

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 9 September 2021. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE PRE DETERMINATION HEARING. Present:- Councillor Boulton, Convener; and Councillors Copland, Cormie, Greig and MacKenzie.

In attendance as local members: Councillors Alex Nicoll and Radley.

The agenda and reports associated with this minute can be found [here](#).

Please note that if any changes are made to this minute at the point of approval, these will be outlined in the subsequent minute and this document will not be retrospectively altered.

LAND TO THE SOUTH AND SOUTH-WEST OF DEESIDE BRAE, ABERDEEN - 201558

1. The Committee heard from the Convener who began by welcoming those present at the hybrid Pre-Determination Hearing and provided information on the running order. The Convener explained that the site under review at the hearing was for detailed planning permission for a major residential development of 133 units with associated landscaping and parking and supporting ancillary infrastructure at land to the south and south-west of Deeside Brae Aberdeen, planning reference 201558. The Convener explained that the first person to address the hearing would be Mr Alex Ferguson, Planning Officer and asked that speakers adhere to their allocated time in order for the hearing to run smoothly and in a timely manner.

The Committee then heard from Mr Alex Ferguson, Planner, who addressed the Committee in the following terms.

Mr Ferguson began his presentation by displaying a number of photos of the site in order to give members a better sense of the application site.

Mr Ferguson explained that in terms of the site's location within the wider context of Aberdeen, the site lay to the west of Kincorth and the A92 and to the south of Garthdee and the River Dee. He also advised that the majority of the site lay to the south and south-west of the Deeside Brae residential development, which lay to the south of Leggart Terrace and South Deeside Road. It was noted that the site incorporated the Den of Leggart and also included a narrow winding strip of land that adjoined Leggart Terrace to the north and the site was approximately 9.6 hectares in size.

Mr Ferguson advised that the area of land immediately to the west of the site was currently the subject of a separate planning application to Aberdeenshire Council for upgrades to the Causey Mounth road, the formation of a junction and access road and for the provision of open space for the proposed development.

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Mr Ferguson explained that the majority of the site to the south and south-west of Deeside Brae comprised open arable fields, with the wooded Den of Leggart running south to north through the spine of the site. A section of the A92 dual carriageway lay within the eastern edge of the site, with a layby and an established tree belt between the A92 and the remainder of the site to the west.

Mr Ferguson also advised that the site's western boundary formed the administrative boundary between Aberdeen City Council and Aberdeenshire Council. Open arable farmland lay to the south with Tollohill Woods to the south-west. The Leggart Burn formed the western edge of the site before running through the Den of Leggart and eventually joining the River Dee to the north.

Mr Ferguson explained that in terms of the adopted Aberdeen Local Development Plan zoning, the majority of the site was zoned as Green Belt land, with residential areas to the north and east – and Aberdeenshire to the west. He noted that a large part of the site was also zoned as Green Space Network, including the Den of Leggart which was a Local Nature Conservation Site.

Mr Ferguson advised that in relation to the Proposed Aberdeen Local Development Plan 2020, the majority of the site had been re-zoned as a residential allocation Opportunity Site, (OP46), for 150 homes.

Mr Ferguson highlighted that Green Belt Policy NE2 of the adopted Local Development Plan stated a presumption against all new development in the Green Belt unless the proposals were related to the provision of essential infrastructure or were small-scale and generally associated to existing activities, such as house extensions or one-for-one replacement dwellings and that there was no provision in Green Belt policy for new residential development.

Mr Ferguson noted that a large part of the site was also zoned in the adopted Plan as Green Space Network, with Policy NE1 applicable. Policy NE1 stated a presumption against development that would erode or destroy the character and function of the Green Space Network.

Mr Ferguson indicated that the Planning Service considered that the proposed development would, in principle, be contrary to both the Green Belt and Green Space Network policies and that the development thus constituted a significant departure from the adopted Local Development Plan Strategy, and that was why a Pre-Determination Hearing was required.

However, Mr Ferguson advised that the site had been rezoned as residential land and allocated as an Opportunity Site for 150 homes in the Proposed Aberdeen Local Development Plan 2020 and although the Proposed Plan represented the settled view of the Council, it had yet to complete examination by the Scottish Government and was yet to be adopted.

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As a result, Mr Ferguson intimated that although the Proposed Local Development Plan did constitute a material consideration in the determination of the application, the adopted 2017 Local Development Plan was still the primary document against which the application should be assessed at this time.

Mr Ferguson indicated that the applicant proposed to develop the two fields in the southern part of the site, in two distinct parts – east and west. The eastern part of the site would contain 100 units, all to be accessed via a new signalised junction on the A92 and the western part of the site was proposed to contain 33 units and would be accessed from the west, via the Causey Mounth road in Aberdeenshire. 25% of the total number of units would be affordable housing.

Mr Ferguson explained that a foot and cycle path was proposed to link the eastern and western parts of the site, with further foot and cycle path links to be provided into the Deeside Brae development to the north and to the A92.

Mr Ferguson advised that the proposal indicated a mix of house types and sizes across the site, which included detached, semi-detached, terraced and flatted units, and included two blocks of flats in the western part of the site. Two SUDS basins were also proposed in order to attenuate surface water run-off from the development into the Leggart Burn.

Mr Ferguson also intimated that the applicant had proposed to form a vehicular access to the eastern part of the site via a new signalised junction on the A92 to the east and the junction would also provide pedestrian crossings to allow access to Kincorth.

In relation to consultee responses, Mr Ferguson advised that responses received were detailed in the committee report and could be summarised as follows:

- Aberdeenshire Council objected to the application, noting that the proposal was contrary to the adopted local development plan, that the site was identified as being ‘undesirable’ for housing in the Council’s Main Issues Report for the Proposed Local Development Plan and that the proposed development would be unsustainable and contrary to Scottish Planning Policy;
- The Council’s Archaeology Service did not object to the application but requested two conditions in the event of any approval in relation to identifying the presence of historic boundary stones and carrying out archaeological works prior to the commencement of development;
- Developer Obligations would be required to go towards the upgrade of the local core path network, the reconfiguration of the Cove and Kincorth medical practice and the creation of additional capacity at the Kincorth Community Centre;
- There would be sufficient capacity at both Abbotswell Primary School and Lochside Academy to accommodate the number of pupils expected to be generated by the development;

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- The Council's Environmental Health service did not object to the application and accepted the findings of the applicant's Noise and Air Quality Impact Assessments, which considered that the occupants of the development would not be adversely affected by noise from traffic on the A92, and that the development would not have an adverse impact on air quality;
- Housing Strategy had noted that the applicant's proposed affordable housing tenure (mid-market rent) was unacceptable and required to be amended, preferably to social-rent operated by a registered social landlord;
- Roads Development Management objected to the application, primarily due to the undesirable impact that the new signalised junction on the A92 would have on traffic flows into and out of the city, for what was a relatively small number of homes;
- Following the submission of additional information by the applicant, SEPA were satisfied that the proposed development would not be at any significant risk of flooding, nor would it result in any significant risk of flooding to other properties downstream; and
- NatureScot did not object to the application and accepted the Council's findings that the development would not have any likely significant impacts on the qualifying features of the River Dee Special Area of Conservation.

Mr Ferguson advised that in terms of timeous representations submitted by third parties, a total of 121 representations were received, all of which either objected to, or noted concerns about, the proposed development. A number of issues and concerns were raised, and summarised as the following:-

- The proposals were contrary to the adopted Local Development Plan, particularly in terms of the Green Belt and Green Space Network policies;
- The application was premature with regard to the current status of the Proposed Local Development Plan;
- The development bid for the allocation of the site in the Proposed Plan was considered undesirable in the Main Issues Report;
- The site could be removed from the Proposed Plan without resulting in a housing land supply deficit; and
- The proposals would have a detrimental impact on the landscape, natural heritage and access & recreation, as well as road safety & traffic implications and impacts on the amenity of existing, neighbouring properties.

The Convener then invited Mr Nathan Thangaraj, Engineer, to address the Committee in regard to road issues. Mr Thangaraj explained that a safe routes to school audit had yet to be carried out and the existing footway on the A92 adjacent to the proposed site was sub-standard with a 1-1.2m wide footway and explained that the applicant had noted that the road would require improvements in pedestrian provision to support these development proposals, however they were still to be identified.

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Mr Thangaraj noted that cycling within the development would be on street and cycling to and from the site would be on the links offered by the surrounding road network. There were no dedicated cycle-only routes leading to and from the site.

Mr Thangaraj advised that an existing bus stop south of the proposed access junction on A92 should be relocated as it was within 100m of the proposed junction and details of this were yet to be finalised.

Mr Thangaraj explained that a development of more than 50 units would be required to have two accesses, one access and one emergency service access, and 100 or more units typically required two full accesses, although a relaxation could be afforded where the single point of access was sufficiently wide. Mr Thangaraj highlighted the implications if Aberdeenshire did not approve their access and all 133 houses were accessed from one side. Mr Thangaraj felt that it would be better to require the applicant to have two accesses to future proof the site.

Mr Thangaraj advised that the western units would take access via Tulloch Wood Road which was within Aberdeenshire Council's boundary, for which Aberdeenshire Council would provide detailed comments.

Mr Thangaraj also explained that details were required to be submitted for the location of the emergency access and the east side of the development of 100 homes would take access via a new signalised junction with the A92 Stonehaven Road. The proposal would be to form a new access junction to the development, which would be via a lay-by off the A92 on the southern edge of the city. The A92 was classed as a major strategic "A" class road and one of the two major access routes into the city from the south. The lay-by was used for abnormal loads to wait prior to being escorted by the Police through the City. The proposal would remove this strategically important facility for haulage contractors and Police Scotland.

Mr Thangaraj also advised that although the AWPR was now opened, the A92 still provided a primary route into the city, Altens Industrial Area and both harbours, and as such the delays to this peak time traffic which would result from this proposed junction were not desirable. He also indicated that the A92 Stonehaven Road was until recently designated as a trunk road and now was classed as a major "A" Class road into the city. As such the roads authority did not advocate introducing additional signal junctions along this route and noted that any new junction on A92 should have a strategic link carrying out significant amount of traffic. It would not be acceptable to reduce the capacity on a strategic road for a small number of houses.

Mr Thangaraj highlighted that the development had been assessed and it was deemed likely that the site would generate 100 vehicle trips in the AM and PM peak and it was assumed that two thirds of these would utilise the A92 junction. Spread over the whole hour this suggested every minute there would be multiple vehicles waiting to activate the signals to access the site, creating a delay on the A92. The proposed cycle time for the signals was currently 80/85 seconds in the AM and PM peaks.

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Mr Thangaraj intimated that the applicant stated that the signals on the development arm would be vehicle activated and would only turn green on demand thus minimising delay to the A92, however, this was likely to be a frequent occurrence during the peak hours. He also indicated that should the existing layby be removed, an alternative location would have to be provided elsewhere within close vicinity on the south side of the city. It was noted that the applicant had asked the Council to identify an alternative lay-by location. However, Mr Thangaraj advised that this should be explored by the applicant and form part of their submission.

Mr Thangaraj advised that junction improvements/mitigations would be required at the Bridge of Dee roundabout and King George VI roundabouts and noted that theoretical improvements had been suggested in the Transport Assessment to achieve no net detriment, but these should be costed, and this value sought via condition to be used on transportation improvements in or around this area.

Mr Thangaraj concluded that in summary Roads Development Management were not in favour of this development in its current form due to the impact that the access junction would have on both the free flow of traffic along the A92, and the impact on the layby in the area and there were numerous other issues such as pedestrian access, safe routes to schools and junction improvements that were outstanding but were likely to be resolvable in the future.

Members then asked questions of Mr Ferguson and Mr Thangaraj and the following information was noted:

- There was sufficient capacity at both Abbotswell Primary School and Lochside Academy for pupils generated from this proposed development and other recently approved local housing developments;
- The removal of the proposed cycle path from the applicant was due to the impact on the Den of Leggart following feedback;
- More detailed information should be provided on archaeology findings and any potential loss from the site;
- More information should be supplied in terms of the effect the development would have on the A92 traffic volume both north and south at peak times and the effect the phasing of the traffic lights on the A92 would have on traffic flow;
- The current bus stop would be within 100 metres of the proposed signalised junction, and therefore the applicant had been asked to relocate the bus stop, however it was noted that one bus stop was sufficient and the applicant would not be required to establish another bus stop;
- Developer obligation contribution would be sought for the local community centre, however it was noted if this centre was not in operation that the money could be requested for another facility that could serve the local community; and
- A signalised junction would be required for safe routes to school and a safe route to school audit was due to be carried out.

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The Convener then invited the applicant to address the Committee, and the speakers consisted of Alastair Wood, Savills, Jack O'Brien, Applicant, Kevin Moir, Engineer and Des Twomey, Architect.

Mr Wood began the presentation and gave a background to Comer Group, who were the applicant. Mr Wood advised that they had delivered thousands of new homes elsewhere within the UK, Ireland and Europe and they would be a new entrant into the Aberdeen market and this development would establish their presence in Aberdeen. He advised that the Comer Group were very keen to explore other opportunities elsewhere in the city and surrounding areas. Mr Wood provided some images of the quality of the developments they had delivered elsewhere.

Mr Wood advised that in relation to the application site, it lay close to and would connect with local facilities and noted that there was sufficient schools' capacity within the area and advised that they proposed to improve the footway at the front of the development and also provide the junction improvements to link the development into the established footpath network into local schools thereby providing the safe routes to schools.

Mr Wood noted that the site lay immediately to the south of the existing Deeside Brae redevelopment and advised that that development was successfully delivered and built within two years of gaining planning permission.

Mr Wood advised that the proposal was for 133 new residential units, varying from 1 bed to 4 bed properties and 25% of the properties would be affordable. There would be an extensive open space area and planting was also proposed. There was also the opportunity for safe access from the A92, with public transport links to the city centre in close proximity.

Mr Wood explained that the land was to be allocated in the next Aberdeen City Local Development Plan OP46 for up to 150 residential units, with green space network to the south.

In terms of the vision and design response, Mr Wood advised that the proposed site represented a sustainable extension to the city, and the proposals had been carefully assessed and a design developed via a landscape-led Masterplan incorporating the six qualities of placemaking. He explained that the scale and character of the proposal had been informed by the surrounding built and natural environment and was considered to integrate well with its surroundings. The proposals would also help to link fragmented parts of the green space network and could transform local active travel options. There was a variety of house types proposed including the on-site affordable housing.

In relation to consultation, Mr Wood advised that they had undertaken an extensive pre application consultation which was held online in accordance with current guidelines and the project website had remained live all the way through the post submission period to allow interested parties to view the proposals in detail, with 638 users and

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2,343 page views. There was also an online event held on 6 August 2021, which provided an opportunity for the community to meet with the Project Team, and gave an opportunity to offer support/feedback on the proposals.

Mr Wood indicated that generally the consultation process was positive, and certain feedback had been incorporated into the application proposals, as summarised below:-

1. **Feedback** - Concern over suitability of Causey Mounth to support development & potential for 'rat runs' through development.
Consideration in application - New access to A92 proposed. No vehicular link between north and south of site to prevent 'rat run'.
2. **Feedback** - Respondents confirmed they walked and cycled in local area particularly to Tollochill Wood, school, library & wider south Deeside.
Consideration in application - The Design & Access Statement and Illustrative Masterplan showed provision of integrated pedestrian & cycle routes through the site & to active travel network.
3. **Feedback** - Loss of Den of Leggart & biodiversity
Consideration in application - This was a powerful theme in responses and it was now proposed to largely retain and enhance the Den of Leggart and consider connections to Tollochill Woods.
4. **Feedback** - Potential for footbridge crossing of River Dee.
Consideration in application. Mr Wood noted that this was outwith the application site. However, the comments had been raised by Comer Homes in the context of the Aberdeen City Council Draft Active Travel Action Plan consultation.

Mr Wood confirmed that if the second access on the western side of the site was not approved by Aberdeenshire Council, then this would prevent the 33 houses on the western part of this application site being built as there would be no second access onto the A92.

In terms of the loss of Den of Leggart biodiversity, Mr Wood indicated that this was a key theme in responses from members of the public and as a result, they had removed any formal pedestrian link through that area with the proposed application.

In terms of the urban design process, Mr Wood explained that all of the urban design characteristics had been brought forward looking at connectivity through the site and the existing landscape framework and based on existing Aberdeen street patterns and housing typologie whilst also providing a new design perspective for the city. The materials proposed would reflect the city's design vernacular.

Mr Wood indicated that they had avoided the rat run taking the active travel run route around the Den of Leggart and had provided additional open space and parking. He noted there was the opportunity to provide strategic connections linking up existing areas of the south of the city into the development. The development would provide a wide range of homes to meet all sectors of the Aberdeen market that had been informed by residential agency colleagues, as well as providing affordable housing. All

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of the house types would be able to accommodate electric vehicle charging points and he noted they were proposing some semi-detached properties. Mr Wood indicated that the development would be well screened.

In conclusion Mr Wood explained that the development had been well publicised with the public. The project website had remained online throughout the entire post submission period to allow as many people as possible to appreciate the proposed development. The Council' Education Service had confirmed there was sufficient school capacity and the development would provide an east west active travel route around the south of the city. The site was allocated in the Proposed Local Development Plan, and if approved, this application would help the Council deliver its housing requirements and create new homes in the early part of the forthcoming local plan period.

Members then asked questions of the applicant and the presenters and the following information was noted:-

- In regards to parking, there would be a below the surface parking structure for the flatted properties and all flats would have one parking space, access to visitor parking, and access to electric charging vehicles point;
- If permission from Aberdeenshire Council was refused for the planning application which fell in the Aberdeenshire boundary, the western part of the application site would not be developed;
- The affordable housing aspect would be located in the middle of the site on the eastern side;
- Members requested that the applicant investigate modelling data of HGVs who currently used the layby on the A92;
- The layby in question was owned by the Council and an agreement could be entered into with the applicant and the Council. The applicant would then be in charge of maintenance of the layby;
- The flatted buildings would be three storey in height with an attic and the design had been carefully considered, taking into consideration the town scape and would utilise pitched roofs;
- An adjustment had been made to the roads proposal after the engagement process to stop a potential rat run through the development; and
- The applicant had informed all of the local Community Councils but had not received any response to date. In response Councillor Nicoll advised that the Kincorth and Leggart Community Council had not been able to meet in recent times and therefore had been unable to respond to the consultation.

The Committee then heard from Mr Steve Gray, who was speaking as both an individual and also as the chairperson for Protect Banchory Devenick, a community group with around 340 members, which was a community organisation that worked to protect the unique environment and wildlife habitat of Banchory Devenick.

Mr Gray intimated that their position was essentially entirely aligned with that of the Council's own officials and written professional analysis, including the main issues

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report from last year and advised that he wished to highlight some of their members' key points.

Firstly Mr Gray talked about the Greenbelt policy and noted the city's own policy stated that safeguarding the Greenbelt helped to avoid coalescence and sprawling development on the edge of the city and maintain Aberdeen's landscape setting and provide access to open space. He advised that the policy went on to say that proposals for development that were likely to destroy or erode the character or function of the green space network would not be permitted. Mr Gray highlighted that OP46 fell under this, as it was regarded as undesirable by the planning officials previously.

Mr Gray also highlighted that the Den of Leggart was a local nature conservation site and surrounding it with housing despite any re-zoning on the council map would not change the fact that it was a habitat for various protected species.

Mr Gray explained that there were issues around flooding and drainage on the site despite what had been said by the applicant. The local farmer did not plant on some of this site because it was too wet for crops and noted that if the site was drained it would move the water somewhere else, presumably downstream towards the city, which increased local flooding risk.

Mr Gray also highlighted their concerns in regard to schooling, and advised that whilst there might be space in the designated schools, the schools were only accessible on foot by crossing the A92, which was one of the busiest roads in the city. He noted that he thought that anyone who used the road regularly would have serious concerns about a procession of children trying to cross at 8:00/8:30am in the morning.

Mr Gray then spoke about the proposed buildings. He stated there were two four storey blocks of flats contained in the development, with a total of 24 flats, and these contrasted distinctly with all of the existing properties in the area, which were low lying and he believed these would have a major landscape impact in breach of the Council's specific policies around large buildings.

Mr Gray also indicated that the applicant themselves in their landscape and visual appraisal document stated that a change in visual characteristics would be perceived in close proximity to the site and would result in medium or even high magnitude of effects on the visual experience at local viewpoints.

Mr Gray then went on to mention roads issues which had been highlighted. He intimated the organisation had serious concerns about how this site worked in terms of road access and particularly the connection with public transport. He stated that they understood that the site was added to the draft local development plan last year to increase the housing numbers in line with government targets, and not because Councillors or officials saw any merit in this site. However, he indicated they would be against the proposal as they did not believe this site had any merit and could be

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removed without an impact on meeting government targets and he therefore suggested that the site be removed.

Mr Gray concluded by stating that he had not seen anything in writing at any stage which laid out why the Council considered this site to have any merit. Mr Gray strongly urged Councillors to reject this application in the strongest terms and urged members to protect a unique area of Green land and to ensure that the public saw that the objective planning criteria was being applied in line with common sense and professional advice and to maintain public confidence in the planning system.

The Committee then heard from Mr Campbell Murdoch, speaking as an individual. Mr Murdoch wished to highlight the transport aspects to the application. Mr Murdoch indicated that from the developers' own consultants, they admitted that there would be traffic flow issues which would cause both the Bridge of Dee roundabout and the King George V bridge roundabout to be operating above their practical and theoretical capacity as a consequence of this development. He noted they did not have a mitigation plan for this, which consequently would mean longer waiting times and in fact an increase in omissions as another consequence of the development. He stated that everyone should be promoting and encouraging walking and cycling provision but noted that the site in terms of topography was very steep and not really practical in terms of commuting for school children.

In terms of schooling provision, Mr Murdoch advised that pupils would be crossing the A92 to move east off to Abbotswell Primary, or Lochside Academy, but his other concern was that the affordable housing aspect would be off to the west of the site, because there was no possibility of building a sustainable integrated community within the area. He noted that to the west there were no facilities whatsoever. He felt that the affordable housing would be basically dumped in the middle of a field with no facilities.

Mr Murdoch felt that the use of brick was not suitable and did not blend in well with the surrounding area and felt that the nearest brick building was the Shell building on the A92.

Mr Murdoch also advised that there were other brownfield sites in the city where housing could be built and help meet the housing requirements.

Mr Murdoch was at a loss as to why this site would be developed for housing and urged members to refuse the application.

The Convener thanked all those who attended the hybrid hearing, specifically those who had presented their case, submitted representations and provided information. She advised that the Interim Chief Officer – Strategic Place Planning would prepare a report for submission to a meeting of the Planning Development Management Committee (PDMC) for subsequent consideration and determination.

COUNCILLOR MARIE BOULTON, Convener