth Road, Inchgarth House faces south toward the River Dee, its setting would not be significantly impacted upon by development on the site. However, noise barriers along the site frontage on Inchgarth Road have the potential for adverse impact depending on their design and materials. Also a listed building, Pitfodels Station has been converted to a house, it is located close to the north side of the Deeside Way at the eastern extremity of the site, near to existing houses. Its relationship to the Deeside Way is important to its setting; the development would be sufficiently distance from this listed building so as not to significantly impact on its setting. Other historic assets are more remote from the site and would not be affected.

Any impact on archaeology could be covered by a condition requiring a dig to take place prior to development.

### **Noise**

The Noise Impact Assessment was carried out on the same basis as the TA, assuming that all existing traffic currently using Pitfodels Station Road and Westerton Road would, instead, travel via the proposed road through the site. . Neither study allows for any additional traffic rat-running through the area that might be generated by the formation of the new road.

On this basis, and taking noise levels from the ACC guidance based on WHO advised acceptable noise levels, the levels would be above recommended limits within those residential plots closer to the proposed road and to North Deeside and Inchgarth Road. Proposed buildings could incorporate noise reduction within windows, whilst noise attenuation barriers are recommended along both sides of the northern section of the proposed road, and along the site boundary on Inchgarth Road, to protect outdoor amenity and the indoor amenity of occupiers of existing houses to the west. The noise barriers recommended on Inchgarth Road in order to achieve noise reduction to the level required, would be close boarded fences of 2.4m in height.

It could be argued that any gains in terms of traffic noise reduction for residents on Pitfodels Station Road and Westerton Road would be offset by losses of amenity to existing residents on Inchgarth

Road to the east of the site and the houses to the west of the site on North Deeside Road. The latter could be mitigated by acoustic barriers of 1.8m along the site of the proposed road. Residents of proposed residential units on the application site would be protected from traffic noise by acoustically attenuated windows and the acoustic barriers alongside the proposed road. These would require to be the subject of conditions on any permission. There would be no noise barrier measures proposed to protect residents in existing properties on Inchgarth Road, it is therefore considered that there is tension with Policy T5. The traffic noise on Inchgarth Road would be from the traffic that would currently use Pitfodels Station Road, but according to the assumptions of the TA and noise assessment, would be likely to use the proposed link road within the proposed development instead.

### **Transportation**

In terms of vehicular traffic, as noted above, the TA indicates that, with the development in place, the new link road, junctions and existing network would operate within capacity. Objectors make several points:

- That in addition to the traffic currently 'rat running' through Pitfodels Station Road, Westerton Road, or Deevie Road South the provision of the new link road may encourage 'new' traffic to use the route through the application site – ie traffic currently using, for example, the Anderson Drive / North Deeside Road route,
- That traffic currently 'rat running' through the Deevie Road South, further to the west, is not included in the TA assumed 'worst case scenario';
- That due to the site's topography it is less likely to encourage people, especially older people, to walk to destinations on North Deeside Road or Inchgarth, including to bus stops.

Advice from the Roads Team is that:

- due to the meandering line of the proposed road, which would slow traffic, it would not encourage additional rat-running.
- it is not appropriate to ask for reanalysis based on an existing situation on Deevie Road South. For the purposes of assessing the proposal the relevant figures are the traffic coming into the site – these are the ones provided. The Roads Team considers that in this case the link road simply replaces two links that are less suitable in traffic terms.

The comment on the site's topography and active travel is accepted. The site is not ideally suited to less than able bodied people as the gradients would discourage walking, including to public transport, of which the closest provision is on North Deeside Road. Within the southern part of the site gradients are not so challenging, although public transport provision is further away - at 900m to Garthdee and Auchinyell Roads.

It is possible that First Bus would run a service through the site in the future, however, this is uncertain and cannot be controlled through the planning process. The carriageway and footways on Inchgarth Road are not at currently adoptable standards, being of a width whereby two buses would not be able to pass each other without overhanging the narrow footpaths. The stretch of Inchgarth Road to the south and east of the site could not be widened due to private land ownership. Bus timetabling could overcome the possibility of buses passing each other on this stretch but the problem would be equally applicable in relation to other large vehicles that use the road network in the area, and this is unlikely to decrease with the provision of a new link road.

In terms of Policy T2, within the constraints of the site's topography, opportunities have been taken to provide for active travel to the road network on the site boundaries. Inchgarth Road has narrow footpaths and access to public transport is to the east requiring a 900m walk along Inchgarth Road. Local services are proposed on site in order to reduce the need to travel and the preparation of travel plans could be covered by a planning condition. The proposal is considered not to be discordant with Policy T2, although the site gradient is not ideal in terms of encouraging active travel.

Turning to Policy T3: Sustainable and Active Travel, the points made above in respect of active travel within the site, are relevant. It is noted that there is currently a network of informal countryside paths used for recreation, especially within the southern area of the site. Although footpaths would be provided across the site as part of the development, these would be of an entirely different character. The proposal complies with Policy T3.

### **Housing and Residential Amenity**

The design proposals are currently indicative, and it is considered that at the density indicated it would generally be possible to provide a pleasant residential environment with provision of private open space for each unit. The buildings to the north of the Deeside Way would have restricted garden space due to the extensive retaining walls within rear gardens; a heavily engineered arrangement which would require careful design to provide an acceptable residential experience.

The impact of traffic noise on residential amenity is dealt with below.

Given the low density, challenging topography and particular character of the surrounding area, it would not be desirable to increase density. The proposal includes flats and small houses and would increase the mix of units within the wider area, which largely contains large detached houses.

The applicant has stated that the proposed residential units are retirement homes, however there are concerns, given current life expectancy and changing retirement age, and how this might potentially be controlled should permission be granted. It is a requirement of Building Regulations that all residential units are provided with level access, whilst the provision of lifts is not something that could be readily controlled through the planning process. The provision of retirement housing is considered not to be a material consideration and, therefore, cannot overcome other policy considerations.

### **Drainage and Water Environment**

The submissions relating to foul and surface water drainage proposals indicate that flooding and drainage on the site could be suitably dealt with as a condition of any permission.

The culverted watercourse that may be active across the site would require investigation and the Flooding Team as well as SEPA have indicated that this could appropriately be dealt with by condition. If the watercourse were to be active this provides a possible route for pollution of the River Dee – a Special Area of Conservation – during any construction process. It is considered that appropriate mitigation measures submitted as part of a condition requiring a construction environmental management plan could prevent sediment flowing down stream out of the site.

Any watercourse found would also require to be de-culverted and a buffer strip provided along its length, for both ecological and maintenance purposes. A buffer strip would need to be several metres wide, dependent on the size of watercourse, and accessible. This would have potential implications for site layout and would require to be designed as part of a holistic approach to green links and landscaping, however, this could be dealt by condition on any permission granted.

With the attachments of conditions, the proposal would comply with Policy NE6 in the ALDP and NE4 in the PLDP.

### **Health and Well-being**

The PLDP introduces a new Policy on Health and Well-Being. The policy considers issues such as providing a healthy environment that facilitates physical activity and promotes physical and mental wellbeing. Major and EIA applications would require Health Impact Assessments under this Policy. Clearly this application was submitted prior to the PLDP being approved for consultation (earlier this year), and Health Impact Assessment could not be required, which precludes a detailed assessment against this policy, notwithstanding the weight to be attached to it.

However, especially given that this policy reflects a national policy direction, it is considered useful to note, at a high level, how the proposal relates to the aim of the policy.

As noted above, the Deeside Way is an important footpath and cycle route, with significant benefits for health and well-being. The Deeside Way would remain as part of this proposal. In addition, the applicant has indicated a proposal to create an enhanced open space that would increase biodiversity and provide public green space. The site currently consists of former agricultural fields with informal 'desire line' type footpaths and self seeded trees as well as overgrown hedgerow trees. It has a tranquil and remote feel and is one of the only stretches of the Way that is not bounded by residential plots or the grounds of buildings.

The proposal would clearly significantly reduce the amount of open space on the site, whilst the area that would be provided to the west of the proposed road, would also include SUDS measures and a footpath on raised embankments, these elements would further reduce the open nature of the space, within the north field.

With much of the green space in the surrounding area lying within private gardens and grounds, the application site provides the only significant area of open space along the Deeside Way in this area. As such, the Deeside Way has significant benefits for health and well-being., which would be diminished if the application proposal were to be implemented.

As noted above, the character of the Deeside Way would also alter, with the construction of the proposed link requiring a bridge link and development within close proximity of the Deeside Way.

### **Retail development**

The proposal includes 500 m<sup>2</sup> of retail and community space shown as small units within the central area of the site. These are of appropriate scale to serve the development and would not require retail impact assessment based on potential impact on existing shops. From within the site, and from the Deeside Way, the units would be accessible by walking and cycling. Public transport is at some distance and in this respect these do not fully comply with Policy NC8: Retail Development Serving New Development Areas. Although there is doubt as to how successful these units would be given that they are within the site without a street frontage, if the proposal were to be approved contrary to Green Belt Policy, the provision of this facility would be of benefit to future residents.

### **Developer Obligations**

The applicant has agreed to make contributions as required in line with Policy I1 and the Developer Obligations SG, where the mitigations required are not provided on site. It is noted that no contribution to education is requested due to the application being for housing aimed at older people. If permission were to be granted, the age of occupants would require to be controlled by way of a legal agreement in order to avoid taking schools further over-capacity.

### **Air Quality**

Following pre-application consultation with Environmental Health it was confirmed that an air quality assessment was not required in this instance. The proposal would not, therefore, conflict with Policy T4 in the ALDP.

### **Proposed Aberdeen Local Development Plan**

In relation to this particular application, many of the policies in the Proposed Aberdeen Local Development Plan 2020 (ALDP) substantively reiterate those in the adopted Local Development Plan and the proposal is assessed above in terms of both Plans for the reasons previously given. Where policies differ these have been highlighted above in the evaluation of each issue.

### **RECOMMENDATION**

Refuse

### **REASON FOR RECOMMENDATION**

The proposal would be contrary to Green Belt Policy NE2 of the Aberdeen Local Development Plan 2017 as well as Scottish Planning Policy and the Proposed Strategic Development Plan in that the residential, retail and community uses and associated infrastructure (including the link road) proposed are not uses that are identified as being acceptable as exceptions within areas zoned as Green Belt.

Although the site is part of one option under consideration for transport infrastructure to improve access from south of the Dee, this project remains subject to review through a separate process and the link road is part of an option that may or may not be selected. Accordingly the link road cannot be regarded as essential infrastructure in terms of the permissible exceptions allowed by Green Belt policy and there is no policy justification for the road in this regard. We do not consider the Link Road to be a material planning consideration that would alter the Recommendation of Refusal. Possible benefits for residents on nearby roads where traffic levels may reduce would be offset by corresponding increased traffic levels for residents on Inchgarth Road and North Deeside Road. Noise reduction would require the erection of significant lengths of noise barrier fencing which would be visually intrusive to the detriment of residential amenity and the landscape character of the Green Belt and the local area.

The proposal would result in significant tree loss, contrary to Policy NE5: Trees and Woodland and have an adverse visual impact on views of the site and short and long range views across the site from public viewpoints on North Deeside Road, Inchgarth Road and the Deeside Way.

The proposal would have a significant impact on the landscape setting and character of the surrounding roads and recreational value of the Deeside Way, together with a damaging adverse impact on the Pitfodels Conservation Area. The character of the Pitfodels Conservation Area is that of large individual houses within parkland style landscaped plots bounded by mature trees, hedges and stone walls. Roads in the area follow the contours of the land are tree lined and often narrow. The proposed road would be on a significant embankment and highly visible from the surrounding area and the extent of development would involve large hardsurfaced areas to provide car parking and service the number of apartments proposed..Taking this into account it is considered that the proposal would have an adverse impact on landscape, the character of the conservation area and the proposal would therefore be contrary to Policy D2: Landscape and D4: Historic Environment, as well as the Historic Environment Scotland Policy Statement, Scottish Planning Policy and the Vision of the Proposed Strategic Development Plan to protect the unique built, historic and natural environment, as a key asset in underpinning a high quality of life and place..

There would be a detrimental impact on the character of this stretch of the Deeside Way adversely affecting its value for recreation and a detrimental impact on the natural environment by virtue of the consequent reduction in habitat and erosion of the network of green space. The proposal would therefore also be contrary to Policy NE1: Green Space Network.

The proposal would risk setting a precedent for further development within the Green Belt.

### **Committee resolution to approve:**

If Members are minded to approve the application contrary to officer recommendation it is recommended that this should be:

- Subject to legal agreement to ensure:

- (i) payment of the developer obligations contributions and provision of affordable housing as identified in the Developer Obligations Team response.
- (ii) an age restriction on occupation of the housing for over 55s only –on the basis that no contribution has been requested towards education;

Committee should also impose conditions or a legal agreement to ensure:

- The delivery of infrastructure such as the link road, retail units and public open space and their control through phasing to ensure that these elements are delivered and the link road specifically is delivered at the beginning of the first phase.
- Maintenance of public open space within the development
- Control on the height of development – for example, to a maximum of 2.5 storeys
- Improvement to the bus stop on North Deeside Road

Members should also attach the following conditions:

- standard timing condition for Planning Permission in Principle and submission of Matters Specified in Conditions and commencement of development.
- phasing plan for delivery of development including link road and infrastructure, including paths, landscaping and public open space.
- a masterplan for the entire site, prior to any development.
- Construction method statement showing how access along the Deeside Way would be managed
- tree management
- tree planting and tree protection during development is delivered
- landscape design, including incorporating SUDS measures and de-culverting of the watercourse.
- badger surveys prior to commencement of each phase
- detailed topographical drawings showing existing and proposed levels, and finished floor levels;
- cross sections through site
- details of road layout and junctions
- detailed layout and elevational drawings of all buildings
- archaeology
- play park
- installation of bat boxes as recommended by the Bat Survey Construction Environmental Management Plan
- investigation of possible watercourse, its daylighting and creation of natural buffer strips in accordance with Policy NE8.
- biodiversity Action Plan and planting plan
- travel plan
- no work to remove trees within the bird breeding season
- low and Zero Carbon Equipment
- water saving techniques and technologies.- details of design of housing units to demonstrate accessibility and future adaptability.
- electric vehicle charging points
- layout of footpaths and cycleways to be designed to prioritise active transport modes
- cycle parking
- refuse storage and swept path for refuse vehicles

- noise barriers and mitigation as per a plan based on the Noise Assessment
- detailed mitigation plan and landscape plan following the recommendations of the Lepidoptera survey.
- details of site surface water drainage.
- an assessment of soil conditions and if peat is found, a Peat Management Plan
- Site waste management plan
- Japanese knotweed management plan.
- radon survey and protection measures if indicated.
- contaminated land
- finishing materials, including proposals for retaining and reusing stonewalling