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ADDITIONAL CIRCULATION



To: Councillor Crockett, Convener; Councillor Taylor; and Councillors Allan, Blackman, Boulton, Corall, Finlayson, Jaffrey, MacGregor, McCaig, Milne, Jean Morrison MBE, Thomson, Young and Yuill.

Town House,
ABERDEEN 08 November 2013

ENTERPRISE, STRATEGIC PLANNING AND INFRASTRUCTURE COMMITTEE

The undernoted items are circulated in connection with the meeting of the **ENTERPRISE, STRATEGIC PLANNING AND INFRASTRUCTURE COMMITTEE** to be held here in the Town House on **TUESDAY, 12 NOVEMBER 2013 at 2.00 pm.**

JANE G. MACEACHRAN
HEAD OF LEGAL AND DEMOCRATIC SERVICES

BUSINESS

1 REQUESTS FOR DEPUTATIONS

A Request for Deputation has been received from Bill Lonsdale, in relation to item 8.5 (Review of Parking Charges).

5 FINANCE AND SERVICE ISSUES

5.3 Arms Length External Organisations - Governance Arrangements - This Item has been Withdrawn

7 PLANNING AND SUSTAINABLE DEVELOPMENT

7.9 Berryden (Broadfold Works) Development (Pages 1 - 6)

7.10 Scottish Planning Policy Consultation (Pages 7 - 12)

10 ITEMS WHICH THE COMMITTEE MAY WISH TO CONSIDER IN PRIVATE

10.1 City Events Programme 2014 - 2015 – Replacement Report (Pages 13 - 28)

Should you require any further information about this agenda, please contact Mark Masson, tel. 522989 or email mmasson@aberdeencity.gov.uk

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ABERDEEN CITY COUNCIL

COMMITTEE:	ESP&I Committee
DATE:	12 November 2013
DIRECTOR:	Gordon McIntosh
TITLE OF REPORT:	Broadford Works
REPORT NUMBER:	EPI/13/215

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to advise Members with of a request for a contribution from the Council for an option appraisal for the proposed development of the Broadford Works site and a further request for the Council to manage funds as detailed in the proposed Section 75 agreement for the site.

2. RECOMMENDATION(S)

- 2.1 It is recommended that the Council:
- a) Approve a maximum contribution of £15,000 to the Scottish Historic Buildings Trust to prepare an options appraisal, the detail of which will be agreed with Aberdeen City Council's EP&I Service for the Grey Mill site and
 - b) Agree that the Council manage the funds as proposed in the draft section 75 agreement provided that all Council costs in so doing and any other obligations arising therefrom are met by the owners of the Broadford Works site.

3. FINANCIAL IMPLICATIONS

- 3.1 A request has been received from Scottish Historic Buildings Trust for a contribution of £15,000 to undertake an options appraisal for Grey Mill which forms part of the Broadford Works site. Should members agree to the request, the funding for this will be met through virement from the Enterprise, Planning and Infrastructure budget.

4. OTHER IMPLICATIONS

- 4.1 There will be a requirement for officers' time to conclude these agreements.

5. REPORT

- 5.1 The Broadford Works site is a large edge of city centre site, which comprises the largest concentration of Category A listed buildings at risk in Scotland. The site has not been utilised since 2004 and is in need of urgent regeneration. The options appraisal of the Grey Mill, which is the oldest iron-framed mill in Scotland, will hopefully lead not only to its restoration but also a use that is beneficial to the people of Aberdeen.

5.2 Broadford Works Strategy

- 5.2.1 The Prince's Regeneration Trust (PRT) was commissioned in February 2011 by First Construction Ltd (owner of Broadford Works) and Historic Scotland to lead and co-ordinate a Steering Group to propose a coherent and deliverable strategy for the regeneration of the Category "A" listed, Broadford Works site, close to the centre of Aberdeen. It comprises 101 buildings; the principal ones being 5-6 storey textile Mill buildings of largely granite and brick construction which document the history of flax manufacture from the nineteenth century. The site is redundant and the buildings are in a very poor and rapidly deteriorating condition. It is now the largest concentration of Category "A" listed buildings at risk in Scotland, if not the UK.
- 5.2.2 PRT utilised its well established Steering Group process to ensure the involvement and buy in of key stakeholders. The Steering Group, led and co-ordinated by PRT and comprising Ian Suttie (owner), Aberdeen City Council, Historic Scotland, Tenants First Housing Co-operative, Halliday Fraser Munro Architects (owner's agent) and Latterly National Trust for Scotland and the Prince's Foundation for the Built Environment met regularly over a 10 month period from February to November 2011. This report is a distillation of the comprehensive work undertaken by the members of the Group and has been agreed by all parties. A number of supporting documents have been produced. These are referenced in section 7.
- 5.2.3 A previous planning application received planning permission following an appeal in 2010; albeit listed building consent was not granted. The onset of the recession and the subsequent failure of the property market effectively left the scheme as proposed, a virtual impossibility.

5.2.4 The Steering Group identified the key issues that made determining the future of the site a challenge. These included issues with regard to the buildings' deteriorating condition, the lack of viability of the original scheme and the absence of a strategy for this complex site that was capable of attracting or providing confidence to would-be developers. It is also agreed that the site was not viable for disposal as a whole and would not be attractive to a single developer.

5.2.5 The Steering Group agreed from the outset that the Page & Park Conservation Plan (CP) (2000) should be the anchor document to guide considerations and decisions regarding the future of the listed buildings. The CP identified and categorised every listed building on the site by its historic, architectural and townscape importance.

5.2.6 Process/Rationale for the Strategy:

Based on an assumption that the site could only be successful if delivered over time and because of the scale and complexity of the site, the Steering Group decided at an early stage that it should agree a rationale to inform the strategy process. In summary, it was agreed that:

- Consideration would be given to which buildings must be retained and prioritised, and which could be demolished, as per their importance and as identified in the Conservation Plan;
- To divide the site into a number of discrete areas (referred to thereafter as 'packages') each would include one or more 'Listed Buildings';
- Funding would be allocated to the 'Listed Buildings' through the Section 75 Agreement towards time-bound, urgent and full repairs;
- The need to devise a robust Section 75 Agreement;
- To consider how the 'burdens' (e.g. infrastructure) would be dealt with for each 'package', including the Grey Mill (43; Area 6), the most significant building on the site;
- To consider the design of any proposed new build development in close proximity to the listed building, including attention to public spaces, setting, use of materials, proportion etc; and,
- To identify possible early phases.

5.2.7 Subsequently respective applications for Planning Permission (120048) and Listed Building Consent (120049) were submitted in January 2012. Following the refusal of the planning application on 19 July 2012, an appeal to the Scottish Ministers was submitted. The Reporter confirmed their intention to grant planning permission on 13 May 2013, subject to conditions and the satisfactory conclusion of a legal planning agreement.

5.3 Involvement of Scottish Historic Buildings Trust

- 5.3.1 A request has been made by Scottish Historic Buildings Trust (SHBT) for matched funding to undertake an options appraisal. The amount being requested from the Council is £15,000 which is the final piece of funding being sought. Other funding sources are the Architectural Heritage Fund (£10,000), Historic Scotland (£7,500), the Aberdeen City Heritage Trust (£7,500) and First Construction Limited (£7,500) the owner of the site. If approval is granted by the Council SHBT will be able to start the Options Appraisal exercise.
- 5.3.2 SHBT is a charitable organisation dedicated to the conservation and promotion of Scotland's architectural heritage. They operate as a Building Preservation Trust and tackle projects throughout Scotland by identifying, raising funds, restoring and delivering lively, viable and sustainable new uses for historic buildings whose survival is threatened by disuse, dereliction or demolition.
- 5.3.3 SHBT was asked to step in and take forward the Grey Mill at the request of the Steering Group (all as set out in the Strategy and attached as Appendix 1 to this report). The first step in being able to confirm if there is a viable project is to undertake an Options Appraisal and it is this that SHBT are asking the Council to help fund.
- 5.3.4 The options appraisal covers the costs of the work required to undertake which includes a fully condition survey of the building, exploration of potential end uses and users, design and estimated costs for potential uses, valuations, community consultation and the production of a final report.
- 5.3.5 The benefit to the Council in providing this funding is that SHBT can undertake the options appraisal and find a viable and sustainable use for the most important building on the site which will in time lead to the development of a capital project to secure all capital funding.
- 5.3.6 The aim is to have a fully restored and viable building which is regarded as the most important building on the site. By undertaking this work, SHBT will be acting as Pioneer developer, giving confidence to other developers that the future of the most difficult and complicated building is secure and should encourage the regeneration of the site as a whole.

5.4 Section 75 Agreement

- 5.4.1 The Council as Planning Authority is entitled in terms of Section 75 of the Town and Country Planning (Scotland) Act 1997 to enter into an agreement with any person interested in the land in its district for the purpose of restricting or regulating the development or use of the land.

- 5.4.2 The developer has requested that the Council administer the funds that are paid in terms of this agreement and to receive and make payments as instructed.
- 5.4.3 A due process will be formally agreed with the relevant officers and third parties that ensures the Council provides transparency and adopts an “open book” approach in undertaking this service.
- 5.4.4 Advice has been taken from the State Aid unit in respect of the Council operating this holding account for the management of funds. As the Council has no vested interest in the development other than the proposed development assisting in the regeneration of the City, then the account should be operated at no cost to the Council and indeed a charge made. Therefore, the Head of Legal and Democratic Services advises that mechanisms should be put in place in the Section 75 Agreement to ensure that the Council’s involvement is cost neutral.

6 IMPACT

- 6.1 The development of this site will meet a number of economic development goals in relation to developing the inner city, provision of housing and also the regeneration of a site that has significant historic importance.

7 BACKGROUND PAPERS

- Report by the Prince’s Regeneration Trust setting out the issues and agreed strategy of the Broadford Works Steering Group;
- Draft Section 75 Agreement.

8 REPORT AUTHORS DETAILS

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ABERDEEN CITY COUNCIL

COMMITTEE	Enterprise, Strategic Planning & Infrastructure
DATE	12 November 2013
DIRECTOR	Gordon McIntosh
TITLE OF REPORT	Scottish Planning Policy Consultation
REPORT NUMBER:	EPI/13/224

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is for the Committee to agree a response to the Scottish Government's re-consultation on parts of Scottish Planning Policy. This response has been put together in collaboration with the Strategic Development Planning Authority and Aberdeenshire Council. It is intended to agree a joint response from the three authorities at the Strategic Development Planning Committee on 11th December 2013.

2. RECOMMENDATION(S)

It is recommended that Committee agree the contents of this report and forward it to the Strategic Development Planning Committee for submission to the Scottish Government.

3. FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

4. OTHER IMPLICATIONS

Scottish Planning Policy (SPP) is a non-statutory statement of Scottish Government policy which carries significant weight in development plan and development management decisions. The current SPP was published by the Scottish Government in February 2010.

5. BACKGROUND/MAIN ISSUES

A draft SPP was published for consultation in April 2013. The Council, through the SDPA responded to that consultation at its meeting of June

2013. The Scottish Government published the responses themselves and an independent analysis of those responses in October 2013.

Following reflection on the consultation responses and the views of a range of stakeholders the Scottish Government has decided to re-consult on additional changes to two aspects of SPP:

- the introduction of a presumption in favour of development that contributes to sustainable development; and
- a proposal to replace the principal policies on 'sustainable economic growth' and 'sustainable development' with one on 'sustainability and planning'.

The consultation paper was published on 28 October 2013, with a closing date for responses of 16 December 2013. It can be viewed here; <http://www.scotland.gov.uk/Publications/2013/10/3406/0>

Discussion

There are two main questions raised by the consultation which are discussed in turn below.

Do you think the SPP should include a presumption in favour of development that contributes to sustainable development?

The consultation proposes introducing a presumption in favour of development that contributes to sustainable development. As proposed, this would be expressed at the start of the document before the document's 'Principal Policies'.

There is already a legal requirement on planning authorities to carry out their development plan functions with the objective of contributing towards sustainable development, as highlighted in the consultation paper (para 6). In this context it is not clear that the text adds anything in a development plan context. As a consequence, the third sentence in paragraph 8 is superfluous as it carries less weight than the legal requirement and should be deleted.

However, the Scottish planning system is built on another legal obligation - the status of the development plan in the determination of planning applications. The City Council, Aberdeenshire and SDPA have demonstrated their commitment to the plan-led system over recent years and maintain that commitment moving forward. All three plans (the structure plan and two local development plans) are up-to-date and work is well advanced on reviewing them to ensure they remain up-to-date.

There is the significant potential for a conflict between the 'presumption' as set out in the consultation document and the Town and Country Planning (Scotland) Act 1997 regarding the determination of planning applications.

Paragraph 9 states two pre-conditions for the presumption to apply in the determination of planning applications: where the development plan is 'out-of-date'; or where the development plan does not contain policies relevant to the proposal.

No definition is provided for either of these conditions. The 1997 Act places a legal requirement on planning authorities to submit a replacement strategic development plan within four years of the approval of the previous plan (s10(8)) and to replace its local development plan at least every five years(s16(1)(a)). However, this is not the same as defining the plan as 'out-of-date'. Although meeting these timescales is extremely important, there may be a variety of reasons why this is not achieved – and this could be caused by a range of factors, only some of which would be in the control of the planning authority. To have, in effect, an expiry date for development plans will have the consequence of planning authorities being even less likely to be able to accommodate modifications to the development plan prior to examination.

The planning act requires the determination of planning applications to be in accordance with the plan unless material considerations indicate otherwise. However, implicit in the text of the SPP is that being 'out-of-date' means that the development plan can be disregarded in the determination of planning applications, being replaced with a 'presumption' instead. The introduction of a presumption in favour of development which contributes to sustainable development should be strongly resisted.

If the 'presumption' were to be included, there would need to be clarity about what an 'out-of-date' development plan is to know when the presumption applies from a Development Management perspective. This should not just be a plan that is more than five years old as such a plan may still be up-to-date in its policy content.

Any presumption of this kind would require a change to primary legislation as it would change the basis for the determination of planning applications - which would be strongly resisted on the information currently available.

The third sentence in paragraph 9 is therefore potentially extremely dangerous and should likewise be deleted, along with the concept of the presumption.

A possible amendment to paragraph 1 would be - "The planning system should contribute to the creation of more economically, environmentally and socially sustainable places by enabling development that supports this, balancing 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."

Paragraph 1, as amended above, does not rely on the presumption being included within the text and would be a positive start to this part of the SPP which should be welcomed.

Do you think the proposed approach to sustainability and planning is appropriate?

The revised draft SPP proposes merging the first two principal policies ('Sustainable Economic Growth' and 'Sustainable Development') into one entitled 'Sustainability and Planning'. This proposal has the potential to clarify the interpretation of the document and is generally supported. However, there are four issues which need to be addressed. The concept of resource efficiency is key to sustainable development and is integral to the current structure plan and proposed strategic development plan. However, the proposed amendment to SPP removes this concept altogether.

There is a need to ensure that development proposed today will be appropriate in the longer-term as well as the current time. This impacts on a range of the bullet points in paragraph 7 but means, for example, that net economic benefit must be seen in a longer-term context than short-term financial gain or responding to short-term economic or financial conditions (bullet 2). The weight to be given to net economic benefit will also vary geographically and SPP must be drafted in such a way as to respect this as different areas will have different priorities.

Reducing inequality and the wider social dimension of sustainable development is weakly reflected in the bullet points in paragraph 7. Providing for the needs of the whole community is vitally important, with affordable housing being one example.

There should be clarity in the SPP that Scotland is currently not a sustainable place and that the nature and quality of new development needs to change significantly if the Scotland of the future is to be more sustainable. With these amendments, the merger of the first two principal policies is acceptable.

The consultation proposes adding two glossary entries for 'sustainable development' and 'sustainable economic growth'. While the definition for 'sustainable development' is the commonly used Brundtland definition, this is not particularly helpful in the context of the presumption. However, the definition given for 'sustainable economic growth' relies on a response to a parliamentary question of November 2012 (S4W-10994) when more authoritative definitions exist, such as those by the Organisation for Economic Co-operation and Development (OECD).

6. IMPACT

Development Plan policies arising out of the SPP are likely to contribute to the following Single Outcome Agreement priorities:

1. We live in a Scotland that is the most attractive place for doing business in Europe;
10. We live in well-designed, sustainable places where we are able to access the amenities and services we need;
12. We value and enjoy our built and natural environment and protect and enhance it for future generations;
14. We reduce the local and global environmental impact of our consumption and production;
15. Our public services are high quality, continually improving, efficient and responsive to local people's needs.

Development Plans contributes to "Aberdeen - A Smarter City" in terms of providing a clean, safe and attractive streetscape and by promoting biodiversity and nature conservation, encouraging wider access to green space in our streets, parks and countryside, and improving access to affordable housing in the private sectors by working with developers to maximize the effective use of developer contributions

An EHRIA has not been carried out for this report as it is a response to an external consultation document, which will itself be subject to a similar assessment by the Scottish Government.

7. BACKGROUND PAPERS

Draft Scottish Planning Policy Consultation – Sustainability and Planning.

<http://www.scotland.gov.uk/Publications/2013/10/3406/0>

8. REPORT AUTHOR DETAILS

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