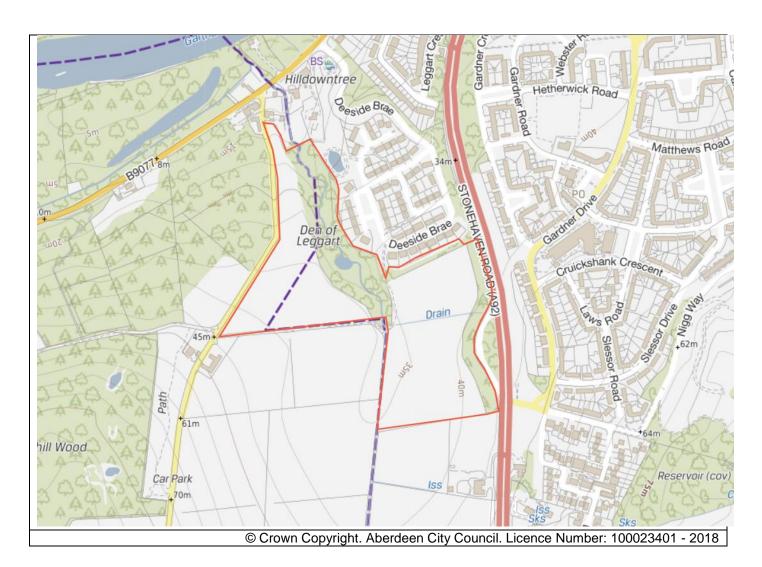


Pre-Application Forum

Report by Development Management Manager

Meeting Date: 20 August 2020

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



RECOMMENDATION

It is recommended that the Forum -

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

APPLICATION BACKGROUND

Site Description

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

Relevant Planning History

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

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

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

APPLICATION DESCRIPTION

Description of Proposal

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

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

MATERIAL CONSIDERATIONS

Legislative Requirements

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

National Planning Policy and Guidance

Scottish Planning Policy (SPP)

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

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

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

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

Aberdeen Local Development Plan 2017 (ALDP)

- D1: Quality Placemaking by Design
- CI1: Digital Infrastructure
- D2: Landscape
- D5: Our Granite Heritage
- H3: Density
- H4: Housing Mix
- H5: Affordable Housing
- I1: Infra Delivery & Planning Obligation
- LR1: Land Release Policy
- NE1: Green Space Network
- NE2: Green Belt
- NE4: Open Space Provision in New Dev
- NE5: Trees and Woodland
- NE6: Flooding, Drainage & Water Quality
- NE8: Natural Heritage
- NE9: Access and Informal Recreation
- R6: Waste Management Requirements for New Development
- R7: Low & Zero Carbon Build & Water Efficiency

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

Proposed Aberdeen Local Development Plan (PALDP)

- CI1 (Digital Infrastructure)
- D5 (Landscape Design)
- D1 (Quality Placemaking)
- D2 (Amenity)
- D4 (Landscape)
- D7 (Granite Heritage)
- H1 (Residential Areas)
- H3 (Density)
- H4 (Housing Mix and Need)
- H5 (Affordable Housing)
- I1 (Infrastructure Delivery & Planning Obligations)
- LR1 (Land Release)
- NE2 (Green and Blue Infrastructure)
- NE3 (Natural Heritage)
- NE4 (Water Infrastructure)
- NE5 (Trees and Woodland)
- R5 (Waste Management Requirements in New Development)
- R6 (Low+Zero Carbon & Water Efficiency)
- R8 (Heat Networks)
- T2 (Sustainable Transport)
- T3 (Parking)
- WB1 (Health Developments)
- WB2 (Air Quality)
- WB3 (Noise)

Supplementary Guidance and Technical Advice Notes

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

CONSIDERATIONS

Procedural Matters

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

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

Principle of the Proposal

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

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

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

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

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

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

Emergence of the Proposed Aberdeen Local Development Plan (PALDP)

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

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

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

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

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

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

Technical Considerations

Transport & Accessibility

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

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

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

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

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

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

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

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

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

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

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

Layout, Scale and Design

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

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

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

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

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

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

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

Density & Housing Mix

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

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

Affordable Housing

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

Developer Obligations

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

Noise

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

Air Quality

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

Open Space

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

Natural Heritage

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

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

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

Trees & Woodland

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

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

Access & Recreation

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

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

Flooding & Drainage

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

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

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

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

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

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

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

Waste/Refuse

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

Sustainable Development

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

Digital Infrastructure

Policy CI1 (Digital Infrastructure) requires all new residential and commercial development will be expected to have access to modern, up-to-date high-speed communications infrastructure (broadband).

PRE-APPLICATION CONSULTATION

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

NECESSARY INFORMATION TO SUPPORT ANY FUTURE APPLICATION

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

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

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