

# Public Document Pack



To: Councillor McRae, Convener; Councillor Bouse, Vice-Convener; and Councillors Alphonse, Boulton, Clark, Cooke, Copland, Farquhar, Lawrence, Macdonald, Radley, Tissera and Thomson.

Town House,  
ABERDEEN 08 February 2024

## **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

The Members of the **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE** are requested to meet in **Committee Room 2 - Town House** on **THURSDAY, 15 FEBRUARY 2024 at 10.00 am**. This is a hybrid meeting and Members may also attend remotely.

The meeting will be webcast and a live stream can be viewed on the Council's website. <https://aberdeen.public-i.tv/core/portal/home>

JENNI LAWSON  
INTERIM CHIEF OFFICER – GOVERNANCE (LEGAL)

### **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.**

#### **MOTION AGAINST OFFICER RECOMMENDATION**

- 1.1. Motion Against Officer Recommendation - Procedural Note (Pages 5 - 6)

#### **DETERMINATION OF URGENT BUSINESS**

- 2.1. Determination of Urgent Business

#### **DECLARATION OF INTERESTS AND TRANSPARENCY STATEMENTS**

- 3.1. Members are requested to intimate any declarations of interest or connections

## **MINUTES OF PREVIOUS MEETINGS**

- 4.1. Minute of Meeting of the Planning Development Management Committee of 18 January 2024 - for approval (Pages 7 - 12)

## **COMMITTEE PLANNER**

- 5.1. Committee Planner (Pages 13 - 16)

## **GENERAL BUSINESS**

### **WHERE THE RECOMMENDATION IS ONE OF APPROVAL**

- 6.1. Modification of Planning Obligation associated with 221435/S42 regarding affordable housing provision (Clause 5.1) - 54 Gallowgate Aberdeen (Pages 17 - 24)

Planning Reference – 231618

All documents associated with this application can be found at the following link and enter the reference number above:-

[Link.](#)

Planning Officer: Alex Ferguson

- 6.2. Detailed Planning Permission for the erection of Palisade Security Fence and Gates (retrospective) - Oceaneering House, Pitmedden Road, Dyce Aberdeen (Pages 25 - 32)

Planning Reference – 231498

All documents associated with this application can be found at the following link and enter the reference number above:-

[Link.](#)

Planning Officer: Robert Forbes

## **OTHER REPORTS**

- 7.1. Land at Coast Road, St Fittick's Park/ Gregness Headland/Doonies Farm, Aberdeen - Pre Determination Route - 231371 (Pages 33 - 46)

## **DATE OF NEXT MEETING**

8.1. Thursday 14 March 2024 - 10am

Integrated Impact Assessments related to reports on this agenda can be viewed [here](#)

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

Should you require any further information about this agenda, please contact Lynsey McBain, Committee Officer, on 01224 067344 or email [lymcbain@aberdeencity.gov.uk](mailto:lymcbain@aberdeencity.gov.uk)

This page is intentionally left blank

# Agenda Item 1.1

Members will recall from the planning training sessions held, that there is a statutory requirement through Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 for all planning applications to be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. All Committee reports to Planning Development Management Committee are evaluated on this basis. It is important that the reasons for approval or refusal of all applications and any conditions to be attached are clear and based on valid planning grounds. This will ensure that applications are defensible at appeal and the Council is not exposed to an award of expenses.

Under Standing Order 29.11 the Convener can determine whether a motion or amendment is competent and may seek advice from officers in this regard. With the foregoing in mind the Convener has agreed to the formalisation of a procedure whereby any Member wishing to move against the officer recommendation on an application in a Committee report will be required to state clearly the relevant development plan policy(ies) and/or other material planning consideration(s) that form the basis of the motion against the recommendation and also explain why it is believed the application should be approved or refused on that basis. The Convener will usually call a short recess for discussion between officers and Members putting forward an alternative to the recommendation.

This page is intentionally left blank

## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

18 January 2024

ABERDEEN, 18 January 2024. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor McRae, Convener; Councillor Bouse, Vice Convener; and Councillors Alphonse, Boulton, Clark, Cooke, Copland, Farquhar, Henrickson (as substitute for Councillor Radley), Lawrence, Macdonald, Tissera, Thomson (for all items except 4 and 5) and Watson (as substitute for Councillor Thomson for items 4 and 5 only) .

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

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

### DECLARATIONS OF INTEREST OR CONNECTIONS

1. Members were asked to declare any interest or connections.

Councillor Thomson declared an interest in relation to item 6.1 on the agenda, Aberdeen Planning Guidance Energy Transition Zone Draft Masterplan Consultation Responses. Councillor Thomson advised that she would leave the meeting during consideration of the item and would take no part in the deliberation or determination of the report.

Councillor Clark made a transparency statement and advised that in relation to the same item, she knew one of the individuals who had requested a deputation to speak at Committee. Councillor Clark did not consider that the nature of her connection amounted to an interest that would require her to withdraw from the meeting.

### MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 7 DECEMBER 2023

2. The Committee had before it the minute of the previous meeting of 7 December 2023, for approval.

#### **The Committee resolved:-**

to approve the minute as a correct record.

### COMMITTEE PLANNER

3. The Committee had before it the committee business planner, as prepared by the Interim Chief Officer – Governance (Legal).

#### **The Committee resolved:-**

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

18 January 2024

to note the committee business planner.

**In accordance with item 2 of the minute, Councillor Thomson left the meeting and was replaced by Councillor Watson for the following two items.**

**DEPUTATION REQUESTS FOR ITEM 6.1 - ABERDEEN PLANNING GUIDANCE - ENERGY TRANSITION ZONE DRAFT MASTERPLAN CONSULTATION RESPONSES**

4. The Committee received deputation requests from Ms Ishbel Shand and Dr Jean Boucher in regards to item 6.1 on the agenda, Aberdeen Planning Guidance – Energy Transition Zone Draft Masterplan Consultation responses, who both objected to the report.

The Committee also received a deputation request from the applicant and the speakers were Maggie McGinley, Neil Young and Henry Farrar.

Ms Shand advised that Friends of St Fitticks Park were firmly opposed to the proposed development due to the sacrifice to the park. Ms Shand explained that they had lodged a judicial review and also a petition, however ETZ Ltd had continued to press ahead with their plans. Ms Shand intimated that the proposed development was not in the interest of the people of Torry and asked that the Council did not go ahead with anything further until the judicial review had completed.

Ms Shand advised that the public had been misled and were assured that temporary construction sites would be reinstated but this had not been the case and she felt that there had been an erosion of trust between residents in Torry and the Council.

The Committee then heard the deputation from Dr Jean Boucher, Chair of Friends of St Fitticks Park. Dr Boucher advised that he objected to the proposed masterplan, due to various concerns which included humanity and sustainability and asked that no further woodland be destroyed. Dr Boucher intimated that there were plenty of vacant sites in Aberdeen where this proposal could be situated and asked that the award winning park of St Fitticks be saved.

The Committee then heard from Maggie McGinley, Neil Young and Henry Farrar, applicants.

Ms McGinley explained that (1) they were doing lots of work and had created a jobs and skills plan; (2) the approval of the masterplan offered so much opportunity, (3) the site was required to provide direct access to the new harbour port and could not be provided elsewhere, (4) the Coast Road would be upgraded; and (5) the use of a brownfield site would be utilised.



**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

18 January 2024

Ms McGinley also indicated that they had carried out five events in regards to the proposed masterplan for members of the public and had also undertaken eight weeks of consultation, which allowed members of the public to submit any feedback, concerns etc. Ms McGinley intimated that they had listened carefully to the feedback and there was a clear focus on minimising the loss of land as well as the restoration of Tullos burn.

Ms McGinley also explained that they had a commitment to the local community and were committed to revitalising the area with as many new jobs created as possible.

The Committee then asked questions of the deputations and thanked everyone for their participation.

**REFERRAL FROM COUNCIL ON 14 DECEMBER 2023 - ABERDEEN PLANNING GUIDANCE - ENERGY TRANSITION ZONE DRAFT MASTERPLAN CONSULTATION RESPONSES - COM/23/382**

5. With reference to article 4 of the meeting of Council of 14 December 2023, the Committee had before it by way of referral, a report by the Chief Officer – Strategic Place Planning, which presented an updated Energy Transition Zone Masterplan, taking into account the findings of the eight week public consultation, and sought agreement on the document becoming Aberdeen Planning Guidance to support the Aberdeen Local Development Plan 2023.

**The report recommended:-**

that the Committee

- (a) note the consultation responses received, and agree the changes proposed by officers to the Draft Energy Transition Zone Masterplan (Appendix 2); and
- (b) agree the content of the Energy Transition Zone Masterplan 2023, as amended, (Appendix 1) as non-statutory Aberdeen Planning Guidance to support the Aberdeen Local Development Plan 2023.

The Convener, seconded by the Vice Convener, moved:-

that the Committee –

- (i) approve the recommendations;
- (ii) note the importance of St Fitticks Park, the adjacent Tullos Burn and wetlands, as highlighted in the report of examination to the Aberdeen Local Development Plan 2023 and reflected in the Masterplan;
- (iii) note that the specific site boundary for the maximum developable land at OP56 had been set out in the Aberdeen Local Development Plan 2023 including the key constraints;
- (iv) note that any development of the site would be contingent on satisfying the specific locational use requirements as set out in the Aberdeen Local Development Plan OP56 allocation;

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

18 January 2024

- (v) note the content of the masterplan setting out the developable area of the site including buffer strips and associated mitigation measures, to protect those natural assets and improve the burn and the wetlands; and
- (vi) instruct the Chief Officer - Strategic Place Planning to ensure that the exact developable area is established and justified through any current or future planning application and that any impacts on the burn or wetlands are suitably mitigated in line with the report of examination to the Aberdeen Local Development Plan 2023.

Councillor Tissera, seconded by Councillor Watson, moved as an amendment:-  
that the Committee take no action.

On a division, there voted, for the motion (9) – the Convener, the Vice Convener and Councillors Alphonse, Boulton, Cooke, Copland, Clark, Farquhar and Henrickson – for the amendment (4) – Councillors Lawrence, Macdonald, Tissera and Watson.

**The Committee resolved:-**

to adopt the motion.

**In terms of Standing Order 34.1, Councillor Watson intimated that he would like this matter to be referred to Full Council in order for a final decision to be taken. Councillor Watson was supported by Councillors Lawrence, Macdonald and Tissera. The required number to refer an item was five therefore Councillor Watson failed to attract the required number and therefore the item was not referred to Full Council.**

**18 BON ACCORD SQUARE ABERDEEN - 231179**

**6.** The Committee had before it a report by the Chief Officer – Strategic Place Planning, **which recommended:-**

That the application for Detailed Planning Permission for the change of use from class 4 (office) to class 7 (guest house) at 18 Bon Accord Square Aberdeen, be approved subject to the following condition:-

**Condition**

(01) DURATION OF PERMISSION

The development to which this notice relates must be begun not later than the expiration of 3 years beginning with the date of this notice. If development has not begun at the expiration of the 3-year period, the planning permission lapses.

Reason - in accordance with section 58 (duration of planning permission) of the 1997 act.

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

18 January 2024

The Committee heard from Gavin Clark, Senior Planner, who spoke in furtherance of the application and answered questions from Members.

**The Committee resolved:-**

to approve the application conditionally.

**DRAFT ABERDEEN PLANNING GUIDANCE: SHORT-TERM LETS - PLA/24/013**

7. The Committee had before it a report by the Chief Officer – Strategic Place Planning, which presented the draft Aberdeen Planning Guidance on Short-term Lets (Appendix 1) and sought approval to undertake public consultation on the draft document, with the results of the consultation and any revisions to it to be reported back to this Committee for approval within six months of the end of the consultation period.

**The report recommended:-**

that the Committee -

- (a) approve the content of the draft Aberdeen Planning Guidance on Short-term Lets (Appendix 1) and instruct the Chief Officer - Strategic Place Planning to, subject to any minor drafting changes, publish it for a six-week period of public consultation; and
- (b) instruct the Chief Officer - Strategic Place Planning to report the results of the public consultation and any proposed revisions to the draft Aberdeen Planning Guidance to a subsequent Planning Development Management Committee within six months of the end of the consultation period.

**The Committee resolved:-**

- (i) to request that a training session be organised for Planning Development Management Committee Members in relation to Short Term Lets; and
- (ii) to approve the recommendations.  
- **Councillor McRae, Convener**

This page is intentionally left blank

	A	B	C	D	E	F	G	H	I
1	<b>PLANNING DEVELOPMENT MANAGEMENT COMMITTEE BUSINESS PLANNER</b> The Business Planner details the reports which have been instructed by the Committee as well as reports which the Functions expect to be submitting for the calendar year.								
2	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
3			15 February 2024						
4	54 Gallowgate - 231618	To approve or refuse the application for modification of Clause 5.1 of Planning Obligation associated with 221435/S42		Alex Ferguson	Strategic Place Planning	Place	1		
5	Pitmedden Road - 231498	To approve or refuse the application for installation of Security Fencing / Gates (Retrospective)		Robert Forbes	Strategic Place Planning	Place	1		
6	Energy Transition Zone	To agree on the route for consideration/determination for proposed business / industrial development (Class 4/5/6); road infrastructure; active travel connections; landscaping and environmental works		Lucy Greene	Strategic Place Planning	Place	7		
7			14 March 2024						
8			18 April 2024						
9			16 May 2024						
10			20 June 2024						
11			22 August 2024						
12			19 September 2024						
13			07 November 2024						
14			05 December 2024						

	A	B	C	D	E	F	G	H	I
	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
2									
15	Draft Aberdeen Guidance Wind Turbine	At the Council meeting on 3 November 2023, it was agreed to instruct the Chief Officer - Strategic Place Planning to update the draft Aberdeen Planning Guidance on Wind Turbine Development in light of consultation responses received and the policy shift within NPF4 and incorporate it within draft Aberdeen Planning Guidance on Renewable Energy Development, a draft of which should be reported to the Planning Development Management Committee within 12 months.		David Dunne	Strategic Place Planning	Place	5		
16			<b>Future applications to PDMC (date of meeting yet to be finalised.</b>						
17	Land At Greenferns Sites OP28 & OP33	To approve or refuse the application for Residential-led, mixed use development comprising approximately 1,650 homes, employment use, a neighbourhood centre comprising local retail and commercial provision, leisure and community uses and associated infrastructure including new and upgraded access roads, landscaping, open space and engineering works		Gavin Clark	Strategic Place Planning	Place	1		
18	Woodend - Culter House Road - 210889	To approve or refuse the application for erection of 19no. self-build dwelling houses with associated landscaping, access and infrastructure		Dineke Brasier	Strategic Place Planning	Place	1		
19	Rosehill House, Ashgrove Rd West - 230414	To approve or refuse the application for McDonald's Restaurant with drive thru		Lucy Greene	Strategic Place Planning	Place	1		
20	Waterton House Abereen - 230297	To approve or refuse the application for PPP for 16 residential plots		Lucy Greene	Strategic Place Planning	Place	1		
21	Land at Persley Croft, Parkway - 231134	To approve or refuse the application for Battery energy storage system (BESS) development with a capacity up to 49.9MW including erection of welfare unit, substation and fencing; demolition of an existing buildings and associated Infrastructure		Matthew Easton	Strategic Place Planning	Place	1		

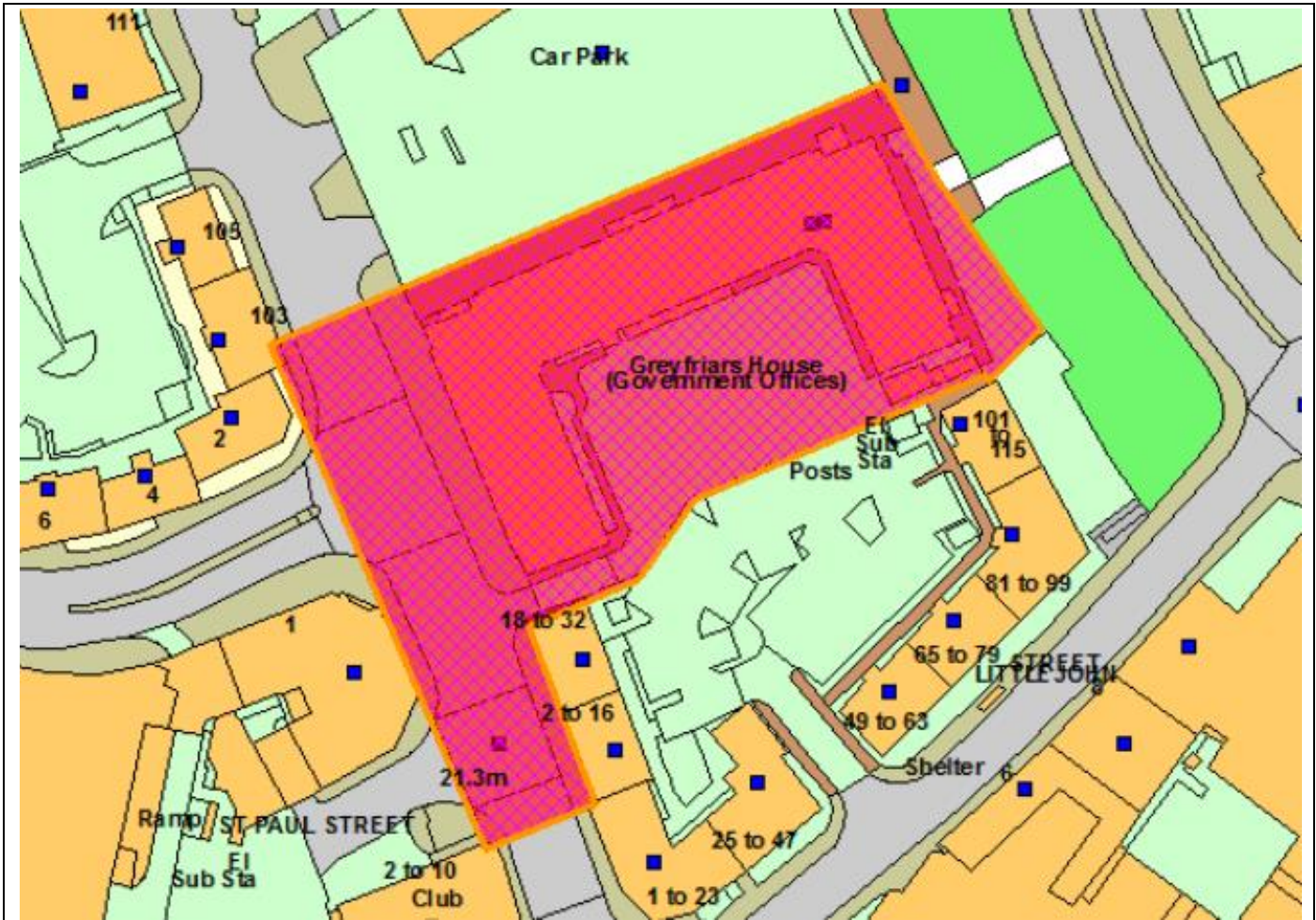
	A	B	C	D	E	F	G	H	I
	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
2									
22	Oscar Road Torry - 231300	To approve or refuse the application for erection of 20 dwellings (12 houses and 8 flats)		Robert Forbes	Strategic Place Planning	Place	1		
23	Land at Rigifa, Cove Road - 231336	To approve or refuse the application for the erection of battery storage units with associated infrastructure, control building, switch room, inverter containers, lighting, fencing and associated works including access road		Gavin Clark	Strategic Place Planning	Place	1		
24	693 George Street - 231018	To approve or refuse the application for change of use from Class 1A to hot-food takeaway		Alex Ferguson	Strategic Place Planning	Place	1		
25	APG: Health Impact Assessments	To ask to consult		Donna Laing	Strategic Place Planning	Place	5		
26	19 South Avenue -	To approve or refuse the application for sub-division of existing feu and erection of 2no. Semi-detached dwelling houses with associated car parking, landscaping and access		Gavin Clark	Strategic Place Planning	Place	1		
27	Energy Transition Zone	To approve or refuse the application for proposed business / industrial development (Class 4/5/6); road infrastructure; active travel connections; landscaping and environmental works		Lucy Greene	Strategic Place Planning	Place	1		
28	Aberdeen Planning Guidance - Short Term Lets	At the meeting on 18 January 2024 it was agreed to instruct the Chief Officer - Strategic Place Planning to report the results of the public consultation and any proposed revisions to the draft Aberdeen Planning Guidance to a subsequent Planning Development Management Committee within six months of the end of the consultation period.			Strategic Place Planning	Place	5		

This page is intentionally left blank



 <p><b>ABERDEEN</b> CITY COUNCIL</p>	<h2>Planning Development Management Committee</h2>
	<p>Report by Development Management Manager</p>
	<p><b>Committee Date:</b> 15 February 2024</p>

<b>Site Address:</b>	54 Gallowgate, Aberdeen, AB10 1LU
<b>Application Description:</b>	Modification of planning obligation associated with 221435/S42 regarding affordable housing provision (Clause 5.1)
<b>Application Ref:</b>	231618/MPO
<b>Application Type</b>	Modification / Discharge of Planning Obligation
<b>Application Date:</b>	21 December 2023
<b>Applicant:</b>	TLW Trading Properties Limited
<b>Ward:</b>	George Street / Harbour
<b>Community Council:</b>	City Centre



© Crown Copyright. Aberdeen City Council. Licence Number: 100023401 – 2023

## RECOMMENDATION

Approve Modification

## **APPLICATION BACKGROUND**

### **Site Description**

The application site comprises a c. 4,000sqm gap site on the eastern side of Gallowgate, opposite its junction with Berry Street, which was formerly the site and curtilage of Greyfriars House, a mid-to-late 20th Century, three storey office building which was demolished in late 2020 / early 2021. The site also includes a c. 85m long section of the Gallowgate road carriageway and pavements adjacent to the building, extending to the south, toward Littlejohn Street.

### **Relevant Planning History**

Application Number	Proposal	Decision Date
200246/PPP	Residential Development (circa 140 units) including demolition of existing building and associated access, parking, landscaping and infrastructure works	31.03.2021  Status: Approved conditionally with legal agreement
211588/S42	Removal of condition 18 (photographic survey) of planning permission in principle ref. 200246/PPP	17.12.2021  Status: Approved Conditionally
221435/S42	Variation of condition 18 (district heat network) of planning permission ref. 211588/S42 to allow scheme at any point in time and to allow potential alternative scheme	31.01.2023  Status: Approved Conditionally

## **APPLICATION DESCRIPTION**

### **Description of Proposal**

The proposal seeks to modify the existing planning obligation (Section 75 Agreement) associated with the most recent 'reminded' Planning Permission in Principle (Ref: 221435/S42) for up to 140 residential units. The application is made under Section 75A of the Town and Country Planning (Scotland) Act 1997 which allows for the modification and discharge of planning obligations and seeks to modify Clause 5.1 of the existing agreement in relation to affordable housing contributions.

Clause 5 (Affordable Housing) of the Section 75 sets out the requirement for 25% of the total number of units to be delivered as affordable housing, however Clause 5.1 states:

*'This Clause 5 shall apply only if the Development Commencement Date occurs later than the date being twelve (12) months after the date of the Decision Notice.'*

The applicant proposes to amend the wording of Clause 5.1 to state:

*'This Clause 5 shall apply only if the Development Commencement Date occurs later than 31 December 2026.'*

### **Amendments**

The applicant submitted an amended Supporting Statement.

## **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=S60XUABZIRE00>

- Covering Letter
- Supporting Statement
- Section 75 Legal Agreement
- Title Sheet

## **Reason for Referral to Committee**

The application has been referred to the Planning Development Management Committee because the Appointed Officer considers that the proposed modification of the existing Section 75 legal agreement is not in accordance with the original decision on application 200246/PPP, and subsequent related Section 42 applications and permissions 211588/S42 and 221435/S42.

## **CONSULTATIONS**

### **ACC - Developer Obligations –**

The city centre affordable housing waiver has been implemented to support the Council's overarching aim of increasing the resident population and footfall within the City Centre. To do this, the waiver temporarily removes the need to apply the normal affordable housing policy requirement of 25% provision to new development within the city centre boundary. This in turn supports the viability of new projects by reducing additional costs and encouraging investment. In turn, a time limit is applied to the waiver to encourage investment activity and delivery of the projects on-site and to minimise potential for “banking” of planning permissions. This requires that development is commenced within 12 months of the decision notice date for a development to benefit from the waiver. Aberdeen City Council agreed at their meeting of August 2022 to extend the use of the city centre affordable housing waiver until the end of 2025. If an application was determined on or prior to this date then the permission would benefit from a 12-month waiver. Any application where the decision notice is later than 31<sup>st</sup> December 2025 (regardless of when it was submitted or validated) would require to deliver the 25% affordable housing requirement (unless Council is minded to further extend the use of the waiver).

Any application for modification of planning obligations must be considered against the policy tests set out in Circular 3/2012 (Planning Obligations and Good Neighbour Agreements). The planning authority is permitted to take into account any changes in circumstances since the agreement was made along with any external factors which might mean that the obligation is no longer reasonable and the modification reflect a change that is considered appropriate.

In this instance, it is recognised that the site is taking longer to deliver than originally anticipated. The planning permission has already been reissued twice, thereby extending the timeframe for further applications and implementation. The 12-month waiver period runs with the date of the decision notice so is not currently tied to specific date. It is recognised that in this case the site benefits from planning permission in principle rather than detailed planning permission. We are not

aware of any other sites like this within the City Centre boundary. This means that further permissions in the form of Matters Specified in Condition (MSC) applications are necessary to implement the project. It is also noted the applicant and site proprietor is not themselves a developer who will deliver the project. The use of the 12-month time limit relating to the affordable housing waiver is therefore quite restrictive in this case and more so than it might usually be for a detailed planning permission. The applicant has provided a statement setting out how they have actively sought to find a developer for the site but a combination of factors has meant that they have not been able to implement the permission within a 12-month window currently allowed by Clause 5.1 (by 31<sup>st</sup> January 2024).

Considering the modification in the context of the planning permission in principle and the policy tests set out in Circular 3/2012; the Clause is considered to still be necessary and cannot be left open ended as otherwise loses its purpose of stimulating delivery through its temporary nature, which would not be appropriate. Without the waiver then the development would be liable to make a 25% affordable housing contribution and according to the applicant, would not be viable or attractive to developers in the current market. A compromise is therefore sought which allows the development to benefit from the waiver on a temporary basis but where there is more time available to the applicant to secure a developer, detailed consents and implement before expiry. This would maintain project viability and a level of attractiveness to the market making it more likely to be delivered. The timescale sought would be exactly 12 months from the expiry of the current waiver extension and so does not exceed the current waiver benefit period.

Based on the information provided by the applicant and having discussed with the Housing Strategy Team the specific circumstances around this proposal indicate that the request to modify Clause 5.1 is appropriate.

**City Centre Community Council** – No comments received.

## **REPRESENTATIONS**

It is not possible for third parties to make representations in respect of an application made under Section 75A.

## **MATERIAL CONSIDERATIONS**

### **Legislative Requirements**

Section 75A of the Town and Country Planning (Scotland) Act 1997 allows for a person against whom a planning obligation is enforceable to apply to the planning authority to have the obligation either modified or discharged. In determining such requests, the planning authority must consider the application on its own merits and reach a decision in accordance with the terms of the development plan, unless material considerations indicate otherwise.

### **Development Plan**

#### **National Planning Framework 4 (NPF4)**

National Planning Framework 4 (NPF4) is the long-term spatial strategy for Scotland and contains a comprehensive set of national planning policies that form part of the statutory development plan.

- Policy 16 (Quality Homes)

## Aberdeen Local Development Plan 2023 (ALDP)

- Policy H5 (Affordable Housing)

## **Aberdeen Planning Guidance**

- Affordable & Specialist Housing

## **Other National Policy and Guidance**

- Circular 3/2012 – Planning Obligations and Good Neighbour Agreements:
  - Paragraph 74: *‘The planning authority should take into account any changes in circumstances; for example, it may be that external factors affecting the development mean that the obligation is no longer reasonable and that a modification to reflect the change in circumstances is appropriate. It is therefore important that the applicant clearly sets out their grounds for seeking a modification and the exact terms of the modification sought.’*

## **Other Material Considerations**

- City Centre Affordable Housing Waiver
- City Centre Masterplan (CCMP)

## **EVALUATION**

### **Assessment of Modification**

#### Site Planning History

Clause 5.1 of the Section 75 Legal Agreement linked to Planning Permission in Principle (Ref: 221435/S42) relates to affordable housing provision and requires the developer to provide 25% of the total number of units as affordable housing, unless the development is commenced within 12 months of the date that permission was granted (by 31<sup>st</sup> January 2023).

The 12-month waiving of the affordable housing otherwise required by Policies 16 (Quality Homes) of National Planning Framework 4 (NPF4) and H5 (Affordable Housing) of the Aberdeen Local Development Plan 2023 (ALDP) was applied via Clause 5.1 of the Section 75 obligation, in accordance with the Council’s City Centre Affordable Housing Waiver (the Waiver). The Waiver stipulates that in order for city centre housing developments of five or more units to not contribute any affordable housing, the permission must be implemented within 12 months of the date of the grant of planning permission. The Waiver is currently due to expire on 31 December 2025 (with any associated permissions implemented within 12 months, up to 31 December 2026 at the latest).

The original Planning Permission in Principle (200246/PPP) for the development of up to 140 residential units was granted conditionally and subject to a Section 75 legal agreement on 31<sup>st</sup> March 2021, with subsequent Section 42 applications for non-compliance with conditions approved on 17<sup>th</sup> December 2021 (211588/S42) and on 31<sup>st</sup> January 2023 (221435/S42) respectively. As such, given no initiation of development has taken place to date, the 12-month period following the most recent grant of permission is now complete, (on 30<sup>th</sup> January 2024). Accordingly, 25% affordable housing would now be required, should the development commence without modification of the agreement, following the necessary Approval of Matters Specified in Conditions.

## The Proposal

The applicant, who is also the landowner, seeks permission to modify Clause 5.1 of the Section 75 from:

*'This Clause 5 shall apply only if the Development Commencement Date occurs later than the date being twelve (12) months after the date of the Decision Notice.'*

to:

*'This Clause 5 shall apply only if the Development Commencement Date occurs later than 31 December 2026.'*

The justification for the proposed modification is due to several challenges that the applicant, who is not a developer, has faced in attempting and thus far failing to sell the site to a developer since the original grant of Planning Permission in Principle in March 2021. Some of the challenges that the applicant considers have hindered a potential sale for residential development include:

- Ownership – The landowner is not a housebuilder;
- Phasing complexities – The site will have to be constructed and marketed in three phases;
- Construction Issues – Time is required to identify and secure a suitable construction compound due to the constrained nature of the site;
- Site Preparation – Before committing to a site start, time and costs will be required to install services;
- Pre-start fulfilment of Conditions – Given the nature of the existing permission in principle, further Matters Specified in Conditions applications require to be prepared, submitted and approved - a significant undertaking which could take some time, given the amount of detail required, and are unlikely to be progressed in the absence of a committed developer;
- Other Section 75 Obligations – Including transport, healthcare, education and public realm;
- Density – The high density format of the proposed development would require a level of market certainty before a developer would commit to such a significant amount of units;
- Prevailing economic conditions.

One of the issues that the applicant notes has been raised by prospective purchasers of the site is that unlike with a detailed planning permission where the vast majority of detail is agreed at the time of determination, there is only a high-level planning permission in principle in place for the site at Gallowgate. Further 'Matters Specified in Conditions' (MSC) applications are required to finalise the detailed aspects of the proposed development before a site start can take place, and this process would only commence once a developer is committed to the site. Such applications are highly unlikely to be submitted speculatively.

The applicant considers that the 12-month timeframe within which any purchaser would have to lodge any MSC applications, obtain permission and then make a meaningful start to works on site (thus initiating development and benefitting from the Waiver), is restrictive and would come with significant risk to the developer.

Given the scale and complexity of the proposed development, with up to 140 flats proposed across three buildings (up to seven storeys in height) in a prominent and historic city centre location, the Planning Service acknowledges that the 12-month window for the submission and subsequent approval of one or more MSC applications to cover all detailed aspects of the proposed development is somewhat tight and could be seen as excessively risky to a prospective purchaser.

As such, and given the principle of the redevelopment of the highly accessible city centre brownfield application site for high density housing in a sustainable location remains fully compliant with the aims and policies of both NPF4 and the ALDP as well as the regeneration aims of the City Centre Masterplan, the Planning Service considers that the proposal to extend the period within which the development can benefit from the Waiver is reasonable and that a departure from the 12-month initiation of development stipulation of the Waiver is justified in this instance. It is also noted that there are no other large scale brownfield sites in the city centre that are in this position in terms of a Planning Permission in Principle, therefore the merits of this case and this recommendation are not considered to apply to any comparable sites and would not undermine the purpose of the Waiver.

It is also worth noting that as the Waiver is still active until 31 December 2025, were the applicant to reapply for permission in principle, a fresh 12-month time period for the commencement of development would apply to any new permission, provided consent is granted before 1 January 2026. Therefore whilst the proposed modification would not comply with the 12-month initiation of development stipulation, it would otherwise be compliant with the remainder of the Waiver's aims and stipulations, and would increase the likelihood of the site being sold and developed for a significant amount of housing which would help to regenerate the city centre.

The proposal has also been assessed by colleagues in Developer Obligations and Housing Strategy who both agree with the above conclusions, noting that the site-specific circumstances and the scale and complexity of the proposed planning permission in principle scheme, justify a departure from the 12-month stipulation of the Waiver in this instance.

## **RECOMMENDATION**

Approve Modification

## **REASON FOR RECOMMENDATION**

Due to the site-specific context and complexities of the application site and the proposed development, clause 5.1 of the Section 75 in respect of Planning Permission in Principle 221435/S42 is, in its current form, somewhat restrictive in terms of the 12 month timescale in which to ensure commencement of development and achieve compliance with the terms of the Council's City Centre Affordable Housing Waiver. The proposed modification of Clause 5.1, to extend the date by which the permission must be implemented in order to benefit from the Waiver, would reduce the risk taken on by any prospective purchaser of the site and enhance the potential of the site to be developed for high-density housing on a brownfield site in a highly accessible, sustainable city centre location, in accordance with the aims of National Planning Framework 4, the Aberdeen Local Development Plan 2023 and the City Centre Masterplan. Whilst not in accordance with the 12-month initiation of development stipulation, it is noted that no comparable sites exist, and the modification would also otherwise be compliant with the aims of the Waiver and Policies 16 (Quality Homes) of National Planning Framework 4 and H5 (Affordable Housing) of the Aberdeen Local Development Plan 2023. The proposed modification of Clause 5.1 is therefore considered to be acceptable.

This page is intentionally left blank





## Planning Development Management Committee

Report by Development Management Manager

**Committee Date: 15th February 2024**

<b>Site Address:</b>	Oceanering House, Pitmedden Road, Dyce, Aberdeen AB21 0DP
<b>Application Description:</b>	Erection of Palisade Security Fence and Gates (retrospective)
<b>Application Ref:</b>	231498/DPP
<b>Application Type</b>	Detailed Planning Permission
<b>Application Date:</b>	28 November 2023
<b>Applicant:</b>	Raiths Farm Properties Ltd
<b>Ward:</b>	Dyce/Bucksburn/Danestone
<b>Community Council:</b>	Dyce and Stoneywood



© Crown Copyright. Aberdeen City Council. Licence Number: 100023401 – 2023

### **RECOMMENDATION**

Approve Conditionally

## **APPLICATION BACKGROUND**

### **Site Description**

The site comprises part of a vacant site previously occupied by Oceaneering (a now demolished 3 storey building and associated parking). It comprises a strip of incidental amenity landscaping running along the Pitmedden Road frontage and returning along the side boundaries of the site. There are a number of established deciduous trees along the site frontage. Gates have been erected at the pre-existing vehicular and pedestrian (now redundant) access points to the site from Pitmedden Road. To the west of the site is a fire station, associated open space and yard. To the east lies the former railway line (now public path) which lies within a cutting at this point.

### **Relevant Planning History**

An enforcement case (ref. ENF230149) was opened in August 2023 following receipt of a public complaint regarding the development. The current application has been submitted in response to that complaint.

## **APPLICATION DESCRIPTION**

### **Description of Proposal**

Retrospective permission is sought to erect the metal security fencing and gates on the site. The development, which was completed in October 2022, has been erected to ensure security of the site whilst it remains vacant. The fence and gates are a maximum of 1.85m above ground level and of palisade construction, thereby affording a relatively high level of security. The metal has a natural galvanised finish. The supporting posts are set in concrete extending around 0.6m below ground. These posts are set at a spacing of around 2.75m. The fence runs along the road frontage, part of the east site boundary and part of the west site boundary, forward of a 2m high wall. Consent is sought for a period of 5 years.

### **Amendments**

In agreement with the applicant, the following amendments were made to the application:

- Proposed landscaping (hedge) along Pitmedden Road frontage of site

### **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=S4S9GTBZHZU00>

- Supporting Statement and related evidence

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

The application has been referred to the Planning Development Management Committee because the local Community Council object to the application and the recommendation is approval.

## **CONSULTATIONS**

**ACC - Roads Development Management Team** – No objection. Note that the gates do not open towards the public road.

**Aberdeen International Airport** – No objection / aerodrome safeguarding concerns.

**Dyce and Stoneywood Community Council – Object on the following grounds:**

- Lack of need for the development
- Visual impact / conflict with Aberdeen Local Development Plan 2023 policy D1
- Obstruction of access
- Precedent
- Misleading site description

**REPRESENTATIONS**

None

**MATERIAL CONSIDERATIONS**

**Legislative Requirements**

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

Under the Equality Act 2010, public authorities (including the Planning Authority) must have due regard to the public sector equality duty. This means that there is a legal duty on the Planning Authority to have due regard to the need to eliminate unlawful discrimination, advance equality of opportunity, and foster good relations between different groups when making decisions and developing policies. The Planning Authority must therefore have due regard to the potential impact of a proposed development on groups with protected characteristics and this potential impact must be considered and weighed against other material considerations and relevant planning policies in the consideration of a planning application.

**Development Plan**

**National Planning Framework 4 (NPF4)**

NPF4 is the long-term spatial strategy for Scotland and contains a comprehensive set of national planning policies that form part of the statutory development plan. The following policies are relevant:

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 3 (Biodiversity)
- Policy 6 (Forestry, Woodland and Trees)
- Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings)
- Policy 14 (Design, Quality and Place)
- Policy 20 (Blue and Green Infrastructure)
- Policy 23 (Health and Safety)
- Policy 26 (Business and Industry)

**Aberdeen Local Development Plan 2023 (ALDP)**

The following ALDP policies are relevant:

- Policy B1 (Business and Industrial Land)
- Policy R2 (Degraded and Contaminated Land)
- Policy NE2 (Green and Blue Infrastructure)
- Policy NE3 (Our Natural Heritage)
- Policy NE5 (Trees and Woodland)

- Policy D1 (Quality Placemaking)
- Policy D4 (Landscape)
- Policy D5 (Landscape Design)

### **Aberdeen Planning Guidance (APG)**

- Landscape APG
- Natural Heritage APG

### **Other National Policy and Guidance**

- Naturescot Developing with Nature Guidance: <https://www.nature.scot/doc/developing-nature-guidance>

### **Other Material Considerations**

- ACC Open Space Audit 2010

## **EVALUATION**

### **Principle of Development**

As the works do not directly relate to an active business / industrial use and do not comprise a change of use NPF4 policy 26 and ALDP policy B1 are of limited relevance in this case. By provision of security, the works accord with the objectives of these policies in relation to promotion of potential business and industrial development. The works relate to a vacant site which has been subject of unauthorised use by third parties. This is demonstrated by the evidence provided by the agent, including the serving of a court order in June 2022 to prevent its use by unauthorised occupiers. The Planning Authority has no direct evidence as to who the unauthorised occupiers were, however in their supporting statement the agent refers to the unauthorised occupiers as travelling people. As no planning permission has been granted for redevelopment of the site there is an element of uncertainty regarding its future use. Pending potential redevelopment of the site, there is a legitimate need to restrict access to it in order to reduce the future risk of unauthorised use / activity (e.g. fly tipping / occupation by third parties). Whilst the proposal does not in itself entail the re-use of a brownfield site, by securing the site and reducing the risk of its unauthorised use and fly tipping, the works may help to enable the active re-use of a vacant site in accordance with the objectives of NPF4 policies 9 and 26 and ALDP policies B1 and R2.

### **Visual / Landscape Impact**

It is noted that the frontage of the site, in common with many other industrial / business premises fronting onto Pitmedden Road, is set behind a landscape strip which acts as a strong visual buffer and enhances the setting of this public approach road to / from Dyce and the Airport. The erection of the fencing at the site has resulted in the partial removal of pre-existing shrubbed areas that provided a degree of screening / softening of the site, although the trees within the buffer area have been retained.

Whilst the fencing and gates are of a utilitarian industrial appearance, they are set back from the road frontage of the site and from the railway path, such that there is potential for provision of intervening screen planting / softening along the main road frontage within the site. It is noted that the embankment of the former railway line supports established vegetation which provides a significant degree of screening of the fence from that visual receptor.

As regards the landscape and visual impact of the works and consideration of NPF4 policy 14 and

ALDP policies D1, D4, D5, given the visible location of the site and that elements of established planting/ vegetation have been removed to undertake the works, enhanced landscape measures (hedge planting) are required along the Pitmedden Road. It is envisaged the hedge would be a long term feature and is not expected to be removed once the fencing is removed. It is considered that subject to successful implementation and establishment of the proposed hedge planting, the visual impact of the works is acceptable and accords with NPF4 policy 14 and ALDP policies D1, D4 and D5 and related guidance. If the site is redeveloped within the 5 year consent period sought, the fence may not be appropriate to be retained and thus it is appropriate to impose a time limit on any approval.

### **Tree Impact**

No trees have been removed to accommodate the development. As the works have already been undertaken, the matter of tree protection is not of relevance in this case. Thus, there is no conflict with NPF4 policy 6 and ALDP policy NE5.

### **Open Space Impact**

The development does not impact on areas identified as green space network in the ALDP. Whilst the fencing has been erected within areas identified as amenity space in the Council's open space audit, and the works prevent public access to the wider site, which includes other incidental amenity areas, these open space areas are not provided for public recreational purposes. The restriction of access to the site is justified as the open space areas affected are incidental landscaped amenity areas which formed part of a development site and were not provided for active public use and the site is now vacant. Whilst a limited degree of greenspace and planting has been lost due to the erection of the fencing, this impact can be addressed by provision of compensatory replacement planting within the site. Thus, any tension with NPF4 policy 20 and ALDP policy NE2 does not warrant refusal in this instance.

### **Climate / Nature Crises**

Whilst limited areas of shrub planting have been removed to accommodate the fencing, that planting had no statutory protection. The application has been amended to include replacement hedge planting along the main road frontage in accordance with the objectives of NPF4 policies 1 and 3, ALDP policy NE3 and related guidance, which requires that proposals mitigate adverse effects and achieve overall biodiversity gain. Whilst the proposed beech planting is not a native species, it is an established locally used species (e.g. historically used for field boundaries) and would provide visual interest in the winter and shelter / habitat for birds and other species.

### **Public and Aviation Safety**

The agent has confirmed that the gates open into the site and the Roads Development Management Team have no road safety concerns regarding the works. It is unclear if the works have been designed to take account of suicide risk. However, any tension with NPF4 policy 23 does not warrant refusal as the works do not relate to structures associated with suicide risk. As there would be no conflict with the safe operation of the airport there is no conflict with ALDP Policy B4.

### **Precedent**

Whilst Pitmedden Road generally exhibits a high level of landscape treatment, with limited use of perimeter / security fencing on the public frontages, the site immediately to the south of the site, on the opposite side of the road has unscreened metal palisade fencing of similar appearance and height to that which is the subject of the current application. Given the absence of any screening between that fencing and the public road, it does not provide a positive design exemplar. In contrast with that site, the application site, has a degree of intervening screen planting / softening within the landscape strip along Pitmedden Road. That screening would be enhanced by proposed hedge planting, albeit such planting would take a number of years to provide an effective screen. Given this context, approval of the current application does not result in an undesirable precedent.

**Other Matters Raised in Representation**

The visual impact of the fence is addressed above. In response to the claim that the fence is unnecessary, the agent has provided evidence which demonstrates that the fence is required in order to prevent unauthorised access to and use of the site. The fact that the fence cuts across redundant footway and vehicle access points into the site is not grounds for refusal as these access points are not in public use. Given the industrial context of the site and the existence of a similar fence nearby fronting onto Pitmedden Road, approval of the application does not result in an undesirable precedent. It is considered that the description of the site as Oceaneering House is appropriate in this instance and not unduly misleading, notwithstanding that the building has been demolished.

**Other Material Considerations**

The supporting statement submitted with the application notes that the site has previously been occupied by travellers. The site is not an authorised halting site for travellers, or other similar groups with protected characteristics, and has no historic use of authorised occupation for such purposes, having previously been used as part of business premises. The Planning Authority has considered the potential impact of the proposal on persons with protected characteristics and does not consider that the erection of the development would have an impact adverse impact on that community, or other similar persons with protected characteristics. Thus, in evaluating the proposal, the Planning Authority consider that there is no conflict with the requirements of the Equality Act 2010 and therefore the potential impact on persons with protected characteristics does not warrant a refusal of the planning application.

**RECOMMENDATION**

Approve Conditionally

**REASON FOR RECOMMENDATION**

By securing a redundant site and reducing the risk of its unauthorised use / fly tipping, the works help to enable the active re-use of a vacant site in accordance with the objectives of Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) and Policy 26 (Business and Industry) within National Planning Framework 4 (NPF4) and Policy B1 (Business and Industrial Land) and Policy R2 (Degraded and Contaminated Land) within the Aberdeen Local Development Plan 2023 (ALDP).

Subject to provision of mitigatory hedge planting on site, there would be no conflict with the landscape / design quality objectives of NPF4 Policy 14 (Design, Quality and Place) and ALDP policy D1 (Quality Placemaking) and ALDP Policy D4 (Landscape), Policy D5 (Landscape Design) and Policy NE2 (Green and Blue Infrastructure). The requisite biodiversity enhancement (hedge planting) can be achieved by condition to ensure compliance with NPF4 Policy 1 (Tackling the Climate and Nature Crises) and Policy 3 (Biodiversity) and ALDP Policy NE3 (Our Natural Heritage). The limited tension with NPF4 Policy 20 (Blue and Green Infrastructure), NPF4 Policy 23 (Health and Safety) part (f) and ALDP Policy NE2 (Green and Blue Infrastructure) does not warrant refusal. There is no conflict with NPF4 Policy 6 (Forestry, Woodland and Trees) and ALDP Policy NE5 (Trees and Woodland). As there would be no conflict with the safe operation of the airport there is no conflict with ALDP Policy B4 (Aberdeen Airport).

## **CONDITIONS**

### **(01) BIODIVERSITY ENHANCEMENT / LANDSCAPING**

All soft landscaping and biodiversity enhancement (hedge planting) proposals shall be carried out in accordance with the planting plan hereby approved (drawing ref. 2439/1001 A) and shall be completed during the next available planting season (i.e. by 30/04/2024), or such other date / plan as may be agreed in writing with the Planning Authority. Any planting which, within a period of 5 years from the completion of the planting, in the opinion of the Planning Authority is dead, severely damaged or has become seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted. Unless evidence of the implementation of the requisite planting has been submitted to the Planning Authority by 30 April 2024, the approved fencing shall not be retained on the site after 31 May 2024.

Reason - To ensure the implementation of a satisfactory scheme of landscaping, in the interests of visual amenity and biodiversity enhancement.

### **(02) LIMITED PERIOD FOR PERMISSION**

Planning permission for the fencing hereby approved shall be for a limited period of 5 years from the initial erection of the development, expiring on 01/10/27.

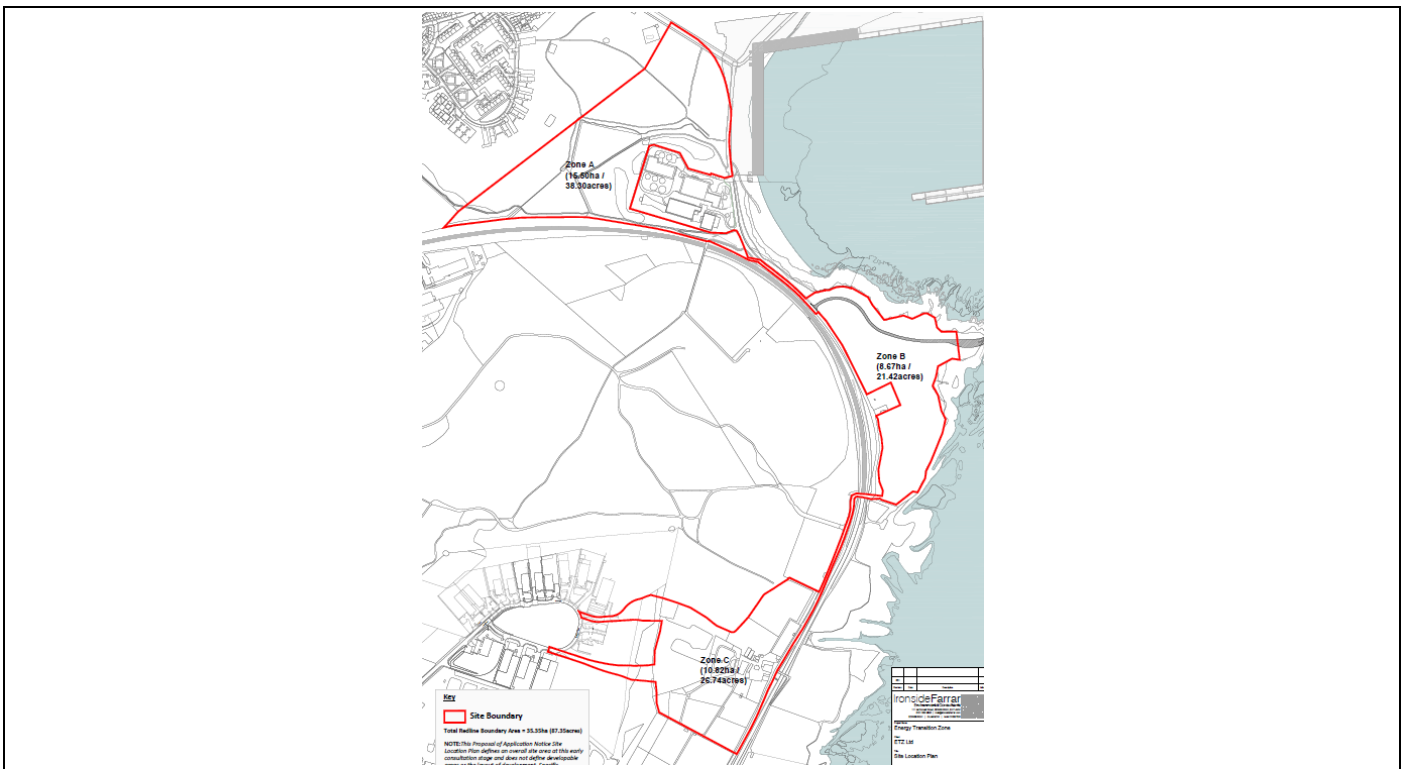
Reason: In order to enable the visual impact of the development on the amenity of the surrounding area to be reviewed pending the implementation of the site landscaping, given the risk of its failure and the potential redevelopment of the site.

This page is intentionally left blank



 <p><b>ABERDEEN</b> CITY COUNCIL</p>	<b>Planning Development Management Committee</b>
	Report by Development Management Manager
	<b>Committee Date: 15 February 2024</b>

<b>Site Address:</b>	Land at Coast Road, St Fittick's Park/ Gregness Headland/Doonies Farm, Aberdeen,
<b>Application Description:</b>	Proposed business / industrial development (Class 4/5/6); road infrastructure; active travel connections; landscaping and environmental works including drainage and other infrastructure
<b>Application Ref:</b>	231371/PPP
<b>Application Type</b>	Planning Permission in Principle
<b>Application Date:</b>	1 November 2023
<b>Applicant:</b>	ETZ Ltd.
<b>Ward:</b>	Torry/Ferryhill
<b>Community Council:</b>	Torry



© Crown Copyright. Aberdeen City Council. Licence Number: 100023401 – 2023

## **RECOMMENDATION**

It is recommended that Committee:

- a) Agree to hold a hearing for this application; and,
- b) Agree to report back for determination to this Committee.

## **APPLICATION BACKGROUND**

### **Site Description**

The development site is approximately 35.35ha in total and consists of three linked areas – St Fittick’s Park (Zone A), Gregness (Zone B) and Doonies (Zone C). These areas are allocated for development in the Aberdeen Local Development Plan 2023 as follows: Zone A – OP56 (St Fittick’s) and small section of OP62 (South Harbour); Zone B – OP62 (South Harbour) and Zone C – OP61 (Doonies).

The St Fitticks Park (A) area covers 15.5ha and includes the south east area of the park, with the Tullos Burn and wetlands, adjacent woodland, open space and a recreational area. The Scheduled Ancient Monument of St Fittick’s Church is close to the northern boundary of this site. The River Dee Special Area of Conservation lies 630m to the north of St Fittick’s Park.

Gregness (B) covers an area of 8.67ha is immediately adjacent to the coast and to Nigg Site of Special Scientific Interest (SSSI), designated for geological reasons, with the Coast Road forming the boundary to the west. It was formerly coastal grassland but has been used more recently as a storage and production area in association with the construction of the new South Harbour in Nigg Bay immediately to the north of the site. Gregness is also covered by the Balnagask to Cove (Site 1) Local Nature Conservation Site (LNCS) designation. The LNCS includes mixed habitats supporting herb rich grasslands, heathland, rocky cliffs, insect fauna and nesting sea birds. Access onto the south breakwater is taken through this site.

Doonies (C) includes a granite farmhouse and steading together with fields previously used by Doonies Rare Breeds Farm. Two linear areas connect the main site to Peterseat Drive which is within the northern part of the Altens Industrial Area, to allow for potential future access linkages. Along the northern site boundary a footpath provides access to Tullos Wood from an existing public car park on Coast Road.

Footpaths, including core paths, the railway, cycle routes and Coast Road run through the sites. Residential areas in Balnagask and Torry lie close to the St Fitticks Park site to the north west and Burnbanks Village lies further away to the south of Doonies.

### **Relevant Planning History**

A Masterplan was approved by Planning Development Management Committee on 18 January 2024 and is now Aberdeen Planning Guidance in support of the Aberdeen Local Development Plan 2023.

Application Number	Proposal	Decision Date
230890/ESS	Proposed business / industrial development (Class 4/5/6) road infrastructure, active travel connections, landscaping and environmental works including drainage and other infrastructure	Screening opinion issued 9 August 2023, confirming EIA is required.
230707/PAN	Proposed business/industrial development (class 4/5/6); road infrastructure; active travel connections; landscaping and environmental	N/A

	works including drainage and other infrastructure	
--	---	--

## **APPLICATION DESCRIPTION**

### **Description of Proposal**

The application is for Planning Permission in Principle (PPP) and as such further applications would be required for Matters Specified in Conditions (MSC). Development would consist of the erection of buildings and laying of external hard surfaced yard areas in business / office, industrial and / or storage and distribution use. This would include creating level areas and buildings of relatively large footprint, representing a substantial change to the current undeveloped nature of the land. The buildings indicated in the photomontages provided as part of the current planning application are indicative in terms of building heights and reflect typical industry requirements, envisaging approximately 55,000m<sup>2</sup> of floorspace in total. Strategic landscape planting and footpath and open space upgrades are also proposed.

The application proposal includes:

At St Fittick's (Zone A) indicative plans show 13,600 m<sup>2</sup> gross floor area (GFA) on three plots on the development area and includes:

- An area of woodland to the west of the Waste Water Treatment Works (WWTW) which would need to be removed;
- A grassed recreational area to the west of the WWTW which would need to be removed;
- The Tullos Burn would be realigned along the stretch to the north of the WWTW;
- The Coast Road would be realigned into the area to the north of the burn, so that it would sweep west and then north - close to the south side of St Fittick's Church and through the area currently used as a laydown area for the South Harbour, which is part of St Fittick's Park. A development site would be created to the north east of the realigned road.

At Gregness (Zone B) indicative plans show 10,000m<sup>2</sup> GFA, the development area includes one plot on the same site (albeit larger footprint) as the current industrial building (temporarily required for the South Harbour construction) and grassland around the edges of the headland area.

At Doonies (Zone C) indicative plans show 30,650 m<sup>2</sup> GFA, the development area includes five plots with roads links through to Peterseat Drive.

The end users of the development are unknown and it is not therefore possible to provide further details about characteristics of the development at this stage. The land as OP61 is gently sloping and of an open agricultural character.

### **Amendments**

None currently.

### **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=S3FQANBZH5900>

Environmental Impact Assessment Report by Ironside Farrar, October 2023, including need for the project, description of proposal, alternatives considered, summary of environmental commitments and environmental assessment with the following:

- Landscape Framework, Landscape and Visual Impact Assessment (LVIA) by Ironside Farrar
- Biodiversity Protection and Enhancement Plan, Version 4, 14.09.23, by ECOS Countryside Services LLP
- Tree Survey by Struan Dalgleish Arboriculture
- Population and Health Report by Dr Martin Birley
- Cultural Heritage Report by CFA Archaeology Ltd
- Air Quality, Climate Change and Noise & Vibration by ITPEnergised Ltd

Statement of Community Benefits by Ironside Farrar October 2023

Planning Statement by Ironside Farrar

Site Investigation - Doonies by Ironside Farrar

Site Investigation – Gregness, by Ironside Farrar

Site Investigation – St Fittick’s, by Ironside Farrar

ETZ Masterplan (Draft) by Ironside Farrar

Transport Assessment by Systra

Pre-Application Consultation (PAC) report by Ironside Farrar, October 2023

Flood Risk Assessment Version 2.0 by Kaya, August 2023

Drainage Assessment V1 by Ironside Farrar

### **Reason for Report to Committee**

The application has been referred to the Planning Development Management Committee under the Pre-determination Hearings Procedure as agreed in April 2020 (Report Number GOV/20/087), whereby under Section 38A(4) of the Town and Country Planning Scotland Act 1997, a planning authority may elect to give an applicant or persons who have submitted representations the opportunity of appearing at a Pre Determination Hearing. At the Development Management Sub-Committee on 17<sup>th</sup> June 2010, it was determined that the following criteria would trigger a report to that committee to determine whether a pre-determination hearing should be heard. The criteria (the “*discretionary criteria*”) were that the application had been subject of:

- (a) more than 20 objections; **and**
- (b) the Council had a financial interest; **and/or**
- (c) the application is a departure from the development plan.

The application is the subject of 221 objections and the Council has a financial interest in the development as the owner of the land to which the application relates.

### **Pre-Application Consultation**

The applicant presented to the Pre-Application Forum on 24 August 2023

The applicant undertook statutory pre-application consultation which included:

Two public events:

Event 1- Thursday 29th June, 3pm-8pm

The first consultation event included a series of boards which provided information on the site and emerging proposals with the opportunity to comment, raise issues or ask any questions to members of the Project Team.

Event 2- Thursday 3rd August, 3pm-8pm

A second consultation event provided further developed proposals and responses to issues previously raised with the opportunity to comment, raise issues or ask any questions to members of the Project Team.

In addition, throughout the consultation period, questions or comments could be made by:

- Phone - (0131) 550 6500 (Mon - Fri, 9am - 5.30pm).

- Email – [etz@ironsidefarrar.com](mailto:etz@ironsidefarrar.com)
- Post to 111 McDonald Road, Edinburgh, EH7 4NW.

Consultation material was published online to a dedicated ETZ website (<http://www.ironsidefarrar.com/etz.htm>), allowing those unable to attend the event to review and comment on the proposals.

The event was advertised as follows:

- Proposal of Application Notice was sent to Aberdeen City Council, Torry Community Council, Cove & Altens Community Council and Local Members for Torry / Ferryhill Ward and Kincorth / Nigg / Cove Ward.
- A local flyer-drop advertising the event to c. 9,000 residential addresses within communities of Torry, Balnagask and Cove.
- Circulation of a consultation event flyer via email to all attendees of previous ETZ Consultation Events that have provided contact details and wish to be kept informed about further consultations.
- Circulation of a consultation event flyer to local community media and groups and organisations with capacity to circulate: SHMU/Torry Vision, Old Torry Community Centre, Altens Community Centre, Balnagask Community Centre, Tullos Management Committee, Torry Community Group, King's Community Church, Tullos Community Garden, Old Torry Heritage Group, Torry Library, Cove Library, Greyhope Bay, Cultivate Aberdeen, Torry People's Assembly, St Fittick's Church, Jesus House, Sacred Heart Roman Catholic Church, Friends of St Fittick's, Big Noise Torry, GREC, Balnagask Golf Club, Deeside Family Resource Centre.
- A newspaper notice advertising the consultation arrangements and events was published at least 7 days before the events took place in accordance with Regulations.

## **CONSULTATIONS**

The following bodies have been consulted on the current planning application:

**ACC - Waste and Recycling** – Business waste collections would be required for the uses proposed. Swept path analysis to show refuse vehicles accessing each site and bin storage, would be required.

**ACC - Developer Obligations** – Given the scale of development it is considered that the mitigation measures - core path enhancement, enhanced quantity/quality of open space and recreational facilities should be provided by the developer through new and enhanced infrastructure within the masterplan area and this would be preferred over financial contributions. The impacts on community infrastructure that require to be mitigated to make the application acceptable in planning terms should be recognised separately to that of the wider community benefits package. Further detail of the mitigation measures should therefore be provided as part of the planning application which sets out the type, location, timing and responsibilities for delivery of mitigation measures required to make the development acceptable under Policy I1 and how these interventions will be implemented in advance of or alongside future detailed planning applications for the individual sites across the ETZ area. The measures will need to be secured through either planning condition or where that is not competent then by a suitable legal agreement.

**ACC - City Growth** – No comments received

**Sport Scotland** – Site includes a recreational playing field within the St Fittick's Park area. Policy 21 of NPF4 states that loss of sports facilities will only be supported where replacement or upgrade of existing facilities is provided, in convenient location, or there is a clear excess of provision. Proposal would need to be justified against the provisions of the policy.

The principle of compensatory measures to off-set impacts of the development on outdoor sports

facilities is generally accepted, provided these are dealt with through a linked, robust delivery mechanism such as a time-limited planning condition or obligation and that compensation is adequate. Would request further consultation on both the proposed measures and detailed wording of the planning condition.

**Port of Aberdeen** – No comments received.

**Archaeology Service (Aberdeenshire Council)** – Past archaeological trial trenching found limited remains, with further potential especially around St Fittick's church. A watching brief would be required. On other sites micro-siting of works around boundary stones would be required. Standing survey required for Doonies farmhouse, which would be demolished.

Mitigation required for visual impact on setting of Scheduled Monument of St Fittick's Church – this is proposed in the EIA.

Agrees with results, assessments, conclusions and recommendations in the EIA and requires conditions to be attached to any approval – requiring watching brief, survey of farmhouse and protective fencing to features during construction.

**Historic Environment Scotland** – Do not object. Note significant impact on setting of the Category A listed, Scheduled Monument St Fittick's Church. Welcome the mitigation and compensatory measures, which would help to lessen the adverse impacts, notes the impact remains significant. Would welcome opportunity to be involved as design options for buildings are discussed at a later stage. Would welcome discussion on interpretation panels for St Fittick's, which would require Scheduled Monument Consent (SMC).

Agree that impact on Tullos Cairn Scheduled Monument is minor although moderate when considered with the proposed consented solar farm at Ness Landfill.

**NatureScot** – Proposal could be progressed with mitigation measures, however, it could adversely affect Nigg Bay Site of Special Scientific Interest (SSSI). NatureScot therefore object unless proposal is subject to measures: condition requiring construction method statement and operational drainage plan showing how water runoff from Gregness would be managed to discharge away from the SSSI.

In response to Habitats Regulations Appraisal (HRA) for the ETZ Masterplan, noted no adverse effect on the integrity of the River Dee Special Area of Conservation (SAC). Advise that proposals would be unlikely to have significant effect on qualifying interest of the River Dee SAC – based on distance of the river and minimal likelihood of disturbance to otter population on river.

Note findings of otter survey, however, aware that otters may make use of area, and pre-commencement surveys would be required for St Fittick's Park (Zone A).

**Scottish Water – No objection.** Unable, at this stage, to confirm water supply capacity, capacity for foul drainage treatment only, at Nigg WWTW. Surface water would not be permitted into combined sewer system.

**Scottish Environment Protection Agency** – No written comments provided. Awaiting revision to Flood Risk Assessment then formal response will follow.

**North East Scotland Biological Records Centre** – Responded with search data for all notable species records, habitats and conservation sites within a 200m radius of the site.

**ACC - Land and Property Assets** – No comments received.

**ACC - Structures, Flooding and Coastal Engineering** – Awaiting revision to Flood Risk Assessment then formal response will follow.

**ACC - Environmental Health** – The Air Quality Impact Assessment (ITP Energised, October 2023) has been reviewed and its findings considered acceptable – “no mitigation measures are deemed to be required with regard to operational traffic emissions”.

Environmental Noise (operational phase): generally in agreement with findings:

- no significant effects from road traffic
- noise limits set for proposed developments, assessment will be needed at detailed stage. Condition recommended.

Construction noise and dust:

- Construction Environmental Management Plan should be updated at detailed design stage.

**Network Rail** – Object - further information is required. Issue relates to existing and new surface water drainage under the railway.

**Police Scotland** – This is a medium crime area. Comments in relation to: crime reduction measures during construction phase; creating environments that reduce opportunities to commit crime with design led solutions as cost effective, resource efficient and highly impactful means of improving the quality of life. Attributes of sustainable communities should be incorporated. Vehicular and pedestrian routes should be open, direct and well used. Further detailed advice is provided.

**ACC - Roads Development Management Team** – As this application is for ‘Planning Permission in Principle’, full details of much of the proposed shall be required to be conditioned and purified as part of future MSC applications. There are no significant concerns.

Other projects, notably upgrades to Coast Road propose to bring substantial upgrades to the adjoining network which will improve/provide new active travel facilities and provide new links to these proposed development sites.

Noted that changes to core paths are proposed and these will be development further through consultation and detailed applications.

Ensure there is provided an active travel link from core path 108 through to Girdleness Road and Kirkhill Place. This link would provide a route to Wellington Road and greater connectivity of existing active travel/core path network. This would further help facilitate active travel choices to and from the site.

A number of matters would need to be agreed at detailed stage:

- Bus stops should be provided and public transport access strategy
- Vehicle and cycle parking, space sizes and electric vehicle charging.
- Access via upgraded Coast Road / Hareness Road is acceptable but contingent on upgrades progressing. Measures may be required to enforce the use of this route.
- Construction traffic routing
- Accesses on the public road, possibly requiring level changes as part of the Coast Road upgrades,
- Visibility splays
- Safe pedestrian routes within sites
- Vehicles being able to enter and exit in forward gear
- Access strategy for abnormal loads
- Travel Plan
- Waste Management Plan, including storage of refuse and access for collection vehicles.

- Drainage Impact Assessment – no water retaining features would be permitted within 5m of public road/footway.

In terms of traffic modelling, the scope was discussed with the Roads Team. The conclusion of the modelling work is accepted and it is noted that the impact on the road network does not appear to be significant. It is noted that there are queues at Wellington Road junctions and this may require to be considered further.

Measures such as signage and calming measures may be required to ensure that larger vehicles do not travel west and north along St Fittick's Road. Previously it has been considered acceptable for smaller vehicles to use links to north and west, however, at detailed stage impacts on junctions in Torry will need to be considered.

Impacts of link through to Peterseat Drive will also require to be considered at detailed stage.

**Scottish Forestry** – National Forest Inventory identifies greater area of tree loss than the application submissions in zones A (St Fittick's) and C (Doonies). In Zone A compensatory planting is insufficient to offset previous and proposed loss of woodland. Discrepancy between figures should be ground truthed and corresponding compensatory planting areas should be sought.

**Torry Community Council** – Object in the strongest terms to allowing construction on part of St Fittick's Park. St Fittick's Park is green belt and is the only green space left in Torry for the use of the people of Torry.

Granting of this planning permission would have severe impact on the people of Torry not only due to losing the last green space available, also to their physical and mental well-being and due to losing the abundance of wildlife in this area. There are ample sites in the nearby area of Altens that can be used for the purpose of the ETZ.

## **REPRESENTATIONS**

Representations have been made by a total of 233 people. This includes 221 letters of objection and twelve (12no.) letters of support.

The matters raised could be briefly summarised as follows:

- Loss of green open space / St Fittick's Park;
- Impact on health and well-being;
- Impact on wildlife;
- Impact on wetlands and Tullos Burn;
- Impact on economy of local area and wider city;
- Appropriateness of sites and alternatives;
- Lack of meaningful participation and consultation with local people;
- Insufficient information to properly assess the application – development details and community benefits;
- Aberdeen City Council is involved with the development and not an appropriate body to decide application.

## **MATERIAL CONSIDERATIONS**

### **Legislative Requirements**

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that where making any determination under the planning acts, regard is to be had to the provisions of the



Development Plan; and, that any determination shall be made in accordance with the plan, so far as material to the application, unless material considerations indicate otherwise.

## **Development Plan**

### National Planning Framework 4

National Planning Framework 4 (NPF4) is the long-term spatial strategy for Scotland and contains a comprehensive set of national planning policies that form part of the statutory development plan.

1. Tackling the climate and nature crises
2. Climate mitigation and adaptation
3. Biodiversity
4. Natural places
5. Soils
6. Forestry, woodland and trees
7. Historic assets and places
8. Green belts
9. Brownfield, vacant and derelict land and empty buildings
10. Coastal development
11. Energy
12. Zero waste
13. Sustainable transport
14. Design, quality and place
15. Local living and 20 minute neighbourhoods
18. Infrastructure first
19. Heat and cooling
20. Blue and green infrastructure
21. Play, recreation and sport
22. Flood risk and water management
23. Health and safety
24. Digital infrastructure
25. Community wealth building
26. Business and industry

### Aberdeen Local Development Plan (2023)

Relevant planning policy requirements from the ALDP are set out below:

#### **B5 – Energy Transition Zone:**

Within the areas identified as Energy Transition Zone on the Proposals Map, there will be a presumption in favour of the development, production, assembly, storage and/or distribution of infrastructure required to support renewable energy related industries; this includes offshore wind, tidal, hydrogen and solar.

Infrastructural/transport improvements directly related to the wider Energy Transition Zone will be permitted where they have a functional requirement to be located there. Development proposals will be required to include suitable open space and landscape enhancements for the wellbeing of people and wildlife.

#### **B4 – Aberdeen Harbours:**

Within the areas zoned for Aberdeen Harbour on the Proposals Map, there will be a presumption in favour of harbour infrastructure and ancillary uses, which are required for the effective and efficient

operation of the harbour and which have a functional requirement to be located there. This may include administrative offices, warehousing and storage (including fuel storage), distribution facilities and car/HGV parking. Other harbour-related uses will be treated on their merits.

Residential and mixed-use development within the area surrounding the harbour must take account of the character of the area and avoid undue conflict with adjacent harbour-related land uses. New development must not impinge upon the viability or operational efficiency of the harbour, or of existing businesses within the harbour zoned area. Mitigation measures may be required in order to permit uses which could otherwise give rise to such conflict.

Zone A – OP56 (St Fittick's) and small section of OP62 (South Harbour)

Zone B – OP62 (South Harbour)

Zone C – OP61 (Doonies)

OP56: Energy Transition Zone. This site, along with OP61, will support renewable energy transition related industries in association with Aberdeen South Harbour. Any development at this site must have a functional association with the South Harbour which precludes it being located elsewhere, such as the size of the infrastructure preventing transport from other locations or requiring 'roll on / roll off' level access to the South Harbour.

Appropriate environmental assessments will be required, including a Habitats Regulations Appraisal to accompany development proposals in order to avoid adverse effects on the qualifying interests of a range of European sites. This development proposal will be subject to a Habitats Regulations Appraisal (HRA) in order to consider potential effects on the qualifying interests of the River Dee SAC. As part of this process an adequate Construction Environmental Management Plan (CEMP) may be required although it is possible that this may be addressed subject to planning conditions. A Flood Risk Assessment is also required. Other issues which need to be addressed include water quality and habitats associated with the East Tullos Burn, heritage impacts, recreational access, habitat connectivity, compensatory planting and landscape buffering with residential areas.

Joint Masterplan needed for OP56, OP61 and OP62. The joint masterplan for OP56, OP61 and OP62 should consider the following matters:

- The extent of the developable area within the B5 Energy Transition Zone zoning;
  - Areas which should remain undeveloped and the extent of any buffer zones;
  - Mitigation measures to ensure the continued viability of linear habitats including the East Tullos Burn, recreation and core path network;
  - Options for the use of the wastewater treatment plant;
  - Measures to avoid, minimise, mitigate, and compensate potential impacts on biodiversity / greenspace that will ensure at least no net-loss of biodiversity across the masterplan area.
- Ecological surveys to assess the presence of and effects on protected habitats and species will be required.

OP61 (Doonies): Energy Transition Zone. This area along with OP56 will support renewable energy transition related industries in association with Aberdeen South Harbour. Similar requirements apply as for OP56.

OP62: Aberdeen Harbour expansion. Bay of Nigg Development Framework approved. Similar requirements apply as for OP56.

WB1 – Healthy Developments: Developments are required to provide healthy environments, reduce environmental stresses, facilitate physical activity and promote physical and mental wellbeing. Requires a Health Impact Assessment to be submitted to enhance health benefits and mitigate any

impacts on the determinants of health.

WB2 – Air Quality: Requires an impact assessment, together with mitigation measures.

WB3 – Noise: Requires an impact assessment, together with mitigation measures.

NE1 – Green Belt: Only a very small area of the application site is designated as Green Belt, this lies between the Doonies ETZ designation and the Peterseat Drive Industrial Area. The policy contains a presumption against development with certain exceptions. One of these exceptions notes roads that are planned through masterplanning of sites. These areas are included with the aim of providing roads linking Doonies to Peterseat Drive.

NE2 – Blue and Green Infrastructure: This policy considers impact on rivers, wetlands, water courses and coastal areas (blue infrastructure) and the Green Space Network, which includes open space, woodlands, food growing areas (green infrastructure). It seeks to maintain the coherence of green networks for recreation, landscape, access, biodiversity and ecosystems, whilst not all of these will apply to every area of GSN, the policy seeks to retain and improve linkages between green areas for humans and wildlife, including paths.

NE3: Our Natural Heritage: Development should not damage sites, habitats, ecosystems or species protected by law or designation (national, regional or local), with geodiversity value. Alternatives must be considered, mitigation provided and overall biodiversity gains achieved. Detrimental effects, where unavoidable, must be outweighed by social, environmental or economic benefits.

This policy states that Buffer Strips are required alongside watercourses, further guidance is provided in Aberdeen planning Guidance and NatureScot Guidance.

NE4: Our Water Environment: this requires Flood Risk Assessment and Drainage Impact Assessments. This policy refers to Undeveloped and Developed Coast. St Fittick's (A) falls into Developed Coast, whilst Gregness (B) falls into both categories.

There is a presumption against development in undeveloped coastal area, with some exceptions, including where a coastal location is required and where public access is maintained.

NE5: Trees and Woodland: Seeks to protect trees and woodlands, with mitigation required.

D1 – Quality placemaking: High Standards of design and layouts are required with design strategy to be submitted. Particular consideration needs to be given to visual impact, including consideration of materials and green roofs and walls.

D2 – Amenity: Including ensuring that refuse and recycling, cycle storage, low and zero technology and plant and services are sensitively integrated.

D3 – Big Buildings: Requires assessment of impact of big buildings on their context, although usually related to the city centre, this is of relevance in terms of visual impact.

D4 – Landscape – requires consideration of the impact on landscape setting of the city.

D5 – Landscape Design – requires design to informed by a framework strategy.

D6 – Historic Environment: Requires assessment of impact on setting of nearby Scheduled Ancient Monuments (SAMs), including St Fittick's Church and the Cairns on Tullos Hill.

D7 – Our Granite Heritage: Seeks retention of all granite buildings. Doonies Farmhouse and

Steading would require to be considered under this policy.

R5 – Waste Management – Sufficient space requirements for storage and collection of refuse and recycling.

R6 – Low and Zero Carbon Buildings and Water Efficiency

R8 – Heat Networks

I1 – Infrastructure

T1 – Land for Transport

T2 – Sustainable Transport: Transport Assessments and Travel Plans will be required.

T3 – Parking

C11 – Digital Infrastructure – all new commercial development is expected to have access to high speed communications.

B1 – Business : Small area adjacent to Peterseat Drive falls into this designation

B4 – Aberdeen harbours: Presumption in favour of harbour infrastructure and ancillary uses with functional requirement to be there. New development must not impinge on the use of the harbour.

### **Aberdeen Planning Guidance**

- [Energy Transition Zone Masterplan](#)
- Natural Heritage
- Open Space and Green Infrastructure
- Flooding, Drainage and Water
- Air Quality
- Waste Management Requirements for New Developments
- Resources for New Developments
- Landscape
- Big Buildings
- Transport and Accessibility
- Outdoor Access
- Trees and Woodland
- External Materials and Their Use – including on green roof and wall infrastructure

### **Other National Policy and Guidance**

- [NatureScot – Developing with Nature Guidance](#)

### **Other Material Considerations**

- [Regional Transport Strategy](#)
- [Local Transport Strategy](#)
- [Climate Change Plan \(2018-2032\) - update](#)

- [Energy Supply Strategy.pdf \(aberdeencity.gov.uk\)Draft Energy Strategy and Just Transition Plan \(2023\)](#)

## **Discussion**

As described above, the planning authority may elect to give an applicant and persons who have submitted representations the opportunity of appearing at a Pre-Determination Hearing. In addition, the Planning Development Management Committee may opt to subsequently determine the application itself, or to refer the matter to Full Council. The agreed procedures require this report to make a recommendation, and it is suggested that relevant factors for consideration in reaching that include: the level of representation attracted by an application and the scale of development proposed.

Given the number of objections from the public, including from the Community Council and the level of public interest, the number of issues raised and the Council's land ownership, in the interests of transparency it is recommended that a hearing be held.

It is noted that the ETZ Masterplan was recently considered by the Planning Development Management Committee, having been referred from Full Council. Taking into account the scale of the proposal, the existence of the ETZ Masterplan as Aberdeen Planning Guidance, the level of public representation and the content of the Local Development Plan, specifically Opportunity Sites OP56, OP61 and OP62, it is considered that the Planning Development Management Committee is equipped to provide the necessary public scrutiny via a discretionary Pre-Determination Hearing and determination of the application thereafter, and that referral to Full Council would not be necessary in this instance.

## **Next Steps**

Should Committee decide to hold a pre-determination hearing. This will be arranged in accordance with the Committee's instructions, subject to there being interest in attending from those who have made representation in relation to the application.

Members should note that when an application is to be determined by full Council or PDMC that all members who wish to participate in the determination should attend the pre-determination hearing as well. This represents best practice in decision making and provides consistency with Standing Order 34 (Quasi-Judicial Items of Business) that members should be present for the entire discussion.

Following any hearing, a report will be prepared by officers for Planning Development Management Committee or Full Council (per Committee's instruction). This will include an assessment of the proposed development and make a Recommendation to Members as regards determination of the application.

This page is intentionally left blank