

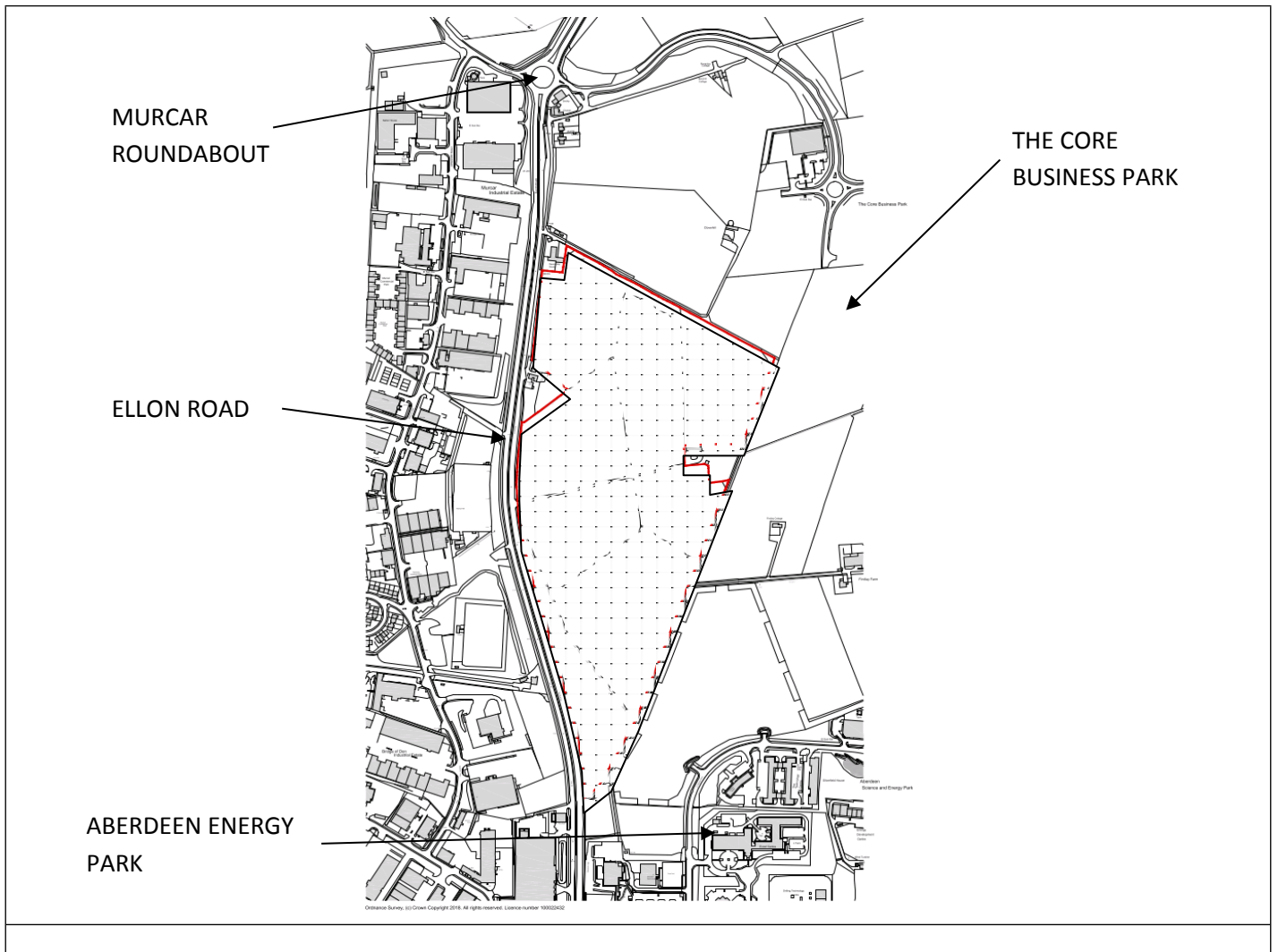


Pre-Application Forum

Report by Development Management Manager

Committee Date: 30th May 2019

Site Address:	Land At Cloverhill (East Of A90 Ellon Road), Bridge Of Don, Aberdeen,
Application Description:	Major residential led mixed-use development of circa 500-600 units (mixed tenure affordable and private), community facilities, recycling centre and local shops/services (class 1,2,3 Sui Generis) with associated landscaping, open space and infrastructure
Application Ref:	190136/PAN
Application Type	Proposal of Application Notice
Application Date:	28 January 2019
Applicant:	Cognito Oak LLP
Ward:	Bridge Of Don
Community Council:	Bridge Of Don
Case Officer:	Gavin Evans



RECOMMENDATION

It is recommended that the Forum:

- (i) note the key issues identified;
- (ii) if necessary seek clarification on any particular matters; and
- (iii) identify relevant issues which they would like the applicants to consider and address in any future application.

APPLICATION BACKGROUND

Site Description

The site forms part of a large Business and Industrial land allocation in the Aberdeen Local Development Plan, further identified as an opportunity site (OP2 Berryhill, Murcar), with a flood risk being noted. A Green Space Network (GSN) designation covers a large swathe of land running from east to west through the central part of the site.

Immediately to the east are the four lanes of the now de-trunked A92 Ellon Road, with the exception of a small number of dwellings in two pockets of development which lie between this site and the road. Beyond the A92 is the Denmore industrial area.

To the north and east is land in agricultural use, although this is allocated for future business/industrial development. Indeed the area to the north-east has seen various planning permissions granted for such development, with a number of plots further to the north-east and north already developed along with various elements of related infrastructure. The northern allocation is also an opportunity site (OP1 Murcar) and has a flooding potential. The associated policy (LR1 Land Release Policy) indicates that this area is not likely to see development until post 2027.

To the south and east is again agricultural land allocated for business and industrial use, with a residential property towards the northern end, access to which is taken from Ellon Road. The southern portion of the eastern boundary is adjoined by land which is subject to an extant planning permission in principle (PPiP) for an extension to the Aberdeen Energy Park, the existing developed extent of which is a short distance further south-east.

Further east is the coastline of the North Sea, towards which the land generally falls. The existing landscape comprises open agricultural fields enclosed by fences/ dry stone walls/ hedgerows and a number of trees at various points along these divisions. The Silver Burn passes through the southern extent.

Relevant Planning History

No recent/ relevant history of planning applications associated to site. However, as indicated above, there are a significant history of business and industrial planning permissions to the east and south.

Some 400m to the south is a Mixed-Use allocation, OP13 AECC Bridge of Don, subject to a masterplan and Planning Permission in Principle application for a residential led development (498 units), commercial and business uses, recycling centre and park and ride facility (Ref: 150824). The Planning Authority are minded to grant this application, with the associated legal agreement not yet concluded.

APPLICATION DESCRIPTION

Description of Proposal

Proposed residential led-mixed use development of circa 500 homes, community facilities, retail with associated landscaping, open space and infrastructure. No details, other than this written description and a 'red line' site plan have been submitted in support of this PAN, however the applicants may have further detail to present to the Pre-Application Forum. Such a proposal would comprise a 'Major Development'.

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

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)

- Policy LR1 – Land Release Policy
- Policy LR2 – Delivery of Mixed Use Communities
- Policy D1 – Quality Placemaking by Design
- Policy D2 – Landscape
- Policy NC4 – Sequential Approach and Impact
- Policy NC5 – Out of Centre Proposals
- Policy NC8 – Retail Development Serving New Development Areas
- Policy I1 – Infrastructure Delivery and Planning Obligations
- Policy T2 – Managing the Transport Impact of Development
- Policy T3 – Sustainable and Active Travel
- Policy T5 – Noise

- Policy B1 – Business and Industrial Land
- Policy B4 – Aberdeen Airport
- Policy H3 – Density
- Policy H4 – Housing Mix
- Policy H5 – Affordable Housing
- Policy CF2 – New Community Facilities
- Policy NE1 – Green Space Network
- Policy NE4 – Open Space Provision in New Development
- Policy NE5 – Trees and Woodlands
- Policy NE6 – Flooding, Drainage and Water Quality
- Policy NE8 – Natural Heritage
- Policy NE9 – Access and Informal Recreation
- Policy R6 – Waste Management Requirements for New Development
- Policy R7 – Low and Zero Carbon Buildings, and Water Efficiency
- Policy CI1 – Digital Infrastructure

The site occupies approximately 23ha of a wider 68.4ha site allocated in the Aberdeen Local Development Plan for Business and Industrial use (identified as Opportunity Site OP2: Berryhill, Murcar in the ALDP). That Opportunity Site designation highlights that a Development Framework, approved in 2008, covers OP2 and a neighbouring site to the north (OP1: Murcar) and states that land is available for development within Use Classes 4 (Business), 5 (General Industrial) and 6 (Storage or Distribution). Notes that a Flood Risk Assessment is required to accompany future development proposals.

Supplementary Guidance and Technical Advice Notes

- Master Plans;
- Energetica;
- Transport and Accessibility;
- Noise;
- Planning Obligations;
- Affordable Housing;
- Landscape;
- Children’s Nurseries;
- Natural Heritage;
- Open Space;
- Trees and Woodland;
- Flooding and Drainage.

Other Material Considerations

Airport Safeguarding: All buildings, structures, erections and works exceeding 45 metres in height (147.6 feet) require consultation with Aberdeen international Airport.

Bat Habitat: Identified around all boundaries – buffer zone and habitat creation opportunities should be provided.

Aspirational Core Path route: Transects middle of site W-E.

Cycle network: Exists to west side of A90, connection should be provided.

Green Space Network (GSN): Large parts of sites central and south-western areas

west of Silver Burn are identified GSN, this equates to c. 30% of site.

Flood Risk: Pockets in the south-western extents and elsewhere across the site are identified as being at risk of flooding, as identified on the SEPA Flood Map.

Open and Play Spaces: The identified site is located out with buffer zones for existing facilities and as such appropriate provision would have to be made.

CONSIDERATIONS

Principle of Development

In general terms both the OP2 Opportunity Site Designation and underlying land use policy (B1 – Business and Industrial Land) safeguard the site from non-compliant uses (specifically promoting those falling within Classes 4 (Business), 5 (General Industrial), and 6 (Storage or Distribution)). Appendix 2 to the ALDP lists the various opportunity sites and in this instance notes the existence of an approved 2008 Development Framework and a requirement for a Flood Risk Assessment to accompany development proposals.

Policy LR1 (Land Release Policy) notes: *“Development on an allocated site.....that jeopardises the full provision of the allocation will be refused”*. In this case it would appear that this proposal for residential development on a business and industrial allocation would preclude the full delivery of that business and industrial allocation and impact on the strategy of the Development Plan. On that basis, the proposal is considered to represent a significant departure from the Development Plan.

The Aberdeen Local Development Plan allocates land for residential developments to meet the needs of the area, and a Housing Land Audit for Aberdeen City and Aberdeenshire is published each year to determine if there is sufficient land available for housing development in the area, with a requirement set out in Scottish Planning Policy for authorities to provide at least a five year land supply at all times. Consideration of any housing proposal on this site would include assessment of the extent to which the full realisation of the allocated employment use would be precluded, and also whether there is sufficient land allocated and available for residential development. Members should note that significant departures from the Development Plan necessitate the holding of a Pre-Determination Hearing and require that any such application be determined by Full Council, per s38A of the Town and Country Planning (Scotland) Act 1997 (as amended) and Regulation 27 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.

LR2 (Delivery of Mixed Use Communities) allows for small scale complementary uses associated to the underlying land use allocation, which in this case is for Business and Industrial uses, *“provided there is no conflict with the spatial strategy of the plan or the achievement of the specified housing and employment provision”*. This proposal involves the development of circa 23ha of a 68.4ha employment land allocation (33.6%).

B1 (Business and Industrial Land) reiterates that land zoned for business and industrial uses on the Proposals Map (as this site is) shall be *“retained for Class 4 (Business), Class 5 (General Industrial) and Class 6 (Storage or Distribution) uses and safeguarded from other conflicting development types”*.

Policies NC4 (Sequential Approach and Impact), NC5 (Out of Centre Proposals) and NC8 (Retail Development Serving New Development Areas) address the ‘town centre first’ policy advocated by Scottish Planning Policy for significant footfall generating uses such as retail. The proposal description refers to inclusion of a ‘mixed use’ element, although no quantum is specified, it may be that this element will require to be explored via a sequential testing exercise. It is noted that

parts of the site appear within 800m from existing shopping facilities, primarily the 'Bridge of Don Retail Park – an identified commercial centre, as is the area immediately west of Ellon Road, incorporating 'Sterling' and other primarily bulky retail operators. Depending on the scale and nature of any retail use, a Retail Impact Assessment may be required. In the event that the principle of residential development were to be accepted, it may be appropriate for any new residential community to be provided with local convenience shopping facilities.

Policy I1 (Infrastructure Delivery and Planning Obligations) necessitates consultation with the Council's Developer Obligations Team to assess the impacts of the development and identify where those impacts might be addressed by the developer, establishing the scope and extent of any necessary planning obligations/legal agreement. Transport infrastructure issues will be assessed by the relevant Roads Authority. Further guidance on the methodology for assessing necessary developer contributions is set out in the associated 'Planning Obligations' SG.

Layout and Design

Policy D1 sets out that high standards of design are required, creating quality places and also reflecting contextual factors. Particularly well considered landscaping (hard and soft) will be required, with consideration for retaining and utilising existing features. Site layout and street hierarchy should facilitate access to a range of sustainable transport options, with the scale of any interventions and new infrastructure commensurate with the scale of development proposed. A clear design strategy is expected to inform and support any proposals, with the masterplan process to be applied to larger sites, such as this. The Aberdeen Masterplanning Process Technical Advice Note sets out expectations for the content of any masterplan document accompanying an application, though it is noted that the full process of adoption as Supplementary Guidance would not apply, given the significant departure from the Development Plan inherent within this proposal.

Policy H3 seeks an appropriately high density of development. For larger sites the expectation is that a minimum of 30 dwellings per hectare is achieved, although this should consider contextual factors. The required Masterplan should determine appropriate densities for the site, with regard to its 'core' and edges.

Policy H4 (Housing Mix) states that developments of 50 or more units are expected to achieve a mix of dwelling types and sizes, in line with a masterplan. This should result in a wide mix spread across both market and affordable tenures, and should include provision for smaller 1 and 2 bedrooms units, family homes and accommodation for older people.

H5 (Affordable Housing) – No less than 25% of housing units shall be affordable. Further guidance is available in the related SG, with the expectation that these will be delivered onsite.

Some 30% of the site is identified in the LDP as Green Space Network. Policy NE1 expects that this area will be protected from development and that the quality and extent of GSN is enhanced in terms of its wildlife, access, recreation, ecosystem services and landscape value. Consideration for that GSN designation should form part of a strong landscape framework. A landscape strategy and management plan will be required, including both hard and soft landscaping specifications and consideration for ecological enhancement and for new planting to provide a landscape setting to new development, particularly addressing its relationship to Ellon Road and to the remaining undeveloped parts of the OP2 Business and Industrial allocation.

Policy NE5 presumes against loss or damage to trees and woodlands which contribute to nature conservation, landscape character, local amenity or climate change adaptation and mitigation. It is expected that an Arboricultural Impact Assessment, including Tree Protection and Mitigation Plan would guide proposals and provide for compensatory planting, temporary earth works and any site preparation. It is also expected that there would be creation of new woodland and planting of

native trees as part of the development, and in line with an overarching landscape strategy. Trees and Woodlands Supplementary Guidance offers further detail.

Policy NE4 set out standards for the provision of open space in new residential development, with further detail contained in related SG.

Given the positioning of a busy trunk road to the east and evolving business and industrial areas to the west and north, there is potential for significant exposure to noise. As such a Noise Impact Assessment (NIA) is likely to be required in connection with policy T5 (Noise) to inform layout and mitigation options, again so as not to prejudice the surrounding allocations, whilst also ensuring that development within the site is not adversely affected by such adjacent development. Further guidance is contained within the associated 'Noise' SG.

It is considered that the proposed development could have an impact on protected species, as an example the site is for large parts identified as suitable bat habitat. As such, policy NE8 (Natural Heritage) will require that appropriate surveys and protection plans/ mitigation are submitted, covering all relative flora and fauna. Please note the related SG for further guidance.

Transport and Accessibility

The proposal involves the development of a 'greenfield' site which lies to the north of the city and is immediately adjacent to the busy Ellon Road. Policy T2 (Managing the Transport Impacts of Development) requires that proposals of this scale are accompanied by a Transport Assessment and Travel Plan, which should demonstrate that sufficient measures have been taken to minimise traffic generated and maximise opportunities for sustainable and active travel, both internally and linking to surrounding communities and key infrastructure. Of particular importance is providing for 'Safe Route to Schools' from first occupations. ACC's Roads Development Management team would be involved in assessment of the proposal, and may advise on vehicular access/ egress and roads layout, as well as any crossing (pedestrian and multi-modal) points of roads. Policy T3 (Sustainable and Active Travel) places specific focus on layouts prioritising walking, cycling and public transport, whilst policy NE9 (Access and Informal Recreation) offers protection for existing Core Paths, rights of way and other established recreational routes. It is noted that the footpath adjacent to the western boundary is of a poor standard and also that there is a aspirational core path identified on the LDP Additional City Wide Proposals Map as crossing the site E-W. The location and quality of crossing on Ellon road, particularly in relation to 'Safe Routes to School' requires careful consideration. Recreational access opportunities associated to enhanced GSN are also expected.

Technical Matters

The layout and design of the development should have regard for the provisions of policies NE6 (Flooding, Drainage and Water Quality), R6 (Waste Management Requirements for New Development), R7 (Low and Zero Carbon Buildings, and Water Efficiency) and C11 (Digital Infrastructure).

Many parts of the site are identified as being at risk of flooding and there is an existing water body which transverses its southern part. As such it is expected that a Flood Risk Assessment (FRA) will support the proposals. In addition a Drainage Impact Assessment (DIA) will also be required. More detail on the requirements of both the DIA and FRA are contained within policy NE6 and associated SG. The applicants have previously submitted a request (ref 190162/ESC) for the planning authority to adopt a 'screening opinion' as to whether Environmental Impact Assessment would be necessary in relation to this proposal. ACC concluded that statutory EIA would not be required for the development described, but highlighted various other supporting documents that would be required in support of a future planning application. This information is available via the planning portal, using the reference number noted above.

PRE-APPLICATION CONSULTATION

Public consultation was undertaken by the applicant at a drop-in event at St Columba's Church, Bridge of Don, on Tuesday 26th February 2019, between 1pm and 8pm. The event was manned by members of the design team, who were available to respond to any queries about the proposal. A number of display panels were used to provide background to the site, illustrate the proposals and explain the planning consultation process, with large format plans available to in order to facilitate discussion.

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 –

- Pre-Application Consultation Report
- Flood Risk Assessment
- Analysis of Business/Industrial and Housing Land supply
- Details of mitigation of potential conflict between housing and business/industrial uses
- Masterplan
- Design and Access Statement
- Landscape Strategy and Management Plan
- Retail Impact Assessment (depending on scale of retail offering)
- Commentary on sequential test to site selection (depending on scale of significant footfall generating use)
- Transport Assessment
- Travel Plan
- Noise Impact Assessment
- Affordable Housing Delivery Strategy
- Tree Survey, Arboricultural Impact Assessment and Tree Protection Plan
- Drainage Impact Assessment
- Protected Species Surveys and Mitigation Plans
- Low and Zero Carbon Buildings and Water Efficiency Statement

RECOMMENDATION

It is recommended that the Forum

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- (ii) if necessary seek clarification on any particular matters; and
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