

# Public Document Pack



To: Councillor Boulton, Convener; Councillor Councillor Stewart, the Depute Provost, Vice Convener; and Councillors Allan, Cooke, Copland, Cormie, Greig, MacKenzie and Malik.

Town House,  
ABERDEEN 18 February 2021

## **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE – PRE DETERMINATION HEARING**

The Members of the **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE** are requested to meet in Virtual - Remote Meeting on **THURSDAY, 25 FEBRUARY 2021 at 10.00 am for a Pre Determination Hearing.**

FRASER BELL  
CHIEF OFFICER - GOVERNANCE

### **B U S I N E S S**

**MEMBERS PLEASE NOTE THAT ALL LETTERS OF REPRESENTATION ARE NOW AVAILABLE TO VIEW ONLINE. PLEASE CLICK ON THE LINK WITHIN THE RELEVANT COMMITTEE ITEM.**

#### **DECLARATION OF INTERESTS**

- 1 Members are requested to intimate any declarations of interest (Pages 3 - 4)

#### **GENERAL BUSINESS**

- 2 Erection of residential led, mixed use development of around 100 to 150 units (mix of house types and flats), including facilities consisting of approximately 1000-3000 sqm of class 1(shops), 2(financial, professional and other services) and class 3(food and drink) with associated works - Site at Silverburn House, Claymore Drive Aberdeen (Pages 5 - 30)

Planning Reference – 191904

All documents associated with this application can be found at the following link:-  
[Planning search](#)

Planning Officer: Gavin Evans

Website Address: [www.aberdeencity.gov.uk](http://www.aberdeencity.gov.uk)

Should you require any further information about this agenda, please contact Lynsey McBain, Committee Officer, on 01224 522123 or email [lymcbain@aberdeencity.gov.uk](mailto:lymcbain@aberdeencity.gov.uk)

## **DECLARATIONS OF INTEREST**

You must consider at the earliest stage possible whether you have an interest to declare in relation to any matter which is to be considered. You should consider whether reports for meetings raise any issue of declaration of interest. Your declaration of interest must be made under the standing item on the agenda, however if you do identify the need for a declaration of interest only when a particular matter is being discussed then you must declare the interest as soon as you realise it is necessary. The following wording may be helpful for you in making your declaration.

I declare an interest in item (x) for the following reasons .....

*For example, I know the applicant / I am a member of the Board of X / I am employed by...* and I will therefore withdraw from the meeting room during any discussion and voting on that item.

### **OR**

I have considered whether I require to declare an interest in item (x) for the following reasons ..... however, having applied the objective test, I consider that my interest is so remote / insignificant that it does not require me to remove myself from consideration of the item.

### **OR**

I declare an interest in item (x) for the following reasons ..... however I consider that a specific exclusion applies as my interest is as a member of xxxx, which is

- (a) a devolved public body as defined in Schedule 3 to the Act;
- (b) a public body established by enactment or in pursuance of statutory powers or by the authority of statute or a statutory scheme;
- (c) a body with whom there is in force an agreement which has been made in pursuance of Section 19 of the Enterprise and New Towns (Scotland) Act 1990 by Scottish Enterprise or Highlands and Islands Enterprise for the discharge by that body of any of the functions of Scottish Enterprise or, as the case may be, Highlands and Islands Enterprise; or
- (d) a body being a company:-
  - i. established wholly or mainly for the purpose of providing services to the Councillor's local authority; and
  - ii. which has entered into a contractual arrangement with that local authority for the supply of goods and/or services to that local authority.

### **OR**

I declare an interest in item (x) for the following reasons.....and although the body is covered by a specific exclusion, the matter before the Committee is one that is quasi-judicial / regulatory in nature where the body I am a member of:

- is applying for a licence, a consent or an approval
- is making an objection or representation
- has a material interest concerning a licence consent or approval
- is the subject of a statutory order of a regulatory nature made or proposed to be made by the local authority.... and I will therefore withdraw from the meeting room during any discussion and voting on that item.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

STATUTORY PRE-DETERMINATION HEARING



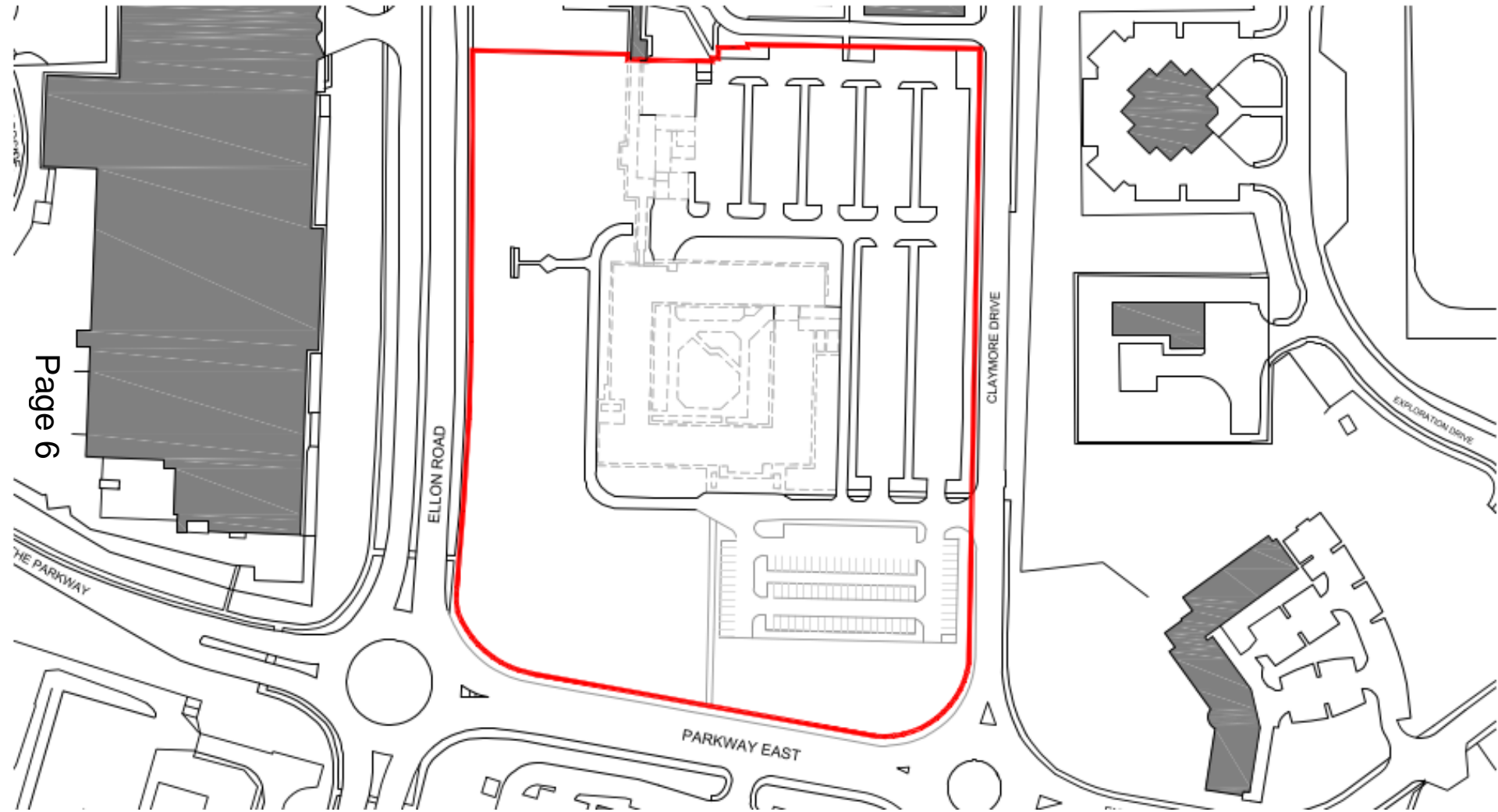
25<sup>th</sup> February 2021

Erection of residential led, mixed use development of around 100 to 150 units (mix of house types and flats), including facilities consisting of approximately 1000-3000 sqm of class 1(shops), 2(financial, professional and other services) and class 3(food and drink) with associated works

Silverburn House , Claymore Drive, Aberdeen

Application ref 191904/PPP

# LOCATION PLAN



# AERIAL PHOTO

ELLON ROAD

APPLICATION SITE

CLAYMORE DRIVE

PARKWAY EAST

EXHIBITION DRIVE



# INDICATIVE SITE PLAN



Pedestrian Crossing  
(re-allocation of lane markings + inclusion of central island)

Claymore Drive

Access (repositioned further from roundabout)

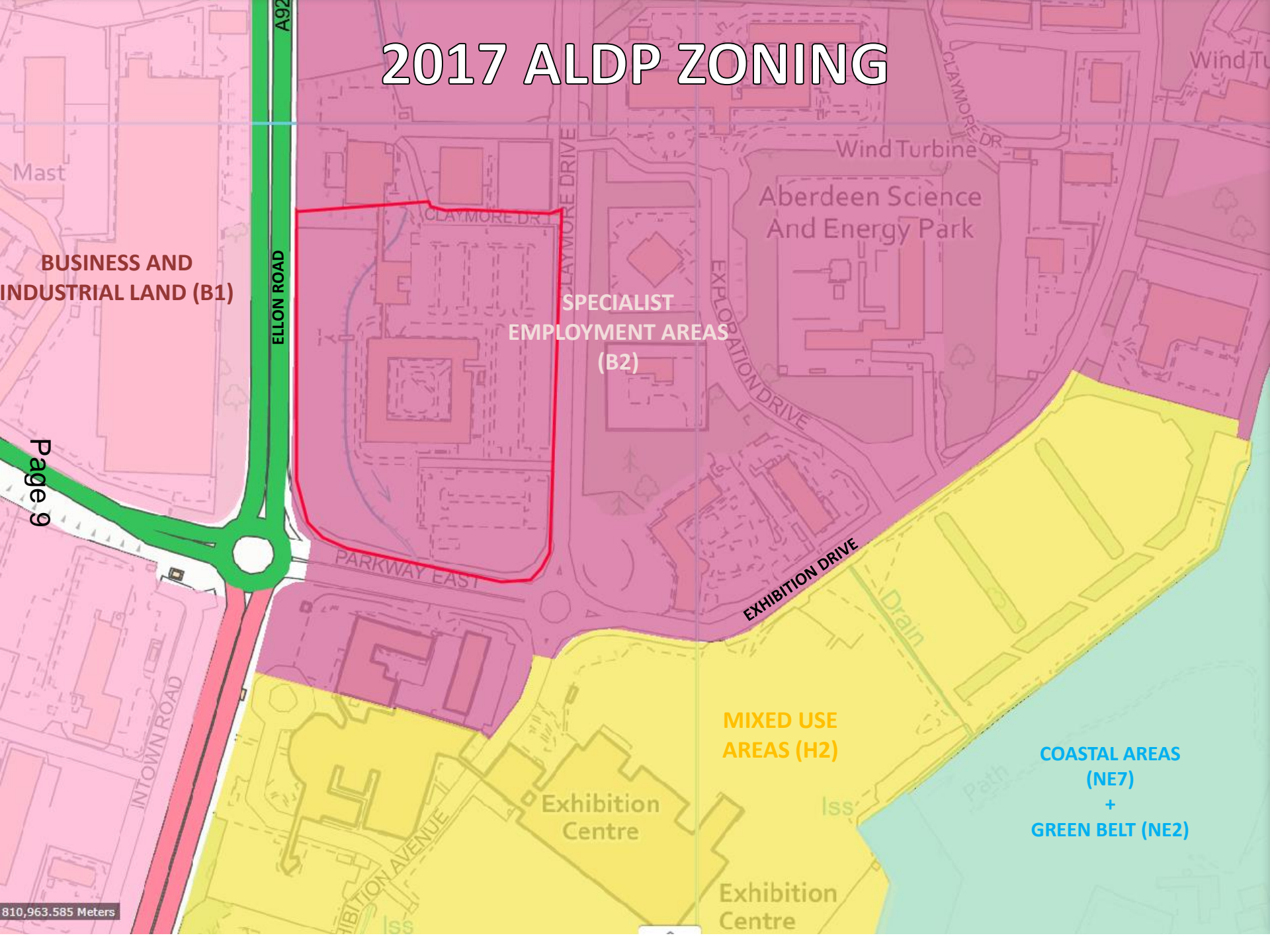
Existing Access Retained

Children's Nursery

Gymnastics Centre



# 2017 ALDP ZONING



# OP75

## PROPOSED ALDP ZONING

ELLON ROAD

# OP12

RESIDENTIAL  
AREAS (H1)

SPECIALIST  
EMPLOYMENT AREAS  
(B2)

EXHIBITION DRIVE

BUSINESS AND  
INDUSTRIAL LAND (B1)

MIXED USE  
AREAS (H2)

# OP13

COASTAL AREAS  
(NE7)

GREEN BELT (NE2)

# BACKGROUND

- Application was subject to statutory Pre-Application Consultation
- Applicants and officers presented to ACC Pre-Application Forum in September 2019
- Pre-Application Consultation Report forms part of current submission

# ABERDEEN LOCAL DEVELOPMENT PLAN

- Site zoned within a 'B2' area in the ALDP, which relates to 'Specialist Employment Areas'
- Policy B2 encourages business (class 4) uses. May also provide for industrial and storage/distribution (classes 5 & 6)
- B2 makes no provision for residential use
- Represents a 'significant departure' from Development Plan
- Proposed ALDP is a material consideration in assessment. This re-allocated the site for residential development of approx. 100 units.
- Significant departure necessitates a Pre-Determination Hearing – PDMC meeting of June 2020 established that this hearing would be before PDMC, rather than FC.

# PROPOSED ALDP

- Approved by Council March 2020.
- Represents the 'settled view' of the Council on what the next LDP should contain
- Proposes re-zoning of the Silverburn House site for residential use
- Statutory consultation on Proposed Plan from May-Aug 2020
- Responses currently being reviewed and processed
- 5 reps in relation to Silverburn House site, both for and against re-zoning

# REPRESENTATIONS

- 2no representations received (BOC gases on Ellon Road and operators of Bon-Accord Centre)
- Objection from Bridge of Don Community Council
- Objection from SEPA due to lack of info on flood risk and realignment of watercourse
- ACC Roads response notes no objection. Conditions will be required to secure various matters for further assessment/agreement
- ACC Education response highlights capacity at Scotstown School and Bridge of Don Academy to accommodate additional pupils generated
- ACC Developer Obligations response identifies sums payable in respect of Core Paths, Healthcare, Open Space, Community Facilities and Sports and Recreation



# Pre-Determination Hearing (Planning Development Management Committee)

Report by Development Management Manager

**Committee Date: 25th February 2021**

<b>Site Address:</b>	Site At Silverburn House, Claymore Drive, Aberdeen, AB23 8GD
<b>Application Description:</b>	Erection of residential led, mixed use development of around 100 to 150 units (mix of house types and flats), including facilities consisting of approximately 1000-3000 sqm of class 1(shops), 2(financial, professional and other services) and class 3(food and drink) with associated works
<b>Application Ref:</b>	191904/PPP
<b>Application Type</b>	Planning Permission in Principle
<b>Application Date:</b>	3 January 2020
<b>Applicant:</b>	Parklands View LLP
<b>Ward:</b>	Bridge Of Don
<b>Community Council:</b>	Bridge Of Don
<b>Case Officer:</b>	Gavin Evans



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## **APPLICATION BACKGROUND**

### **Purpose of Report**

Under section 38A of the Town and Country Planning (Scotland) Act 1997 ('the Act'), the opportunity to attend pre-determination hearings must be provided in respect of applications for major developments which are considered to be significantly contrary to the vision or wider spatial strategy of the 'development plan'. At the time of writing, the Development Plan comprises the Aberdeen Local Development Plan 2017 and the Aberdeen City and Shire Strategic Development Plan 2020.

This report provides information for the pre-determination hearing required in relation to this planning application for a major development (*comprising 'Erection of residential led, mixed use development of around 100 to 150 units (mix of house types and flats), including facilities consisting of approximately 1000-3000 sqm of class 1(shops), 2(financial, professional and other services) and class 3(food and drink) with associated works'*) which is considered to be significantly contrary to the adopted local development plan (the 2017 Aberdeen Local Development Plan).

No assessment of the merits or failings of the proposal is made in this report.

Members will note that a previous report to the Planning Development Management Committee (PDMC) on 1<sup>st</sup> June 2020 recommended that the necessary Pre-Determination Hearing in this instance be undertaken by the PDMC, rather than being referred to Full Council. That recommendation was agreed by members at the PDMC.

### **Site Description**

The site is that of the former Silverburn House, a recently-demolished office building located in a prominent position on a main route (A92 Ellon Road) into Aberdeen from the north. The site has recently been cleared, but Silverburn House had provided 5 floors of office accommodation, laid out in a series of four interconnected wings, arranged around a central inner courtyard. The building is understood to have been constructed in the 1980s and was formerly occupied by Baker Hughes. The site also included 414 car parking spaces and a separate sports building to the north, though the latter lies outwith the application site. The building was set back from Ellon Road by approximately 50m, with the ground in between planted with grass and trees and the Silver Burn running through it. The car parking was located to the eastern side of the site, which is approximately 3.7 hectares in total.

This site forms part of the Aberdeen Energy Park, which lies north of the Aberdeen Exhibition and Conference Centre and on the eastern side of Ellon Road. Silverburn House and the surrounding land to the north and east is identified in the Aberdeen Local Development Plan 2017 (ALDP) as 'Specialist Employment Areas', with a focus on Class 4 (business) uses.

The site and the land to the north is zoned as 'residential' in the Proposed Local Development Plan 2020 (PLDP). In the PLDP the site is allocated as Opportunity Site OP12, 'Opportunity for 100 homes on former employment land'. The supporting text states that the site needs to link into sites OP2 and OP13. The PLDP content was agreed by Full Council on 2<sup>nd</sup> March 2020 and was subject to a period of public consultation that ended on 31<sup>st</sup> August 2020.

To the south of the site lies the Aberdeen Exhibition and Conference Centre, which is zoned within a 'Mixed Use' area and identified as Opportunity Site OP13 in the ALDP. An application for Planning Permission in Principle for the redevelopment of the now-disused AECC facility was submitted in May 2015, proposing '*demolition of existing buildings and erection of a mixed use development to include (approximately 498) residential units, commercial and business use, recycling centre and park and ride facility*'. The Planning Development Management Committee



considered this application in December 2015 (and again in May 2018) and expressed a willingness to ‘*Approve conditionally with permission to be withheld until a legal agreement is entered into to secure: affordable housing; and developer obligations relating to primary education, community facilities, sports and recreation, healthcare, transportation and open space*’.

Beyond the former AECC site lies existing residential development, accessed from via King Robert’s Way, from the Ellon Road/North Donside Road roundabout. On the western side of Ellon Road (A92) is the Bridge of Don Industrial Estate, which is zoned for Business and Industrial Use under policy B1 of the ALDP.

Around 180 metres to the north of the Silverburn House site is the site of the proposed residential-led mixed use development at Cloverhill. Application 191171 Planning Permission in Principle for this proposal was approved by the PDMC on 30<sup>th</sup> April 2020 in line with Officer Recommendation. The related planning agreement has since been concluded and planning permission was issued on 16<sup>th</sup> November 2020.

## Relevant Planning History

Application Number	Proposal	Decision Date
191150/PAN	Major residential development of around 100 to 150 units (mix of house types and flats), potentially including facilities consisting of approximately 1000-3000 sqm of class 1(shops), 2(financial, professional and other services) and class 3(food and drink)	24.07.2019  Status: NTR

## APPLICATION DESCRIPTION

### Description of Proposal

This application seeks Planning Permission in Principle (PPiP) for a residential-led, mixed use development of between 100 and 150 homes, along with 1000-3000sqm of commercial floorspace, potentially including retail, professional services and food and drink uses (uses within classes 1,2 and 3 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended) and associated works such as landscaping and formation of site access and internal roads.

As this is an application for Planning Permission in Principle, the precise details of the proposal and its form are yet to be fully developed. This application seeks simply to establish the principle of a development in this location of the type and scale proposed.

### Supporting Documents

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q2Z69NBZM7400>

These include:

- Pre-Application Consultation (PAC) Report
- Transport Statement
- Noise Impact Assessment

- Landscape Statement
- Supporting Statement
- Planning Statement
- Access & Waste Management Statement
- Drainage Strategy Assessment
- Arboricultural Report
- Masterplan

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

The application has been referred to the Planning Development Management Committee (PDMC) because, at the 20<sup>th</sup> June meeting of the PDMC, members determined that the requirement for a Pre-Determination Hearing in respect of this application could be fulfilled through referral back to this Committee, rather than being considered by members at a Full Council meeting. It is a legislative requirement that the Pre-Determination Hearing takes place before a committee of the Council.

### **Requirement for a Pre-Determination Hearing**

The proposed development is classed a 'major development' in terms of The Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009. The proposal is considered to be a significant departure from the Development Plan by virtue of it being a major residential-led development located on a site which forms part of a wider area identified for principally business and industrial development along with associated supporting uses, wherein Policy B2 'Specialist Employment Areas' of the Aberdeen Local Development Plan applies, but does not allow for development of the type proposed.

Under Regulation 27 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 there is a requirement to hold a Pre-Determination Hearing before such applications may be determined. As of 1st March 2020, the earlier requirement that such applications be determined by Full Council no longer applies.

The purpose of such hearings is to afford both the applicant and those who have made written representation on the proposed development the opportunity to present their views directly to the members of the Council.

### **Pre-Application Consultation**

This application is accompanied by a Pre-Application Consultation Report, as required by the relevant regulations for all planning applications concerning developments in the major category.

The applicant undertook statutory pre-application consultation which included a pre-application consultation event at the gymnastics/sports centre on Claymore Drive, Bridge of Don, on 8<sup>th</sup> October 2019, between noon and 7pm. An advertisement was placed in the Evening Express on September 18<sup>th</sup> that year, giving notice of this consultation event. Notices were also displayed in various locations such as libraries, medical practices, community centres etc. In addition, notices were sent to the local Bridge of Don Community Council and the local ward members at least 7 days ahead of the meeting. Notices advertising the event were also issued to businesses in the neighbouring Aberdeen Energy Park, from a list provided by Aberdeen City Council.

At the consultation event A1 sized exhibition boards were displayed and members of the design team (Space Consultancy and Design and Aurora Planning Ltd) were available to give a brief overview before then allowing attendees to review materials in their own time and ask any questions. Attendees were invited to provide comment either in writing at the time or later by post, or alternatively by email. A total of 10 visitors attended, all of whom gave feedback on the proposals. These responses are summarised in the PAC report, along with the applicants'

commentary on whether/how the proposal has taken them into account.

In addition, a member of the design team had earlier attended the 17<sup>th</sup> September meeting of the Bridge of Don Community Council and gave a presentation of the proposals, followed by a question and answer session.

The applicant presented to the Council's Pre-Application Forum on 19<sup>th</sup> September 2019.

The PAC report includes details of the comments received at these events and identifies the main themes as relating to:

- no support from local Community Council for housing in this location;
- concerns over a crossing on A92 slowing traffic flow into City Centre;
- support for potential community facilities;
- at Pre-Application Forum Members were interested in the capacity at local schools to accommodate the development, as well as the specific arrangements for crossing the A92 road;
- recognition that this is a prominent site on approach to the city from the north;
- support for the inclusion of bungalows;
- noted that the site is accessible and not wholly isolated from the community;
- support for local retail within the development.

## **CONSULTATIONS**

**Scottish Environment Protection Agency – SEPA** objects to this application on the grounds of a lack of information on the proposed realignment of the burn and flood risk. This position may be reviewed on submission of requested further information prior to determination, including a Flood Risk Assessment.

In addition, SEPA request that conditions are attached to any grant of planning permission in relation to implications of retaining existing drains on site and the inclusion of environmental enhancement measures in the detailed design and layout of the proposals.

**Aberdeen City Shire Strategic Development Planning Authority – No response.**

**Scottish Water – No objection.** Note that there is currently capacity at Invercarnie Water Treatment Works and Nigg Waste Water Treatment Works for water and waste water connections respectively. Capacity cannot be reserved, and there will be a requirement for a separate application to Scottish Water for connection once planning permission has been obtained.

**ACC - Roads Development Management Team – No objection.** Note that there are a range of matters which will require further assessment and agreement via future applications for the approval of matters specified in conditions, but RDM colleagues are satisfied that engineering solutions are possible for those matters.

The proposed development will require provision of a new pedestrian crossing over the Parkway East and a widening of the footway along the site frontage to Ellon Road (A92) and northwards, to allow for shared footway/cycleway use and safe pedestrian movement. The applicants' Masterplan document now reflects this requirement. Indicative proposals also now demonstrate pedestrian connections from the development westwards, connecting to Ellon Road and nearby bus stops. An existing bus stop on the south side of Parkway East requires to be upgraded to provide a shelter.

Provision of the above crossing point and connections to existing pedestrian infrastructure provides for safe access to schools (Scotstown Primary and Bridge of Don Academy).

Requirements for on-site parking provision would be met through future applications, however the applicant has committed to provision in line with ACC's standards, including provision of Electric Vehicle charging points. The principle of two site accesses is acceptable, and the final location and design of those access junctions would be controlled by use of planning conditions and subject to further assessment via future applications, along with assessment of the internal road layout. The indicative layout provided is based around the main access route being designed to adoptable standard and parking courts designed to a 'Designing Streets' compliant specification, with use of shared surfaces.

The submitted Transport Assessment highlights a net reduction in trips within the AM (-197) and PM (-173) peaks when this development is compared with the authorised former office use. On that basis, no further traffic impact assessments are required.

Other consented developments in the area (Berryhill and Cloverhill sites) include a requirement to reduce the speed limit on the 70mph stretch of the A92 to 40mph, with a temporary 20mph limit during school hours. A similar requirement would be required for this development in order to facilitate pedestrian access and safe routes to school.

Detail of waste collection arrangements will form part of subsequent applications. Swept-path plans based on the current indicative layout show only a few minor areas of overrunning, which can be amended through the detailed design process as required. A condition relating to provision of a Residential Travel Pack is also required.

Two levels of sustainable drainage treatment are required. Full details of drainage treatment can be secured by condition(s) for further consideration via future applications.

**ACC - Structures, Flooding And Coastal Engineering** – No objection to the principle of development, but recommend that a requirement for a level 2 Flood Risk Assessment (at MSC application stage) is secured via planning condition.

**ACC - Environmental Health** – No objection. Recommend that further information on the following matters be secured at MSC application stage via planning conditions.

#### Noise

The submitted noise impact assessment includes modelling which found that external and internal noise levels within the development, arising from traffic and industrial noise, would exceed agreed criteria unless mitigation measures are incorporated. The mitigation proposed includes a combination of acoustic barriers and enhanced façade design. With this mitigation, noise levels would meet the agreed criteria for almost all sensitive receptors. Impacts at the remaining receptors are assessed as being only 'slight' in their significance. Full details of necessary mitigation will be influenced by the detailed design of buildings, but implementation of mitigation is essential and must be secured by appropriate planning conditions.

#### Odour and Noise Control from Food and Drink Premises

It is recommended that conditions secure details of a suitable extract ventilation assessment for food and drink premises within the development, to ensure that any odour impacts are adequately controlled. In addition, a noise impact assessment related to any necessary extraction ventilation system would also be required, including implementation of any necessary mitigation to protect the amenity of neighbouring residential premises.

#### Dust Management and Control

In order to protect nearby existing residences during construction works, it is recommended that an Air Quality (Dust) Risk Assessment is undertaken, with a site-specific Dust Management Plan based upon its findings. These submissions should be secured by conditions, requiring submission and agreement with the planning authority prior to commencement, and should include details of any necessary control measures to be implemented for each phase of development (earthworks, construction and any other associated works), details of a monitoring protocol and a responsible person for dust control on site.

#### Noise from Site Construction Works

It is recommended that an informative note be applied to any permission, reflecting recommended construction hours.

**ACC - Waste and Recycling** – Response provides general advice on facilities for waste storage and collection points, as well as accessibility of the road layout for refuse vehicles. It will be necessary to use an appropriately worded planning condition to secure this information as part of further application(s) for the approval of matters specified in conditions.

**ACC - City Growth** – No response.

**ACC - Contaminated Land Team** – No objection to the approval of this application. However, as this site is in an industrial area, there is the potential for some contamination and it is recommended that conditions are attached to any approval. These conditions relate to the investigation, risk assessment and remediation of any contamination, along with verification and monitoring thereafter as required.

**ACC - Developer Obligations** – Assessment undertaken on the basis of 150 standard 3-bed units, however it is recognised that the final composition of the development may be subject to change via subsequent applications for the approval of matters specified in conditions. Initial assessment identifies requirements for the following obligations:

#### Core Paths

£55,800 payable for towards the delivery of Aspirational Core Path 1.

#### Primary Education

The application site is within the catchment area for Scotstown Primary School. Factoring this development into the 2018 school roll forecasts will not result in the school going over capacity and mitigation will therefore not be required.

#### Secondary Education

The application site is within the catchment area for Bridge of Don Academy.

Factoring this development into the 2018 school roll forecasts will not result in the school going over capacity and mitigation will therefore not be required.

#### Healthcare Facilities

£153,536 payable towards the provision of additional capacity at the Scotstown Medical Practice or other such facilities serving the development.

#### Open Space

As the proposed development would result in the loss of existing public space, as identified in the Open Space Audit, a contribution of £27,450 is required towards the enhancement of existing open spaces in the locale.

#### Community Facilities

£274,275 payable towards the provision of additional capacity at Bridge of Don Community Learning Centre and/or Balgownie Community Centre, which have proposals in place to increase capacity to accommodate additional users as a consequence of development.

#### Sports and Recreation

£144,600 payable a new 3G sports pitch at the closest publicly available facilities, at the Alex Collie Sports Centre.

#### Affordable Housing

Policy H5 of the ALDP seeks a minimum of 25% of any development of 5 or more dwelling units to be provided as affordable housing. The affordable housing requirement for a 150 unit development would equate to 37.5 units, with an expectation for on-site delivery in accordance with the preferred hierarchy set out in section 4.1 of the Council's Affordable Housing Supplementary Guidance.

**ACC - Education** – No objection. The application site is zoned to Scotstown School and Bridge of Don Academy. Latest forecasts indicate that there is sufficient capacity at both schools to accommodate the number of pupils anticipated from a development of this scale.

**ACC - Housing** – As per affordable housing policy, 25% of the development requires to be provided as affordable housing. The affordable housing units should be reflective of the development as a whole and provide a mix of houses and flats, with a preference for social rented housing.

**Police Scotland** – No objection to the development, but make the following points for consideration in detailed design:

- Site is in a currently low crime area.
- Recommend the use of varied surface treatments to act as traffic calming measures and signify a transition from 'public' to 'private' spaces.
- Vehicular and pedestrian routes should be visually open and direct.
- Dwellings should be positioned to face each other to provide for passive surveillance
- Footpaths should be straight, wide, well-lit and free from potential hiding places
- Narrow footpaths between buildings should be avoided
- Car parking areas should be within view of active rooms (e.g. kitchens, living rooms)
- Communal areas should be designed to allow natural surveillance from nearby buildings, and boundaries between public and private spaces should be well defined.
- Good quality white lighting of uniform coverage should be utilised.
- Recommends that consideration is given to crime reduction measures during construction to protect goods and materials from theft;
- Recommends that the developer liaise with Police Scotland Designing Out Crime service at each stage for more detailed advice.
- Encourage the applicant to attain the 'Secured By Design' award.

**Bridge Of Don Community Council** – Objects to the application and considers that the existing business and industrial use should be maintained. Raises the following concerns:

- The proposal does not accord with the Aberdeen Local Development Plan, which was adopted following extensive consultation and stakeholder involvement;
- Suggests that granting planning permission contrary to the Council's own LDP undermines the integrity of the planning process;
- Highlights that the Main Issues Report refers to prioritising brownfield sites and any greenfield housing allocations being small-scale, with limited impact on the environment

and infrastructure;

- Contends that there are more than enough new homes committed in the Bridge of Don area;
- The local housing market is not buoyant, with more than 5000 homes currently for sale on ASPC and house prices having fallen considerably in recent years;
- Highlights that children would be required to walk approximately 1.3 miles to the nearest secondary school, crossing some of the busiest roads in the city;
- Expresses major concern for the safety of children going to or from schools;
- Argues that, even with some form of crossing provided, primary-age children would still be required to cross an extremely busy road at peak times, when air quality is at its worst;
- Existing bus services are insufficient to support school travel or to serve the development generally, such that residents would be more likely to make journeys by private car, increasing congestion and carbon emissions;
- Considers that the proposed development would result in school capacity being exceeded, particularly when considered along with other committed developments at Grandhome and Shielhill/Dubford and apparent delays in the delivery of schools at Gradhome;
- Existing healthcare facilities are at their limits, with long waits for appointments;
- BoD CC queries whether the any or all of the proposed community facilities will be delivered, and notes that with other previous developments the planning gain/developer contribution has been either reduced, delivered late or not delivered at all.
- Highlights that this development, in conjunction with another consented scheme at Cloverhill to the north, would affect traffic flow on the A92 by reducing speed limits to 40mph (20 mph at peak school travel times). The associated stationary traffic and congestion would give rise to increased pollution, contrary to the Council's Local Transport Strategy.

## **REPRESENTATIONS**

Two representations have been received in relation to this application, both stating objection to the proposals. These representations raise the following concerns:

- Objection on behalf of Capreon – asset manager for owners of the Bon Accord Shopping Centre.
- Highlight the ALDP's focus on supporting the primacy of the city centre and limiting retail/significant footfall generating uses outwith designated centres.
- Highlights Specialist Employment Area zoning of the site. Notes that relevant policy B2 does not specifically provide for retail development in this location.
- Contends that sequential test set out in policy NC4 applies, along with policy NC5's tests in relation to the justification of significant footfall generating development appropriate to designated centres on out-of-centre locations.
- Highlights lack of necessary supporting information to demonstrate acceptability of retail use.
- Offers no objection to the principle of modestly sized convenience retail store and associated local facilities (e.g. dentist, medical practice, coffee shop etc), but suggests that care is taken to ensure that conditions adequately control the size, function and impact of any commercial use to accord with the retail aspirations of the Local Development Plan.
- Objection from British Oxygen Co. (BOC) on the grounds that insufficient information has been submitted to demonstrate that residential amenity would not be unacceptably impacted by the existing noise environment (including BOC premises circa 150m away). Note specific concerns about the robustness of the assessment accompanying the

application.

- BOC's primary concern is to ensure that the acceptability of residential use is fully established before PPIP is granted and that extra constraints and burdens are not placed on existing business operations, potentially impinging on long term viability.
- An acoustic consultant's assessment is appended to BOC's representation.

## **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**

#### **National Planning Framework 3 (NPF3) 2014**

NPF3 is a long-term strategy for Scotland - the spatial expression of the Governments Economic Strategy, and of plans for infrastructure investment. Sets out a vision for Scotland to be:

1. A successful, sustainable place.
2. A low carbon place
3. A natural, resilient place
4. A connected place

Para 2.18 notes that some cities have greater pressure for additional housing development, whilst regeneration remains a priority in others. States that, in all cases, there will be a need to ensure a generous supply of housing land in sustainable places where people want to live, providing enough homes and supporting economic growth. The section on Aberdeen and the North East states that the city centre will be a focus for regeneration efforts. Para 2.19 notes that housing requirements will continue to be at their most acute around Edinburgh, Perth and Aberdeen – requiring targeted action to better match demand for land with infrastructure capacity.

#### **Scottish Planning Policy (SPP), 2014**

Scottish Ministers, through the 'core values' expressed at paragraph 4 of SPP, expect the planning system, amongst other things, to focus on outcomes, maximising benefits and balancing competing interests; play a key role in facilitating sustainable economic growth, particularly the creation of new jobs and the strengthening of economic capacity and resilience within communities; and be plan-led, with plans being up-to-date and relevant.

SPP's identified outcomes include achieving 1. 'A successful, sustainable place – supporting sustainable economic growth and regeneration, and the creation of well-designed, sustainable places'; 2. 'A low carbon place – reducing our carbon emissions and adapting to climate change'; and 3. 'A natural, resilient place – helping to protect and enhance our natural and cultural assets, and facilitating their sustainable use.' Para. 15 highlights the role of SPP to set out how these outcomes should be delivered on the ground. By locating the right development in the right place planning can provide opportunities for people to make sustainable choices and improve their quality of life.

Paras 17-19 highlight policy support for the transition to a low carbon economy, particularly by supporting diversification of the energy sector, with the overall aim to reduce greenhouse gas emissions and facilitate adaptation to climate change. The role of the planning system in seizing



opportunities to encourage mitigation and adaptation measures is underlined.

Para 23 highlights the role of the planning system in aligning development more closely with transport and digital infrastructure to improve sustainability and connectivity, contributing to economic growth and an inclusive society.

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

Paragraph 32 (in relation to Development Management) notes that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making, and indicates that proposals that accord with up-to-date plans should be considered acceptable in principle and consideration should focus on the detailed matters arising. For proposals that do not accord with up-to-date development plans, the primacy of the plan is maintained and this SPP and the presumption in favour of development that contributes to sustainable development will be material considerations

Planning should take every opportunity to create high quality places by taking a design-led approach, taking a holistic approach that responds to and enhances the existing place while balancing the costs and benefits of potential opportunities over the long term.

Planning should direct the right development to the right place. To do this, decisions should be guided by the following policy principles –

- optimising the use of existing resource capacities, particularly by co-ordinating housing and business development with infrastructure investment including transport, education facilities, water and drainage, energy, heat networks and digital infrastructure;
- using land within or adjacent to settlements for a mix of uses. This will also support the creation of more compact, higher density, accessible and more vibrant cores;
- considering the re-use or re-development of brownfield land before new development takes place on greenfield sites;
- considering whether the permanent, temporary or advanced greening of all or some of a site could make a valuable contribution to green and open space networks, particularly where it is unlikely to be developed for some time, or is unsuitable for development due to its location or viability issues; and
- locating development where investment in growth or improvement would have most benefit for the amenity of local people and the vitality of the local economy.

Planning should support development that is designed to a high-quality, which demonstrates the six qualities of successful place (distinctive, safe and pleasant, welcoming, adaptable and resource efficient, easy to move around and beyond)

SPP highlights that Design is a material consideration in determining planning applications. Planning permission may be refused and the refusal defended at appeal or local review solely on design grounds.

In its section on 'Supporting Business and Employment', SPP identifies policy principles to:

- promote business and industrial development that increases economic activity while safeguarding and enhancing the natural and built environments as national assets;
- locate sites that meet the diverse needs of the different sectors and sizes of business which are important to the plan area in a way which is flexible enough to accommodate changing circumstances and allow the realisation of new opportunities; and
- give due weight to net economic benefit of proposed development.

In its section on 'Enabling Delivery of New Homes, SPP identifies policy principles to:

- identify a generous supply of land for each housing market area within the plan area to support the achievement of the housing land requirement across all tenures, maintaining at least a 5-year supply of effective housing land at all times;
- enable provision of a range of attractive, well-designed, energy efficient, good quality housing, contributing to the creation of successful and sustainable places; and
- have a sharp focus on the delivery of allocated sites embedded in action programmes, informed by strong engagement with stakeholders.

Paras 113-122 set out the role of the Development Plan process in providing for identified housing needs, based on robust housing need and demand assessment (HNDA). Once a housing supply target has been identified for each functional housing market area, based on evidence from the HNDA, this is then increased by a margin of 10-20% in order to ensure that a generous supply of land for housing is provided. Local Development Plans in city regions should then allocate a range of sites which are effective or expected to become effective in the plan period to meet the housing land requirement of the SDP up to year 10 from the expected year of adoption. They should provide for a minimum of 5 yrs effective land supply at all times. Paragraphs 123-125 highlight the role of annual housing land audits as a tool to critically review and monitor the availability of effective housing land, the progress of sites through the planning process, and housing completions, to ensure a generous supply of land for house building is maintained and there is always enough effective land for at least 5 years. A site is only considered effective where it can be demonstrated that within 5 years it will be free of constraints and can be developed for housing. Para 125 states that, where a shortfall in the 5-year effective housing land supply emerges, development plan policies for the supply of housing land will not be considered up-to-date, and paragraphs 32-35 will be relevant.

Paragraphs 126-134 address Affordable Housing and other specialist housing provision types, noting the role of Housing Need and Demand Assessments in establishing whether there is a shortage of affordable housing, and the roles of strategic development plans in stating how much of the total housing land requirement this represents and local development plans in clearly setting out the scale and distribution of the affordable housing requirement for their area. Plans should also identify any expected developer contributions towards delivery of affordable housing, with supplementary guidance setting out further detail.

Paras 193 & 202-204 are of particular relevance in terms of 'Valuing the Natural Environment'. These sections underline the importance of planning in 'protecting, enhancing and promoting access to our key environmental resources, whilst supporting their sustainable use'. It is noted that 'the siting and design of development should take account of local landscape character', also that 'developers should seek to minimise adverse impacts through careful planning and design, considering the services that the natural environment is providing and maximising the potential for

enhancement'. Para. 203 states that 'planning permission should be refused where the nature or scale of proposed development would have an unacceptable impact on the natural environment'. Paragraph 207 sets out obligations in relation to sites designated as Special Areas of Conservation (SACs) and Special Protection Areas (SPAs), including the requirement for 'appropriate assessment' of the implications for conservation objectives where development is likely to have a significant impact. In terms of promoting sustainable transport and active travel, paragraph 287 of SPP states in relation to Development Management functions that 'planning permission should not be granted for significant travel generating uses at locations which would increase reliance on the car and where:

- direct links to local facilities via walking and cycling networks are not available or cannot be made available;
- access to local facilities via public transport networks would involve walking more than 400m; or
- the transport assessment does not identify satisfactory ways of meeting sustainable transport requirements.

#### Creating Places (architecture and place policy statement)

Scotland's policy statement on architecture and place sets out the comprehensive value good design can deliver. Successful places can unlock opportunities, build vibrant communities and contribute to a flourishing economy. The document contains an action plan that sets out the work that will be taken forward to achieve positive change. The statement is in four parts:

1. The value of architecture and place,
2. Consolidation and ambition,
3. A strategy for architecture and place,
4. Resources, communications and monitoring.

#### Designing Streets (2010)

Designing Streets is the first policy statement in Scotland for street design and marks a change in the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It has been created to support the Scottish Government's place-making agenda and is intended to sit alongside Designing Places, which sets out government aspirations for design and the role of the planning system in delivering these.

#### **Aberdeen City and Shire Strategic Development Plan (2020) (SDP)**

The Strategic Development Plan 2020 was published in August 2020. The purpose of this Plan is to set a clear direction for the future development of the City Region. It sets the strategic framework for investment in jobs, homes and infrastructure over the next 20 years and promotes a spatial strategy for the next 20 years. All parts of the Strategic Development Plan area will fall within either a Strategic Growth Area or a Local Growth and Diversification Area. Some areas are also identified as Regeneration Priority Areas. The following general targets are identified; promoting diversified economic growth, promoting sustainable economic development which will reduce carbon dioxide production, adapting to the effects of climate change and limiting the amount of non-renewable resources used, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility in developments. The SDP also sets out Housing Supply Targets for both Council areas, to be detailed through allocations in the Local Development Plans.

#### **Aberdeen Local Development Plan (2017)**

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 T4 – Air Quality  
Policy T5 – Noise  
Policy B2 – Specialist Employment Areas  
Policy H3 – Density  
Policy H4 – Housing Mix  
Policy H5 – Affordable Housing  
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

### **Supplementary Guidance and Technical Advice Notes**

- Aberdeen Masterplanning Process TAN;
- Energetica;
- Transport and Accessibility;
- Noise;
- Planning Obligations;
- Affordable Housing;
- Landscape;
- Natural Heritage;
- Green Space Network and Open Space;
- Trees and Woodland;
- Flooding, Drainage and Water Quality

### **Proposed Aberdeen Local Development Plan (2020)**

The Proposed Aberdeen Local Development Plan (Proposed ALDP) was approved at the Council meeting of 2 March 2020. The Proposed ALDP constitutes the Council's settled view as to what the final content of the next adopted ALDP should be, and is now a material consideration in the determination of planning applications. The Aberdeen Local Development Plan 2017 will continue to be the primary document against which applications are considered. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether –

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

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

The application site and the land to the north is zoned as 'residential' in the Proposed Local Development Plan 2020 (PLDP). In the PLDP the site is allocated as Opportunity Site OP12, 'Opportunity for 100 homes on former employment land'. The PLDP therefore offers support for the principle of residential development on the Silverburn House site, albeit at the lower end of the scale of residential development described in this application.

In response to consultation on the Main Issues Report, there was one representation made in relation to the former Silverburn House site (respondent no. 517). That was submitted on behalf of the current applicants by their appointed planning consultant and expressed support for the inclusion of the site in the Proposed Plan for around 100 units. It was contended that residential redevelopment would contribute towards requirements for additional housing and would be consistent with Scottish Planning Policy (SPP) and the Proposed Strategic Development Plan (PSDP) as regards re-allocating under-utilised employment land and prioritising the development of brownfield sites when bringing land forward for housing.

Consultation on the Proposed ALDP during 2020 resulted in a further five representations being received in relation to this site (refs. 137, 248, 772, 888 & 892). These include: representations from SEPA and NatureScot in relation to the Environmental Report for the PALDP, highlighting a requirement for a Flood Risk Assessment to assess potential risk from the existing watercourse on this site and drawing attention to SEPA's earlier response to that effect in relation to the current application; a further submission on behalf of the applicants in support of the proposed re-zoning for residential use; an objection from the local Bridge of Don Community Council; and an objection from Royal Aberdeen Golf Club.

### **Other Material Considerations**

#### Housing Land Audit 2019 – Aberdeen City & Aberdeenshire Councils, July 2019

The Housing Land Audit (HLA) illustrates the scale and characteristics of the housing land supply in Aberdeen City and Aberdeenshire. It is used to determine if there is sufficient land available for housing development and also to inform the planning of future infrastructure such as roads, schools and drainage.

#### Employment Land Audit 2017/18 – Aberdeen City & Aberdeenshire Councils, Dec 2018

The Aberdeen City and Shire Employment Land Audit (ELA) provides information on the supply and availability of employment land in the North-East of Scotland.

#### Strategic Infrastructure Plan

Aberdeen City Council's Strategic Infrastructure Plan (SIP) focuses on the delivery of Strategic and Local Development Plans and also identifies five key infrastructure goals, as follows:

1. A step change in the supply of housing;
2. High quality digital connectivity at home and at work;
3. Better local transport;
4. The skills and labour that Aberdeen needs to thrive;
5. A better image for Aberdeen.

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

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

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

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

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

Regional Economic Strategy – Aberdeen City & Aberdeenshire Councils with Opportunity North East (ONE), December 2015

Sets out the following four key programmes which will contribute to achieving the strategy's vision:

- A. Investment in Infrastructure
- B. Innovation
- C. Inclusive Economic Growth
- D. Internationalisation

## **NEXT STEPS**

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A report will be prepared by officers for a forthcoming meeting of the Planning Development Management Committee containing a full assessment of the proposed development and a recommendation to members.