

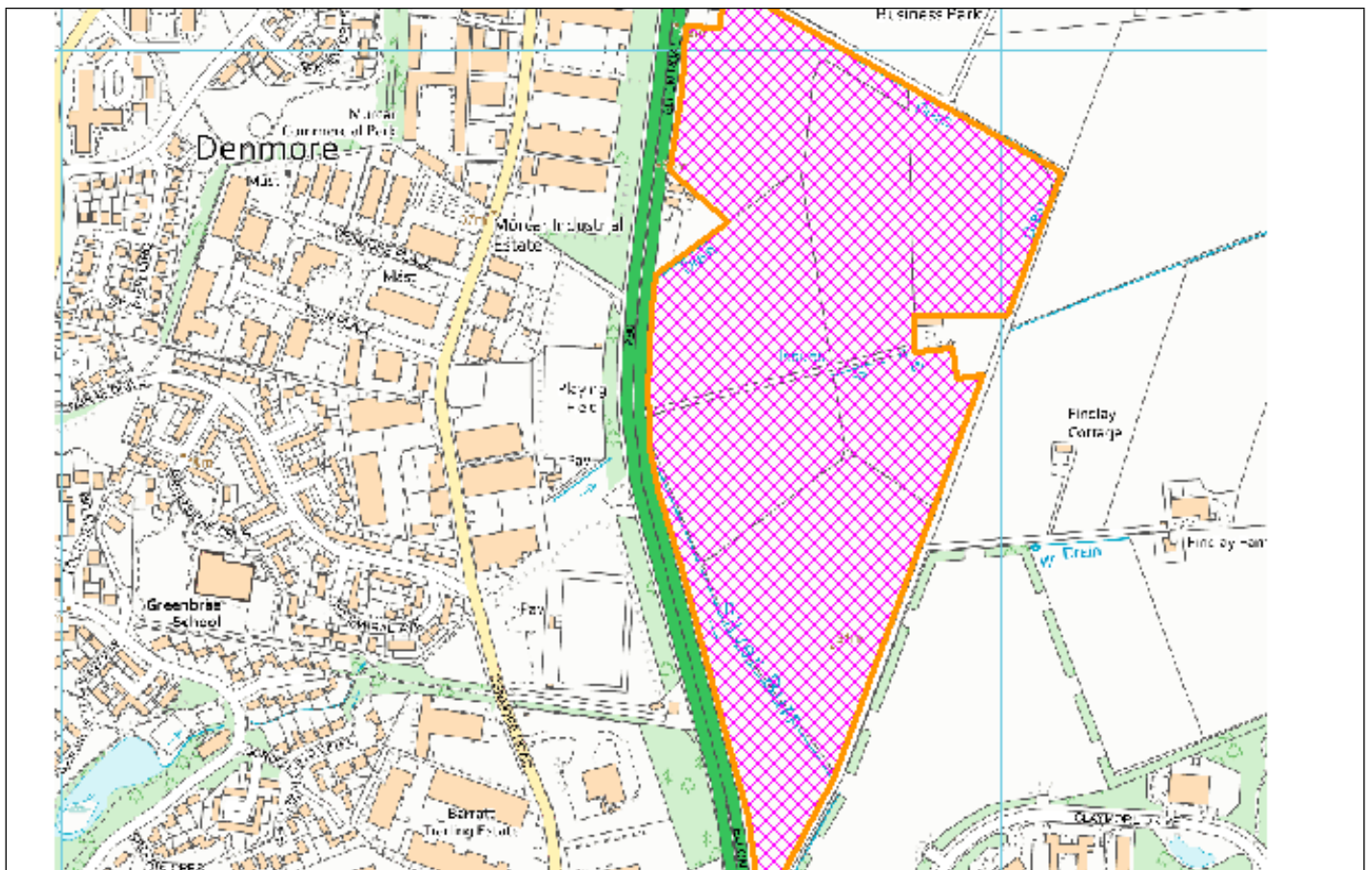


# Pre-Determination Hearing (Full Council)

Report by Development Management Manager

**Date:**

|                                 |   |
|---------------------------------|---|
| <b>Site Address:</b>            | Land At East Of A92 Ellon Road At Cloverhill, Murcar, Bridge Of Don, Aberdeen   |
| <b>Application Description:</b> | Erection of residential led, mixed use development of approximately 550 homes, community and sports facilities, retail (Classes 1, 2, 3 and Sui Generis) with associated landscaping, open space and infrastructure |
| <b>Application Ref:</b>         | 191171/PPP  |
| <b>Application Type</b>         | Planning Permission in Principle  |
| <b>Application Date:</b>        | 23 July 2019  |
| <b>Applicant:</b>               | Cognito Oak LLP   |
| <b>Ward:</b>                    | Bridge Of Don   |
| <b>Community Council:</b>       | Bridge Of Don   |
| <b>Case Officer:</b>            | Gavin Evans   |



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## RECOMMENDATION

## APPLICATION BACKGROUND

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### Purpose of Report

Under section 38A of the Town and Country Planning (Scotland) Act 1997 ('the Act'), the opportunity to attend pre-determination hearings must be provided in respect of applications for major developments which are considered to be significantly contrary to the vision or wider spatial strategy of the 'development plan'. At the time of writing, the Development Plan comprises the Aberdeen Local Development Plan 2017 and the Aberdeen City and Shire Strategic Development Plan 2014.

This report provides information for the pre-determination hearing required in relation to this planning application for a major development (*comprising 'Erection of residential led, mixed use development of approximately 550 homes, community and sports facilities, retail (Classes 1, 2, 3 and Sui Generis) with associated landscaping, open space and infrastructure'*) which is considered to be significantly contrary to the adopted local development plan (the 2017 Aberdeen Local Development Plan).

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

### Site Description

The site forms part of a large Business and Industrial land allocation in the Aberdeen Local Development Plan, further identified as an opportunity site (OP2 Berryhill, Murcar), with a flood risk being noted. A Green Space Network (GSN) designation covers a large swathe of land running from east to west through the central part of the site. The Silver Burn watercourse is located in the southern part of the development site, entering from the west and flowing south towards the existing commercial/industrial development on Claymore Drive. There is also an existing culvert within the site, which flows from west to east and follows the same alignment as the central track which gives access to the existing property at Ironfield.

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

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

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

Further east is the coastline of the North Sea, towards which the land generally falls. The existing landscape comprises open agricultural fields enclosed by fences/ dry stone walls/ hedgerows and

a number of trees at various points along these divisions. The Silver Burn passes through the southern extent.

## Relevant Planning History

| Application Number | Proposal   | Decision Date                              |
|--------------------|--|--|
| 190136/PAN         | Proposal of Application Notice   | Further Consultation Required:<br>15.02.19 |
| 190162/ESC         | Request for an Environmental Impact Assessment (EIA) Screening Opinion | EIA not required: 19.02.19                 |

## APPLICATION DESCRIPTION

### Description of Proposal

This application seeks Planning Permission in Principle (PPiP) for a major residential-led development comprising approximately 550 homes, community facilities, retail with associated landscaping, open space and infrastructure.

As the application seeks permission in principle, the layout plans provided should be treated as an indicative representation of how any final scheme may look, rather than a settled proposal. Full details of design, architectural treatment and various other matters would be established through the planning authority's consideration of future applications for the 'approval of matters specified in conditions', which would be subject to the relevant neighbour notification, consultation, and reporting processes at that time, providing further opportunity for members of the public to make representation.

A Design and Access Statement has been provided in support of the proposal, which seeks to present a contextual analysis of the site and establish key design principles against which subsequent applications may be considered. This document refers to a mix of houses and flats, including detached, semi-detached, terraced, bungalow and assisted living units. Other potential uses noted include nursery, community or event space, care home/sheltered accommodation and retail/commercial space, along with a new all-weather sports pitch to the southern end of the site.

The indicative layout shows the site being accessed from two key points on the A92: a main central access, which would be controlled by a new signalised junction, and a secondary access further south, which would operate on a 'left-in, left-out' basis. The sports pitch shown towards the southern end of the site would be served by the secondary access from the A92, with potential for a clubhouse/pavilion and associated car parking adjacent.

The site is bisected from east to west by an 'Aspirational Core Path' route, which sits immediately to the south of the main access, and the proposal seeks to incorporate a new route in this location as part of a central swathe of landscaped open space. Higher density flatted block(s) are indicatively shown to the north of the main access, along with a 'main square', intended to act as a central focal point for the development and offering a potential location for retail or community uses.

The supporting Design and Access Statement highlights that the proposal includes the Aberdeen Hydrogen First initiative, which proposes to integrate micro-CHP (Combined Heat and Power) fuel cell technology into 30 homes within the first phase of development as a pilot scheme.

## 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=PV33LQBZ10N00>.

These include:

- Pre-Application Consultation (PAC) Report
- Topographical Survey Plan
- Site Masterplan
- Review of Housing Land and Employment Land Supply
- Design & Access Statement
- Transport Assessment Report and Appendices (A-G)
- Flood Risk Assessment Report
- Drainage Assessment Report
- Landscape and Visual Impact Assessment (Report, Photographs and Illustrated Viewpoints)
- Tree Survey Schedule
- Arboricultural Impact and Tree Protection Plans
- Tree Protection and Management Plan
- Ecological Impact Assessment Report
- Sustainability Statement Report
- Site Investigation – Desk Study Report
- Archaeology Report – Written Scheme of Investigation
- Noise Impact Assessment Report
- Road Traffic Noise Impact Assessment Report
- Sports Pitch Noise Impact Assessment Report
- Socioeconomic Study Report

### **Pre-Application Consultation**

The applicants held two pre-application consultation events, in the form of drop-in exhibition/discussion forums, manned by members of the design team to deal with any queries. These consultation events were as follows:

- St Columba's Church, Braehead Way, Bridge of Don: Tues 26th February from 1pm to 8pm
- St Columba's Church, Braehead Way, Bridge of Don: Tues 26th March between 2pm and 8pm

In addition to being staffed by members of the design team, these events included display boards to illustrate the proposed development, the site context and the indicative masterplan vision. Comments forms were available at the events, either to be filled out at the time or taken home and returned to the appointed agents by email/post.

The local Bridge of Don Community Council were notified in advance of the PAC event, along with Bridge of Don ward members, and the event was publicised 7 days in advance in the Evening Express. In addition, notifications were issued to addresses specified by the planning authority in its Proposal of Application Notice (PoAN) response and notices were also displayed in advance of the event at venues specified by the planning authority (Bridge of Don Library, Balgownie Community Centre, Alex Collie Sports Centre, etc.)

The submitted Pre-Application Consultation (PAC) Report states that 48 people signed in to the first event (60 total attendees estimated) and 12 people signed in to the second public event.

The PAC report includes details of the comments received at these events, both verbally and via comment forms, and also of those comments subsequently received via post and email. The PAC report identifies the main themes as relating to: sports facilities/football pitch; affordable housing; traffic, pedestrian infrastructure and speed limits on Ellon Road; green space; and the principle of residential use being favourable to the allocated business use. The inclusion of a football pitch, available for community use, was seen as being preferable to an initially proposed recycling centre.

A detailed summary of the matters raised in feedback to these PAC events is contained in section 12 of the PAC report. Section 13 highlights changes made to the proposal in response to the concerns raised/views expressed in the PAC process, which included the inclusion of sports facilities, removal of the previously proposed recycling centre, and increase in the proportion of affordable housing.

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

The proposed development is classed a 'major development' in terms of The Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009. The proposal is considered to be a significant departure from the Development Plan by virtue of it being a major residential-led development located on a site which forms part of a wider area identified for principally business and industrial development along with associated supporting uses, wherein Policy B1 'Business and Industrial Land' of the Aberdeen Local Development Plan applies, but does not allow for development of the type proposed.

Under Regulation 27 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 there is a requirement to hold a Pre-determination Hearing before such applications may be determined.

Any planning application which has been made the subject of a pre-determination hearing under S38A of the Town and Country Planning (Scotland) Act must be determined by Full Council as per the Local Government (Scotland) Act 1973.

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

## **CONSULTATIONS**

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**Aberdeenshire Council** – No objection. Highlight the following based on the applicants' submissions:

- Invest Aberdeen and Aberdeenshire Council welcome the introduction and principle of piloting hydrogen technology (fuel cells) as part of the proposal;
- Note that the retail component appears to be at a local scale, commensurate with the development. In the event that gross retail floorspace were to exceed 2500sqm, Aberdeenshire Council would expect a Retail Impact Assessment (RIA) to be provided, and reserves the right to comment on any such RIA based on its potential impact on other local retail service centres;
- Notes that the applicants' Employment Land Analysis refers to a lack of completions on City sites in 2017/18, but fails to recognise the time lag between commercial decisions on

property requirements and subsequent delivery/completions (gives example of delayed effect following drop in oil price, as some property deals would be committed, and notes that a similar delay would follow improvement in the oil and gas industry);

- Highlights the importance of land remaining available to meet future demand. Notes that agent reports suggest much of the second hand commercial property is now regarded as obsolete and is less attractive to oil industry companies who would favour new/’Grade A’ space;
- The applicants describe the site as having been allocated for 10 years without development. Highlights that this applies to many Aberdeenshire allocations also, and allowing residential development on that basis may set a precedent for interest in other employment sites from housing developers;
- Notes that Aberdeenshire employment allocations at Blackdog (4ha) and Balmedie (5ha) were constrained/partially constrained in the 2017/18 Employment Land Audit (ELA) because of the AWPR, but now that has been completed these sites may move to the marketable supply. Further north, there is marketable land at Ellon (12ha), Foveran (3.5ha) and Newburgh (2.7ha).
- Highlights that Housing Land Audits (HLAs) represent a snapshot of expectation at a particular moment in time, based on build rates supplied by developers and subject to a wide consultation process with housebuilders and Homes for Scotland – change in response to circumstances is inevitable, however the 7.2 years supply identified in the 2019 HLA indicates agreement within the development industry that there is not a problem with land supply in the Aberdeen Housing Market Area.
- Whilst there are a number of sites in Aberdeenshire that have not been delivered at the rate predicted, the Aberdeen Housing Market Area (AHMA) land supply has remained in excess of 7 years during the period 2015-2019 without being reliant on predictions for those delayed sites to achieve the minimum 5 year supply in the AHMA.

**ACC - Developer Obligations** – Identifies requirements for the following obligations:

#### Core Paths

Aspirational core path 1 runs through the development site. This section of the aspirational route should be delivered as an integral part of the development. This is shown in the indicative layout, within the proposed linear park.

In addition, a financial contribution will be required towards connecting the site to the wider core path network and enhancing the network in the vicinity of the site to accommodate additional users generated by the development. On the basis that the aspirational route noted above is to be delivered as part of the development, a reduced contribution of £61,380 is sought, which represents a proportion of the contribution that would otherwise be required for a development of this scale (£204,600). In the event that aspirational core path is not delivered to an appropriate standard as part of the development, then a full contribution of £204,600 will be required.

#### Primary Education

Site is within the catchment area for Scotstown Primary School. Factoring the development into 2017 school roll forecasts results in the school going over its capacity. Contribution is therefore required towards the provision of additional capacity through extension of the school building. The scale of the contribution (£1,075,098) is based on on the maximum additional over capacity level of 118 pupils.

#### Secondary Education

The application site is within the catchment area for Bridge of Don Academy. Factoring the development into the 2017 school roll forecasts will result in the school going over capacity. Contribution is therefore required towards the provision of additional capacity through the

reconfiguration of existing spaces within the main building and/or the installation of temporary classrooms. The scale of the contribution (£97,495) is based on the maximum additional over capacity of 37 pupils.

### Healthcare Facilities

Infrastructure requirements calculated with NHS Grampian on the basis of national health standards and by estimating the likely number of new patients generated by the proposed development. Contributions calculated using nationally recognised space standards and build costs.

In this instance, contributions of £562,964 will be directed towards the provision of additional capacity at the Scotstown Medical Practice or other such facilities serving the development.

### Open Space

The submitted masterplan/site layout indicate that the development will incorporate a range of open space provision in order to comply with the requirements of the development plan. Conditions and/or other measures will be required in order to ensure that this provision is realised at the detailed design stage. Provided that such provision is included as part of subsequent applications for the approval of matters specified in conditions (AMSC) then there will be no requirement for financial contributions. In the event that insufficient high quality open space is provided on site in subsequent detailed proposals/AMSC applications, then an appropriate financial contribution towards the enhancement of existing open spaces would be required.

### Community Facilities

In this instance, it is understood that a community meeting space is proposed to be delivered as an integral part of the development. Providing that such provision is made on site, no further contribution will be required. In the event that an appropriate community meeting space is not delivered as an integral part of the development financial contribution of £1,005,675 would be required towards the enhancement of existing community facilities

The applicant should also be aware that Aberdeen City Council would not be able to take ownership and/or liability for any new community facility delivered as part of the development. Alternative ownership and management arrangements will therefore require to be identified for any such facility.

### Sports and Recreation

A development of this scale will impact significantly on the capacity of nearby sports facilities, and that impact will require mitigation. It is understood that a full-sized football pitch, associated facilities and parking are proposed to be delivered as an integral part of the development. Provided that such provision is made on site, and that appropriate measures are in place to ensure public access in perpetuity, no further contribution will be required. In the event that the proposed pitch and associated facilities are not delivered as an integral part of the development, then a financial contribution of £667,700 will be required.

### Affordable Housing

Policy H5 seeks a minimum of 25% of total units to be delivered as affordable housing. In this instance, the affordable housing requirement equates to 137.5 units, and the relevant SG sets out an expectation that delivery will be made on-site in accordance with the preferred hierarchy of affordable housing types contained in that SG.

**ACC - Waste Strategy Team** – Recommend that conditions are attached if the application is to be approved. Request further information detailing specific waste and recycling provision for houses and flats as part of future planning application(s). Details of swept-path analysis for waste

collection vehicles will be required, to ensure that vehicles can safely manoeuvre through the site in a forward gear.

**ACC - Housing** – As per ACC's Affordable Housing Supplementary Guidance, an affordable housing contribution of 25% is required. ACC Housing Strategy would want to enter into early discussions with the developer to discuss house size and type as we would not want to see large numbers of flats delivered as affordable housing.

**ACC – City Growth Team** – Notes that this development proposes 550 new homes, and that economic benefits have been estimated by the applicants as a result of new housing and new commercial floorspace. The assumptions and methodology used have been reviewed and are consistent to economic appraisal practice.

The appraisal states that £11m of 'resident expenditure' per year could be generated as a result of the scheme, based on expenditure from those moving to the new development and from others moving into properties vacated by those moving to Cloverhill. The estimated 'resident expenditure' is based on assumptions that: (i) 25% of all new residents at Cloverhill are people moving into the city; (ii) of the remaining 75% of new Cloverhill residents moving from elsewhere in the city, approximately 25% of the vacated properties would then be occupied by new residents moving to Aberdeen. The English housing research that these assumptions are based upon indicates that this typically occurs four times. The estimated £11m therefore includes four house moves, including Cloverhill.

It is noted that the ability to realise these occupancy assumptions in Aberdeen may not reflect recent population changes and the short run effect on some types of properties in the city. In that context, the estimated £11m may be high/optimistic. There is evidence of some over-supply of certain property types in the city centre.

**Invest Aberdeen** – Invest Aberdeen had requested that the applicant provide further information with regard to how Aberdeen Hydrogen First (AHF) initiative would support the vision and aims of the Regional Economic Strategy (RES) and Energetica through demonstrating an innovative low carbon investment opportunity for the region.

A Policy Analysis Paper (Oct 2019) was prepared by Aberdeen & Grampian Chamber of Commerce (AGCC) and submitted for consideration.

In summary, Invest Aberdeen is supportive of proposals that seek to make investments in line with both the Regional Economic Strategy and Energetica programme which seeks to grow and diversify our key sectors. Invest Aberdeen has not commented in relation to the principle of development on this site in planning terms and acknowledges this will be for others to comment on. It is however worth noting that experience of seeking to encourage and leverage private sector, low carbon and additional energy efficiency measures beyond the minimum statutory requirements in large scale residential proposals has not been easy. Notwithstanding the principle of planning it is positive to see innovative proposals being led and funded commercially by a private sector investor and we would encourage this approach across more residential developments.

Invest Aberdeen's comments are made without prejudice to any recommendation or decision that the planning authority may make at a future date.

Energetica Strategic Objectives:

- i. To consolidate and grow the Region's position as one of the world's major energy



- ii. centres and the energy capital of Europe;
- iii. To attract new high value investment and people to the region;
- iv. To grow the international trade of indigenous business; and
- v. To create a location that seeks to maximise both quality of design/development and
- vi. quality of life

The development at Cloverhill seeks to incorporate a new energy efficient, low carbon heating solution into a residential development, which aligns with Objectives i, ii, and iv, above. Invest Aberdeen's response recognises the value of reducing the carbon footprint of buildings in contributing to reduction in overall carbon emissions, but also in reducing fuel poverty and generating investment in innovative pilot projects.

Notes that the development of a residential hydrogen heating pilot project in Aberdeen would support Aberdeen City Region's Hydron Strategy initiatives, and would provide valuable data on how this technology works in the Scottish climate and its 'real world' energy efficiencies. It is particularly positive to see the integration of fuel cell technology in the first phase homes, rather than in later stages of development.

**Archaeology Service (Aberdeenshire Council)** – No objection. Notes that the site is located immediately adjacent to a landscape of previously excavated archaeological features dating from prehistoric, early medieval and medieval periods and therefore, if the application is to be approved, it is recommended that a condition is attached in relation to archaeological matters. This should require submission and agreement of an archaeological written scheme of investigation (WSI) prior to commencement, with all works to subsequently be carried out in accordance with the approved WSI (which should include details of how recording and recovery of archaeological resources found shall be undertaken). Should archaeological works reveal the need for post-excavation analysis, no part of the development may be occupied unless a post-excavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the planning authority, with the PERD carried out thereafter in complete accordance with the approved details.

**ACC - Contaminated Land Team** – Expresses general agreement with the conclusions and recommendations of the Desk Study Report (Fairhurst, July 2019) submitted in support of this application, including its proposals for future ground investigations. In recognition of the potential for contamination (from both on-site and off-site sources), it is recommended that the conditions are attached in order to address the following:

- Requiring submission and agreement of a scheme to address risks from contamination prior to development taking place (specification set out in full response);
- Prohibiting occupation of buildings on site unless any long-term monitoring required by the above scheme has been undertaken;
- Prohibiting occupation of buildings on site unless a report verifying completion of remedial works to fully address contamination issues relating to the buildings has been submitted and agreed by the planning authority.

**ACC - Education** – Highlights that this site is zoned to Scotstown School and Bridge of Don Academy. School roll forecasts suggest that contributions are likely to be required from the developer to create additional capacity at both schools to accommodate the numbers of pupils likely to be generated by the development. It is expected that the Developer Obligations Team will calculate the required level of contributions and advise accordingly (*see Developer Obligations response, above*).

**ACC - Environmental Health**

### Wind turbines

With regards to the Vattenfall offshore wind development consent, an interim report has been received and suggests no negative noise impact is likely. Therefore, no noise impact assessment will be required for these wind turbines.

However, a noise impact assessment will still be required for the Rubber Atkins onshore wind turbine. This assessment should be in line with the IOA Good Practice on wind turbine noise 2013 (ETSU-R-97) and BS4142 (2014).

### Sports Pitch

It is noted that within the NIA for the proposed Sports Pitch that the houses adjacent to the pitch along the Southern boundary, the difference between the background noise levels and the noise source will be in excess of +13 dB LAeq. This indicates that there will be a significant adverse impact from the football pitch noise. The proposed incorporation of a barrier is likely to be limited to approximately -10dB LAeq. The NIA recommends that there should be no open window ventilation along the facades facing the pitch and should have acoustic ventilators installed instead. It is also noted that within 5.5 of the report that the NIA has been conservative in the application of penalties for noise characteristics such as ball strikes against the fence and shouting. The Acoustic Consultant has confirmed that the term "conservative" used within the NIA was in regard to a worst-case scenario in relation to noise from football games. The NIA does not take into consideration noise from repetitive ball strikes such as when a few people are practicing by hitting the ball directly off the fence.

As there is the likelihood of a significant adverse impact from the noise from the sports pitch, it is suggested that this issue is revisited and that the developer seeks additional guidance by adhering to guidance which has been produced by Sportscotland entitled 'Sportscotland Outdoor Sports Facilities - Planning Guidance/1002 - Siting of Synthetic Grass Pitches - Guidance on Noise and Floodlighting', which includes practical noise mitigation measures to be applied at such facilities. To further help protect amenity from potential noise emissions associated with the proposal including for example, ball strikes against fencing panels and increased crowd noise, this Service would therefore advise strict adherence to this relevant guidance.

Notwithstanding the above, a condition will be required regarding the operating hours of the proposed sports pitch and seating area. I would recommend that this area is not to be operational between the hours of 22:00 hrs and 09:00 hrs. This is in order to protect the amenity of nearest noise sensitive receptors.

### Road traffic noise

It is noted that in order to mitigate noise from the road traffic noise on the A92 to acceptable levels it is proposed that an acoustic barrier is proposed. This barrier is estimated to attenuate the noise by 10 dB LAeq. This means that the gardens at properties within 15m and 20m of the road will be subjected to noise levels at the upper requirement stated within the BS8233 requirements (55 DB LAeq) and may not even achieve this level as there is no certainty that the acoustic barrier will achieve the proposed 10 dB LAeq attenuation.

Similarly, the same houses will require to have acoustic ventilators installed rather than open window ventilation in order to achieve the BS8233 requirements. Specific glazing recommendations have been listed in order to achieve these requirements. It is noted that the proposed acoustic bund is unlikely to protect the first floor of the properties adjacent to the A92.

### Odour control considerations

Due to the location of the commercial premises and nature of neighbouring properties, the proposed development has potential for a significant adverse impact on the amenity of the

occupants of neighbouring local residences from potential odour and equipment noise associated with the proposal.

As the end user has not yet been determined, it is recommended that as a condition of planning permission that any tenant will be responsible for the provision of assessments which will demonstrate both adequate odour control provisions and a suitable demonstration of noise control effectiveness are in place prior to the occupation of the premises.

**ACC - Flooding and Coastal Protection** – The Flood Risk Statement (FRS) submitted on 23/07/2019 has been reviewed. The Aberdeen Integrated Catchment Model (ICM) and SEPA flood risk maps show significant flooding extents within the proposed plot. Whilst further supporting submissions have been scrutinised by officers, the Flooding Team's position remains that a Flood Risk Assessment (FRA) Level 3 is required.

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

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

**ACC - Roads Development Management Team** – No objection to the proposal, provided that appropriate conditions are attached to any approval securing the submissions/improvements set out below.

Note that the site is in the 'outer city' parking zone, and lies outwith any controlled parking zone.

Local amenities and services identified in the submitted Transport Assessment (TA) are reachable via existing pedestrian and cycle infrastructure, with shared paths on sections of the A956 Ellon Road facilitating travel to facilities in the city centre and on Beach Esplanade.

Committed infrastructure improvements associated with the neighbouring business park to the north (The Core) include provision of a toucan crossing on the A92 Ellon Road, located to the south of the Murcar roundabout. This will further enhance the site's accessibility for pedestrians and cyclists and ensure safe means of crossing. New cycling infrastructure is also being promoted by ACC in the local area, including: Murcar Industrial Estate cycle/shared use path; Murcar North to Blackdog cycleway; and aspirational core path route connections to the east and west of the site, to allow connection to core path 107 and Greenbrae Primary School beyond (west) and Murcar Links Golf club and the beach (east).

Public Transport

The A92, to the west of the site, is served by regular bus services, with existing stops circa 120m to the north and the Bridge of Don P&R site circa 850m to the south. There is potential for new bus stops to be provided along the A02, supported by the reduced speed limit proposed by ACC roads officials. Furthermore, the proposed junctions would allow for bus penetration into and through the site. Additional bus stops proposed adjacent to the proposed site access junction will ensure that the entire site is located within 400m walking distance of bus stops. Whilst buses would not require to be diverted into the site, the vehicle access strategy and internal street network will be designed to ensure that busses would be able to enter and exit via the proposed access junctions. It has been agreed with the applicant that bus stops are to be provided on the dual carriageway, as per the adjacent stretch of Ellon Road beside McDonalds, rather than in physical laybys. These bus stops are to be delivered as part of works to deliver the new junctions, irrespective of operator demand.

### Parking

The applicant has intimated that full details of the parking provision would be submitted in support of the detailed planning applications for each development phase in accordance with ACC's current standards. This is acceptable. In the Design and Access statement, the applicant states that "electric vehicle charging infrastructure will be provided in relevant locations within the site". This is accepted. This is a requirement and further information should be provided in support of the detailed planning applications for each phase.

### Development Vehicle Access

New vehicle junctions will provide access to the site along the A92 Ellon Road. The primary access is proposed to be a centrally located signalised junction incorporating toucan crossing facilities at a key core path / pedestrian crossing point of the A92 Ellon Road. Drawing 123823/sk 1012B shows an indicative junction layout.

A secondary access is proposed to the South of the site via a left-in / left-out arrangement. This is shown in drawing 123723/sk 1013A. The geometry of these accesses will not be considered at this PPIp stage.

### Internal Road Layout

It has been agreed with the applicant that a secondary access onto the A92 will be constructed prior to 150 units being occupied with a statement required from the Fire Service that this will be acceptable. Appropriate conditions will be required to secure the above and design of that first access.

As this is a PPIp, no detailed plans of the internal road layout have been provided at this stage, and subsequent applications will be required to provide further information relating to road/footway gradients, geometry, dimensions, materials, visibility splays, etc. It is noted that the indicative layout shows several long, straight sections of road in excess of 60m. These areas will require some form of appropriate traffic calming in the finalised roads layout.

### Local Road Network

The site abuts the A92, which is currently a 70mph dual carriageway that provides links to the B999 Pitmedden Road at the Murcar Roundabout, and the A90 trunk Road / AWPR to the North, via the Blackdog interchange. To the South, it connects with the A956 Ellon Road, and the A92 Parkway at the Aberdeen Energy park roundabout. The A956 is a dual carriageway with a 40mph speed limit, which reduces to 30mph 70m North of the A956 Ellon Road / North Donside Road roundabout.

The applicant proposes to reduce the speed limit on the A92 to 40mph, to replicate the character of the existing 40mph section on the A956, south of the site. A TRO would be required for this change in speed limit. It is understood that the development of adjacent land at Berryhill has been

consented subject to a similar requirement to reduce the speed limit on this section of road, and whichever development comes forward first will be required to deliver that TRO. In addition, if the Cloverhill development comes forward first, there will be a requirement for a Toucan crossing to the north of the site. The timing of delivery for this crossing will be tied to the site layout drawing 11085-SK-020Y, which shows an East-West line. No houses are to be built North of this line prior to this Toucan being installed by the applicant or otherwise. North of this line is to serve as the construction site for the site, and will prevent people travelling this way to cross the A90, meaning that the crossing at the site access will suffice for all residents until such a time as this Northern Toucan is installed.

Further to the reduction to 40mph, the applicant is proposing a temporary 20mph speed limit on the A92 as part of their safe routes to schools plan, via the provision of 20mph flashing signs, during the times when children are travelling to and from school. This is acceptable, but would be subject to a TRO.

Six junctions were assessed to determine what effect the proposed Cloverhill development would have on their functionality. This was done by scaling up current traffic flows to establish a base level for the opening year, and then assessing what the combined development + future year traffic would look like. I will briefly summarise the applicants' findings on each junction below. It should be noted that junctions generally function without issue as long as their ratio of flow to capacity (RFC) and degree of saturation (DoS) are less than 85%:

- Pitmedden Road / Shielhill Road Junction – The largest impact in the opening year is a 41% RFC. With the development included this increases to 43%;
- Pitmedden Road / Denmore Road Junction – This junction is currently over capacity (107% in the worst case). In the opening year scenario, without Cloverhill, this reduces to 87% due to a predicted reduction in traffic using this route. Then, when Cloverhill is reintroduced this increases again to 100%. As a result of this, the agent acting on behalf of Cloverhill has tested a theoretical mitigation (widening the Denmore Road approach to provide an extended flare). This theoretical mitigation provides a no net detriment solution for the Cloverhill development. The applicant is proposing that this scheme can be costed to provide the basis for a monetary contribution that the Cloverhill development can make toward a scheme which can be developed at a later date. This is appropriate, and the costing exercise should be done in conjunction with ACC in line with the submission of a detailed application;
- Murcar Roundabout – The roundabout is currently over capacity, the most onerous RFC is seen in the AM peak heading out of the city towards the AWPR at 104%. The applicant has intimated that the Berryhill application has devised an indicative scheme for improvements at the junction, which should be incorporated before 25% occupation (in terms of traffic generation). Similarly, the Aberdeen Energy Park Extension has a scheme for roundabout improvements (or a contribution in lieu). Fairhurst have assessed the future year scenario, assuming that the Berryhill junction improvement will be in place. This shows that the junction will still operate over capacity (101% in the worst case), and the proposed development will marginally increase this. However, it is rightfully acknowledged that when junctions are over capacity it is difficult to accurately establish the precise impact of increased traffic. The applicant summarises by saying that it is considered appropriate for the Cloverhill development to pay a proportionate contribution towards the cost of the future improvements at the junction commensurate with the level of development impact. This is appropriate. The costing exercise should be done in conjunction with ACC in line with the submission of a detailed application;

- AEP Roundabout – The applicant highlights that the roundabout is currently over capacity in the am peak, and is predicted to be over capacity in both AM and PM peak hours under the opening year base traffic (not including Cloverhill itself). The applicant highlights ACC's aspiration to upgrade the roundabout to traffic signals as highlighted in the planning conditions attached to several committed sites – Berryhill, Aberdeen Energy Park extension, redevelopment of the AECC, etc. As the development will obviously increase pressures on this junction, the applicant has stated that it may be appropriate for the Cloverhill development to pay a proportionate contribution towards the cost of future traffic signals, commensurate with the level of development impact. This is appropriate and would be required. The costing exercise should be done in conjunction with ACC in line with the submission of a detailed application;
- Ellon Road / North Donside Road / King Robert's Way Junction – The analysis undertaken shows that this junction is predicted to operate within capacity during the Weekday AM and PM peak hours. The maximum DoS experienced is ~71%. As such, no improvements are required to accommodate the development traffic;
- Site Access Junction – As the site is not yet in place this junction does not currently exist. The modelling shown for the year of opening indicates a DoS of ~90%. Given that this is a greenfield site, it is expected that the junction is designed such that it is not over capacity from the start. The applicant has stated that, to ensure a robust analysis, they've assumed that the pedestrian stage of the signals will be called every cycle, which is unlikely. Regardless, at the time of a detailed submission, this would be reviewed further, with an expectation that the junction be built to operate under capacity.

Of the junctions that require intervention, several are conditioned to be undertaken by developers of other schemes at given thresholds in their development. Consideration should be given to the situation where any of these developments stall or do not go ahead, and how that may affect the contribution due by the applicant. It has been agreed that the following will be paid as a s75 contribution, payable at the point of work starting on site:

- £41,879.14 will be paid representing theoretical works to Denmore junction, Murcar Junction, the AECC junction. The S75 should be caveated to allow use for works / roads safety upgrades as deemed fit by ACC, within the surrounding road network.
- £15,000 as a S75 contribution at the point of starting on site. This represents an allowance of £5,000 towards the value of land, and £10,000 towards CPO costs, with the S75 caveated to allow use for roads safety upgrades as ACC deem fit, within the surrounding road network.

### Safe Routes to School

The catchment schools for the site are Scotstown Primary and Bridge of Don Academy. Greenbrae Primary and Braehead Primary are also located nearby and have also been included by the applicant within the safe routes to schools assessment. 8.2 Access to all schools will require the crossing of the A92 dual carriageway via the proposed Toucan crossing at the site access junction. In order to facilitate this, the applicant is proposing a temporary 20mph speed limit during school travel-times.

All safe routes to schools proposed are adequate and safe, comprising of signalised crossings / zebra crossings / well-lit sections of footway, etc. The applicant is correct in asserting that if the aspirational core path between the A92 and Denmore Road is implemented, this will significantly

reduce (by ~75%) pedestrian journey times between the site and Greenbrae Primary School. For this reason, it is important that this link is given due consideration.

#### Travel Plan Framework – Residential Travel Pack

A successful TP should have an overarching aim, realistic modal share targets and a series of measures to obtain these targets set out in an Action Plan. The aims, objectives, and content proposed to be included in the Residential Travel Pack (RTP) are acceptable. The completed RTP should be submitted to ACC for our approval in line with the detailed application.

#### Drainage Impact Assessment

Surface run-off from roads will shed to gullies / permeable paving, which will drain to the surface-water sewers, then onto a new detention basin, which will discharge to a grass swale and outfall sewer, before joining the existing watercourse. As such, the requires 2 levels of treatment are being achieved. It is noted that all driveways and parking areas “will be constructed incorporating porous paving and stone-filled filter trenches.” In our experience porous paving alone is not sufficient as a drainage feature alone. Driveways that slope towards an adopted surface should have channel drains at the interface, and parking spaces which slope away from the road should have gulleys to the rear. The drainage proposed is sufficient at this stage, however this will be reviewed in detail when a more detailed application is submitted.

#### Construction Consent

The access junction layout / local road improvements / internal road layout are all to be designed to ACC standards, and the developer will be required to adhere to a section 21 Roads Construction Consent procedure.

#### **Aberdeen City Shire Strategic Development Planning Authority (SDPA)**

The SDPA response concludes that it has not been demonstrated that there is justification for the subject site to be developed for housing land. There is a robust and generous housing land supply across the Aberdeen Housing Market Area which has come through the full assessment of the development plan process which has capacity to meet current and increased demand.

The SDPA response notes that a bid was submitted in relation to this site at the time of the ‘call for sites’ for inclusion in the next Aberdeen Local Development Plan. The planning authority’s assessment concluded that this site was ‘undesirable’ for the proposed residential development, and therefore it was not included as a preferred site in the Main Issues Report 2019.

In terms of housing land supply, the SDPA response notes that the current ALDP allocated land for housing to meet targets set by the Strategic Development Plan 2014, and that sufficient ‘desirable’ bids have been identified via the call for sites process to ensure that the next ALDP will meet the housing allowances set out in the Proposed Strategic Development Plan 2018. It is noted that there has been a robust effective housing land supply, with the 2019 HLA identifying a five-year effective land supply of 6,242 homes for Aberdeen City, along with a post five-year effective supply of 10,076 homes. This equates to a 7.2 year supply in the Aberdeen Housing Market Area, which indicates that there is capacity in land supply terms to build well above the housing requirement if demand exists.

The applicants’ supporting information on Housing Land and Employment Land Supply points to a shortfall in housing completions as evidence of a requirement for the release of more housing land. that position is not accepted, and is contradicted by the available evidence in the Housing Land Audit 2019 and earlier audits from recent years, which point to a steady effective land supply of at least 5 years being maintained. Table 2 in the SDPA response presents information taken from HLAs between 2011 and 2019, which indicate a steady increase in housing completions across that period, aided by a robust and generous land supply.

The SDPA note that planning authorities and their development plans can have a significant influence on the amount of land available for development, but much less influence upon the delivery of development upon that land, which is largely dependent on the activities of the development industry and the landowners themselves and is of course subject to market conditions. In that context, Housing Land Audits strive to make realistic assessments of anticipated completions, which has led to the programming of sites being reassessed in light of the regional economic downturn, but nevertheless a healthy effective land supply has been maintained.

**Scottish Environment Protection Agency** – Following submission of further information on potential flood risk, SEPA has removed its initial objection on flood risk grounds provided that, should the planning authority be minded to approve the application, conditions relating to de-culverting of the watercourse and provision of adequate buffer strips around it are attached to any consent. If the planning authority proposes to grant planning permission contrary to SEPA's advice on flood risk, then referral to Scottish Ministers may be necessary under the terms of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009. Notwithstanding SEPA's removal of their objection, they expect that ACC will undertake its responsibilities as the Flood Risk Management Authority.

In addition to the conditions requested above, SEPA recommends that further conditions are attached to any grant of planning permission to ensure that finished floor levels are raised above external ground floor levels in order to further mitigate potential surface water risk.

At section 2.5, SEPA also request that a condition be applied to require that the developer investigates alternative layouts to demonstrate whether the layout and design of the proposal can avoid impacting on an existing spring. If it is demonstrated that this cannot be avoided, then further information demonstrating the continuing hydraulic functioning of the spring and details of compensatory measures on the wider site will be required. It is recommended that this be secured by a condition which also secures placemaking measures such as use of wild, native, species rich flower planting in green corridors, use of green roofs for community buildings and use of renewable energy sources etc, as detailed in paras 3.3-3.4 of SEPA's initial response.

In section 5.3 of SEPA's initial response, a condition relating to the avoidance of existing wells either within or in close proximity to the site (or demonstration that alternate provision will be made for the owners of private water supplies to be connected to the public supply) is also recommended.

At section 6 of SEPA's first response, it is noted that the management of surface water during construction will be controlled under SEPA's regulatory regime, and therefore there is no requirement for this to be covered by a planning condition. SEPA welcome the applicants' commitment to produce a Site Waste Management Plan.

**Scottish Water** –No objection. Note that there is currently sufficient capacity in the Invercarnie Water Treatment Works and in the Nigg PFI Waste Water Treatment Works , however a formal application to Scottish Water will be required and further assessment may be required.

Highlights that Scottish Water (SW) is unable to reserve capacity, and a further review of capacity will be undertaken once a formal connection application is submitted to Scottish Water after planning permission has been granted.

Highlights that a SW runs through the site, and the applicant is urged to contact SW's Asset Impact Team directly in order to identify any potential conflicts.



Advise that SW will not accept any surface water connections into its combined sewer system on greenfield sites, and limited exceptions will be made for brownfield sites where significant justification is provided.

**Bridge Of Don Community Council (BoDCC)** – States ‘strong objection’ to the proposal, contending that the site should be retained for business and industrial use, as identified by the ALDP. Main points are summarised as follows:

- Highlights that the proposal does not accord with the Aberdeen Local Development Plan, which identifies this land for business and industrial use. BoDCC’s view is that ACC should not permit a departure from the plan, which was prepared following extensive consultation with community councils and other stakeholders.
- Notes that there are numerous major allocated housing development sites in the city, including in the Bridge of Don area. There are also plans for up to 500 more at Blackdog/Balmedie in Aberdeenshire. Contends that the allocations made on the 2017 ALDO provide an adequate supply of housing land, if not a surplus.
- Notes that a Development Bid for this site was submitted for the next LDP, however the Main Issues Report (MIR) concluded that the development of residential and community use on this site would be undesirable due to the consequent loss of employment land, and would also likely be contrary to the Proposed Strategic Development Plan.
- Access to schools is of concern, with pupils required to cross some of the busiest roads in the city.
- Current bus services are limited, and include express services with limited stops that would not adequately serve travel to the nearest schools. Impact on local schools is also of significant concern, and it is anticipated that the proposed development would result in local schools operating over capacity. This situation is unlikely to help address current problems recruiting teaching staff.
- Public transport in the local area has been subject to considerable reductions in recent times, and existing services are not considered to be adequate to serve the existing community. The proposed development would exacerbate that situation. The site is not well served by existing routes.
- Existing medical facilities are at capacity, with lengthy waiting times for appointments. Additional housing will increase pressure on already stretched resources.
- Restrictions on vehicular access to existing development at Donmouth are highlighted, and it is contended that there would be inconsistency in allowing over 500 homes to be accessed off Ellon Road. This level of traffic will add considerably to traffic congestion and have an adverse impact on air quality, whilst also hindering the flow of traffic on Ellon Road/A92.
- The Community Council has previously suggested that the developer consider an overpass/underpass to facilitate access. Implementation of a 20mph temporary speed limit is considered to be wholly impractical.

- The impact of this proposal, along with other consented developments in the City and Shire, will lead to considerable increase in traffic flows when existing infrastructure is already struggling to cope.
- It appears that potential flood risk has not been properly assessed.
- BoD CC queries whether the any or all of the proposed community facilities will be delivered, and notes that with other previous developments the planning gain/developer contribution has been either reduced, delivered late or not delivered at all.

## **REPRESENTATIONS**

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A total of 128 valid and timeously made representations have been received in relation to this application. Of these representations, 123 are in support of the proposal, 3 state objection, and 2 are neutral in content.

Members will note that some 37 of those representations which state support for the proposal are otherwise blank, offering no reasons for that support. Whilst any member of the public may make representation on a planning application, it is notable also that a number of the submitted representations come from sources far removed from the application site and the likely impacts of the proposal, including: Peterhead, Fraserburgh, Portsoy, Banff, Edinburgh, Dunfermline, Stonehaven, Inverurie, Banchory, Peterculter, Arbroath and Inverbervie.

The matters raised in representations can be categorised into a series of general topics and summarised as follows:

### Principle of development, housing/employment land supply and emerging Development Plan

- Proposal is contrary to the 2017 ALDP, which reserves Opportunity Site OP2, Berryhill, for business and industrial use.
- The 2017 ALDP makes a very generous supply of land available for housing across the city. Particular attention is drawn to the Grandhome site, which has an approved masterplan and is identified for up to 7000 homes, including 25% as affordable housing. There are further major housing sites being brought forward at: OP25, Woodside (400 houses); OP16, Davidson's Paper Mill (circa 500 houses yet to be developed); OP10, Dubford (circa 140 yet to be developed); OP7, Aberdeen College (170); OP13, AECC (up to 500 units). There is also a major development of 550 units being brought forward at Blackdog, to the north of the Cloverhill site, in Aberdeenshire. In this context, housing land supply can be considered to be very healthy in the Aberdeen Housing Market Area and in the Bridge of Don area specifically, and the situation does not warrant the release of further land for housing on the scale proposed.
- It is noted that a review of the ALDP is ongoing, and that a development bid submission, seeking to have the Cloverhill site allocated for housing development. The LDP Main Issues Report concluded that this site was undesirable for the proposed residential development on the basis that it would result in the loss of allocated employment land, and noted also that allocation of this site for housing is likely to be contrary to the Proposed Strategic Development Plan. The MIR seeks to prioritise brownfield sites, and any greenfield housing allocations should be small-scale, with limited impacts on the environment and infrastructure, and should not be extensions to existing sites identified in the 2017 ALDP. This suggests that there is no support from the emerging LDP and SDP for removing the

current business and industrial zoning at Cloverhill and re-allocating the land for residential use.

- ACC's focus in the new LDP should be on delivering the major housing allocations already made and ensuring that there are services in place to support those allocations, rather than supporting new speculative proposals that have not come through the LDP process and are not supported by the Development Plan.
- Permitting residential development on the Cloverhill site would undermine the plan-led system and the plan preparation process, and would set an undesirable precedent for further speculative housing proposals to come forward, to the detriment of sound planning principles.
- No need for further housing in Bridge of Don in addition to those under construction and identified at AECC
- Supports new residential development on this site, as it would allow people to live closer to their place of work.
- The land is better used for housing, which there is a need for, rather than as business land, which is in huge oversupply
- Notes that housing on this site would complement the housing development planned for the former AECC site

#### Transport/Accessibility

- The proposed residential development would be isolated from existing amenities and services in bridge of Don by the A92 Ellon Road dual carriageway, which acts as a strong physical barrier between the site and Bridge of Don. The road is also a source of noise nuisance from road traffic, which the applicants intend to address through provision of an acoustic barrier along the site's western boundary.
- The de-trunking of the former A90 Ellon Road trunk road and opening of the AWPR offers greater scope for access to this business/employment land from the re-designated A92, increasing the viability of the site and its attractiveness to prospective business and industrial occupiers.
- Introduction of additional pedestrian crossing(s) on Ellon Road will disrupt traffic flow. No right turns into the development should be permitted, for the same reason. Pedestrian access over Ellon Road should be via a bridge/underpass (as at Parkway).
- Reduction in Ellon Road speed limit would impede commuter travel
- Schools are on the other side of a busy main road, and there is no public transport between the site and local schools. Dangerous for children to travel on foot, and may encourage additional car journeys.
- Reduced speed limits on A92 Ellon Road are unlikely to be adhered to.
- If well served by buses, this can only serve to reduce car travel, in line with ACC aims.
- New core path improves access to the beach

- New road junction, new pedestrian crossing and reduced speed limit on Ellon Road will improve road safety and increase accessibility across the dual carriageway
- Right turn lanes and traffic light controls should be implemented on the northbound section of Ellon Road in order to provide access to the site without unduly affecting traffic flows. Restrictions on right turns into the development would be frustrating for residents and require longer journeys by car.

#### Commentary on layout and respective components of the proposed development

- Support provision of an all-weather football pitch in the Bridge of Don area, which offers young people more choice, supports grass-roots football, reduces the likelihood of anti-social behaviour and supports active lifestyles.
- Support for proposal on the basis of its benefits to local residents (both existing and new)
- Support for affordable housing in the area, which will be beneficial for young families.
- Supports pioneering use of fuel cell technology through Aberdeen Hydrogen First initiative, which is consistent with Aberdeen's earlier steps towards a hydrogen-focused economy and contributes to the UK's commitment to net zero carbon emissions by 2050
- Provides greater choice in the type and location of new-build housing in Bridge of Don, and increases opportunity for those growing up in the area to remain there with family/partners in the long-term
- Allows for existing individual houses to be better integrated with the wider Bridge of Don community
- Improved shops and community facilities in Bridge of Don would make the area more attractive as a place to live
- Bridge of Don is currently woefully under-provided for in terms of community/sports facilities
- The proposed development will create jobs in the local community / provide opportunities for small business to base premises in Bridge of Don
- Provides community meeting space and parks, play areas and open space

#### Noise, relationship with neighbouring land uses and amenity issues

- Existing business/industrial uses also pose a potential noise nuisance to new residential development. Conversely, the introduction of residential use may pose a threat to the viability of businesses operating from land allocated specifically for business and industrial use. This may be to the detriment of the developers and owners of allocated employment sites seeking to attract new occupiers and retain existing occupiers.
- Notes the submitted Noise Impact Assessment's recommendation for a 3.5m high acoustic barrier along the northern and part of eastern boundaries in order to mitigate noise from employment areas, however even with this mitigation the report concludes that significant impact to residential properties would be anticipated from class 5 and 6 premises at night.

### Environmental / Landscape issues

- Encroachment on/loss of green space
- Development would place pressure on local schools.

### Other issues

- Bridge of Don and District Men's Shed have been active over last 2 years in trying to identify available, suitable & affordable properties to establish for the benefit of the local community, without success thus far. Very grateful for the opportunity to be involved in the proposals for Cloverhill, which may lead to a permanent premises for the group – do not either object or support the application.

## **MATERIAL CONSIDERATIONS**

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### **Legislative Requirements**

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

### **National Planning Policy and Guidance**

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

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

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

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

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

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

SPP's identified outcomes include achieving 1. 'A successful, sustainable place – supporting sustainable economic growth and regeneration, and the creation of well-designed, sustainable places' ; 2. 'A low carbon place – reducing our carbon emissions and adapting to climate change';

and 3. 'A natural, resilient place – helping to protect and enhance our natural and cultural assets, and facilitating their sustainable use.' Para. 15 highlights the role of SPP to set out how these outcomes should be delivered on the ground. By locating the right development in the right place planning can provide opportunities for people to make sustainable choices and improve their quality of life.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

also identify any expected developer contributions towards delivery of affordable housing, with supplementary guidance setting out further detail.

Paras 152-192 are concerned with delivering heat and electricity, reiterating that NPF3's statement that planning must facilitate the transition to a low carbon economy. Para 154 in particular sets out that the planning system should:

- support the transformational change to a low carbon economy, consistent with national objectives and targets, including deriving specified amounts of overall energy, heat demand and electricity demand by 2020.
- Support the development of a diverse range of electricity generation from renewable energy technologies – including the expansion of renewable energy generation capacity – and the development of heat networks;
- Guide development to appropriate locations and advise on the issues that will be taken into account when specific proposals are being assessed;
- Help to reduce emissions and energy use in new buildings and from new infrastructure by enabling development at appropriate locations that contributes to:
  - Energy efficiency;
  - Heat recovery;
  - Efficient energy supply and storage;
  - Electricity and heat from renewable sources; and
  - Electricity and heat from non-renewable sources where greenhouse gas emissions can be significantly reduced.

Para 171 states that proposals for energy generation from non-renewable sources may be acceptable where carbon capture and storage or other emissions reduction infrastructure is either already in place or committed within the development's lifetime and proposals must ensure protection of good environmental standards.

Paras 193 & 202-204 are of particular relevance in terms of 'Valuing the Natural Environment'. These sections underline the importance of planning in 'protecting, enhancing and promoting access to our key environmental resources, whilst supporting their sustainable use'. It is noted that 'the siting and design of development should take account of local landscape character', also that 'developers should seek to minimise adverse impacts through careful planning and design, considering the services that the natural environment is providing and maximising the potential for enhancement'. Para. 203 states that 'planning permission should be refused where the nature or scale of proposed development would have an unacceptable impact on the natural environment'. Paragraph 207 sets out obligations in relation to sites designated as Special Areas of Conservation (SACs) and Special Protection Areas (SPAs), including the requirement for 'appropriate assessment' of the implications for conservation objectives where development is likely to have a significant impact. In terms of promoting sustainable transport and active travel, paragraph 287 of SPP states in relation to Development Management functions that 'planning permission should not be granted for significant travel generating uses at locations which would increase reliance on the car and where:

- direct links to local facilities via walking and cycling networks are not available or cannot be made available;
- access to local facilities via public transport networks would involve walking more than 400m; or



- the transport assessment does not identify satisfactory ways of meeting sustainable transport requirements.'

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

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

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

#### Designing Streets (2010)

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

#### **Aberdeen City and Shire Strategic Development Plan (2014) (SDP)**

The purpose of the SDP is to set a spatial strategy for the future development of the Aberdeen City and Shire. The general objectives of the plan are promoting economic growth and sustainable economic development which will reduce carbon dioxide production, adapting to the effects of climate change, limiting the use of non-renewable resources, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility.

From the 29 March 2019, the Strategic Development Plan 2014 will be beyond its five-year review period. In the light of this, for proposals which are regionally or strategically significant or give rise to cross boundary issues between Aberdeen City and Aberdeenshire, the presumption in favour of development that contributes to sustainable development will be a significant material consideration in line with Scottish Planning Policy 2014.

The Aberdeen City Local Development Plan 2017 will continue to be the primary document against which applications are considered. The Proposed Aberdeen City & Shire SDP 2020 may also be a material consideration.

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

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

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

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

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

### **Other Material Considerations**

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

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

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

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

#### Strategic Infrastructure Plan

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

1. A step change in the supply of housing;
  2. High quality digital connectivity at home and at work;
  3. Better local transport;
  4. The skills and labour that Aberdeen needs to thrive;
  5. A better image for Aberdeen.
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### Local Transport Strategy (2016-2021)

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

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

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

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

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

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

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

### **NEXT STEPS**

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A report will be prepared by officers for Full Council with a recommendation assessing the proposed development and making a recommendation to members.