

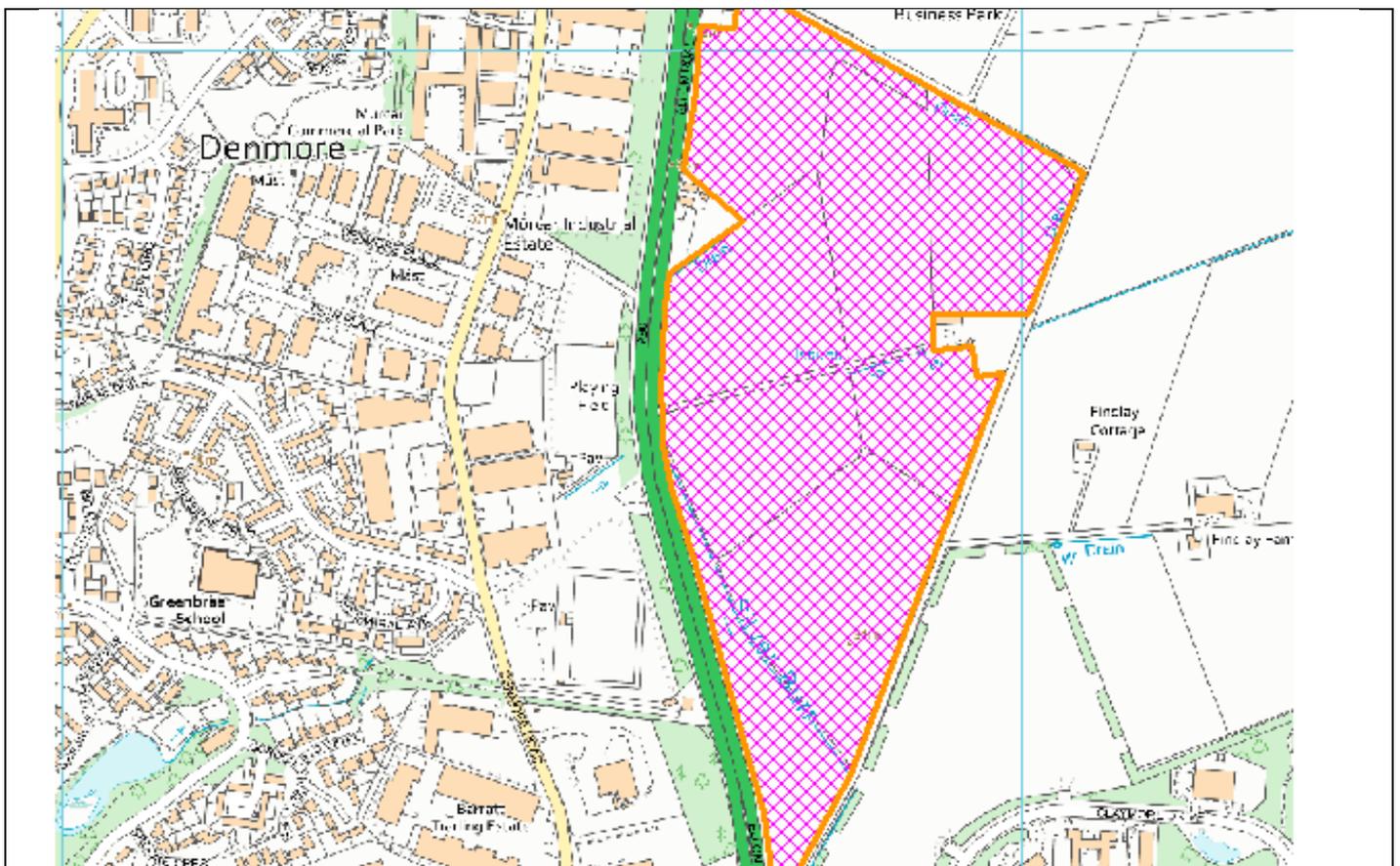


# Planning Development Management Committee

Report by Development Management Manager

**Committee Date: 30<sup>th</sup> April 2020**

<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

**Approve Conditionally & Legal Agreement**

## APPLICATION BACKGROUND

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### Site Description

The site extends to 22.5ha and forms part of a large Business and Industrial land allocation in the adopted Aberdeen Local Development Plan (ALDP), further identified as an opportunity site (OP2 Berryhill, Murcar), with a flood risk being noted in the allocation text. A Green Space Network (GSN) designation covers a large swathe of land running from east to west through the central part of the site.

Immediately to the west 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 presently in agricultural use, although this is allocated for business/industrial development in the ALDP. 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, collectively known as 'The Core' business park. 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 - P160107) for an extension (Class 4, 5 and 6 use) 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 of the application site.

### Relevant Planning History

Application Number	Proposal	Decision Date
190136/PAN	Proposal of Application Notice	18.02.2019
190162/ESC	Request for an Environmental Impact Assessment (EIA) Screening Opinion	20.02.2019

## APPLICATION DESCRIPTION

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### Description of Proposal

This application seeks Planning Permission in Principle (PPiP) for a major residential-led development comprising circa 500 homes, community facilities and 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 components and 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. An indicative Masterplan layout has been provided which sets out how the site could accommodate the proposals and the different character areas envisaged. 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 Assessment
- 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 2019 from 1pm to 8pm
- St Columba's Church, Braehead Way, Bridge of Don: Tues 26th March 2019 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 extant 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.

Section 38A of the Town and Country Planning (Scotland) Act and Regulation 27 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 require the planning authority to give those who make representations to such applications an opportunity to appear before and be heard by a committee of the authority at a Pre-Determination Hearing.

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.

The Planning (Scotland) Act 2019 (Commencement No. 1) Regulations 2019 specify that from 1<sup>st</sup> March 2020 any planning application which has been made the subject of a pre-determination hearing under S38A of the Town and Country Planning (Scotland) Act no longer requires to be determined by Full 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 2018 school roll forecasts results in the school going over its capacity. A contribution is therefore required towards the provision of additional capacity through extension of the school building. The scale of the contribution (£683,325) is based on the maximum additional over capacity level of 75 pupils.

#### Secondary Education

The application site is within the catchment area for Bridge of Don Academy. Factoring the development into the 2018 school roll forecasts will not result in the school going over capacity and will therefore not require mitigation.

#### 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 indicates 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. As long as 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. As long as 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. This should be provided at any approval of matters specified in conditions stage.

### 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 with 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 thy 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 Hydrogen 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. The most recently available school roll forecasts suggest that contributions are likely to be required from the developer to create additional capacity at Scotstown School in order 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*). Sufficient capacity exists at Bridge of Don Academy to accommodate additional pupils likely to be generated by the development, so no contribution would be required to create additional capacity at that school.

### **ACC - Environmental Health**

#### 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. For these reasons, verifying the effectiveness of the proposed mitigation measures is essential. Further noise reduction is anticipated from the proposed reduction in the speed limit on this section of road.

#### Noise from Commercial/Industrial Uses

Further analysis of the relationship with existing and committed business and industrial development at the Core Business Park and Aberdeen Energy Park has been undertaken by the applicants. The proposed noise mitigation measures detailed will be sufficient to protect the amenity of existing and proposed residential properties to an acceptable level.

Note low noise impact from commercial units during the day with the proposed mitigation measures in place. There would be potential for significant noise impact to proposed residential properties from class 5 and 6 units during the night, however it is recognised that these consented units have not yet been built, and individual noise impact assessments would be required for those as part of the approvals process. Noise mitigation measures would be required to be put in place before industrial units were occupied, therefore protecting the amenity of the existing and new residential properties.

Details of indicative mitigation measures have been provided, detailing the potential for a combination of an earth bund and timber fence, totalling 3.5 metres along sections of the northern and eastern boundaries to mitigate the impact of commercial noise to a level appropriate for residential use. It will be necessary for planning conditions to secure verification of the effectiveness of these measures, as well as those proposed in mitigation of road traffic noise, noted above.

#### 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. It is recommended that a noise impact assessment be undertaken 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. This can be controlled as the details of the sports pitch come forward as part of an application for the approval of matters specified in conditions.

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.

#### Odour control considerations for proposed restaurants

Due to the location of the 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 before the application may be approved. Further submissions relating to flood risk have since been made, and it has been agreed that this established the acceptability of development in principle, with further assessment to be undertaken based on the final designed layout as part of future applications for the approval of matters specified in conditions.

**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 A92, 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. The applicants' findings on each junction are summarised 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;

- Aberdeen Energy Park 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. 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 future link is given due consideration in the network of paths and pedestrian routes.

#### Travel Plan Framework – Residential Travel Pack

A successful Travel Plan 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 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 or parking areas “will be constructed incorporating porous paving and stone-filled filter trenches.” From 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 and 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, which it should be noted was provided prior to publication of the Proposed SDP Examination Report and its requirement for the Proposed LDP to accommodate a further 939 housing units, concluded that it had 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 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 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 to or support the application.

#### **Pre-Determination Site Visit and Hearing**

Under Regulation 27 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 there was a requirement to hold a Pre-determination Hearing.

A Hearing site visit was held on Wednesday 15th January 2020 to familiarise members with geographical context of the site and the positioning, appearance and scale of, and means of access to, the proposed development (based on an indicative layout provided in support of this application for Planning Permission in Principle).

A Pre-Determination Hearing took place on the same day, following the site visit. The Hearing afforded the applicant and those people who submitted written representations on the proposed development the opportunity to present verbally their arguments/case directly to the Planning Development Management Committee, which on this occasion, was open to all Members of the Council. The minute from that hearing can be found on the Council website along with the agenda pack –

<https://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=348&MIId=7308&Ver=4>

The hearing was addressed:

- by officers from the City Council on the planning and roads considerations pertinent to deciding the planning application;
- by the applicants and applicants' representatives in terms of the merits of the proposed development;
- By representatives from ACC Environmental Health team and Invest Aberdeen, in their capacity as consultees;
- by organisations and individuals speaking for and against the proposal including the local Bridge of Don Community Council, Bridge of Don Thistle Junior Football Club, the Bridge of Don and District Men's Shed organisation and the Panasonic corporation, the latter as manufacturers of hydrogen fuel cell technology.

Members asked questions of many of the speakers.

The minute of the hearing has been scrutinised to make sure that any material planning issues and points raised in the hearing have been addressed in the evaluation of 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 Government's 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 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 and 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'. 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**

#### Proposed Aberdeen Local Development Plan 2020

The Proposed Aberdeen Local Development Plan (Proposed ALDP) was approved at the Council meeting of 02 March 2020. The Proposed ALDP constitutes the Council’s settled view as to what the final content of the next adopted ALDP should be, and is now a material consideration in the determination of planning applications. The Aberdeen Local Development Plan 2017 will continue to be the primary document against which applications are considered. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether:

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

#### 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 in line with the Development Plan and also to inform the planning of future infrastructure such as roads, schools and drainage.

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

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

#### Strategic Infrastructure Plan

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

1. A step change in the supply of housing;

2. High quality digital connectivity at home and at work;
3. Better local transport;
4. The skills and labour that Aberdeen needs to thrive;
5. A better image for Aberdeen.

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

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

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

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

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

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

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

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

## **EVALUATION**

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### **Principle of Development**

The planning authority is required to determine this application in accordance with the Development Plan, unless material considerations indicate otherwise. The Development Plan presently comprises the Aberdeen and Aberdeenshire Strategic Development Plan (2014) and the Aberdeen Local Development Plan (2017). The emerging policy context, as set out in both the Proposed Strategic Development Plan (currently under consideration by Scottish Ministers following publication of the appointed Reporter’s report) and the Proposed Aberdeen Local Development Plan (approved by Council on 2<sup>nd</sup> March 2020 and representing the ‘settled view’ of the Council) are also relevant material considerations.

Having regard to the provisions of the development plan the key issues in considering the principle of development are:

- the zoning of the land in the proposed Aberdeen Local Development Plan and the relevant policy B1 – Business and Industrial Land
- the adequacy of the existing employment land supply and the implications of developing this site for an alternative use;
- the adequacy of the housing land supply;
- the extent to which existing and future planned business and industrial uses might be prejudiced by noise-sensitive residential development in this location;
- whether the development would provide a quality residential environment that is suitably accessible
- whether the development would contribute to sustainable development.

Notable material considerations include Scottish Planning Policy (SPP) and the emerging policy context presented by the Proposed Strategic Development Plan (SDP) following publication of the Report of Examination in January 2020 and the Proposed Local Development Plan following its approval by Council in early March 2020.

### **Zoning**

The application site lies within an area zoned as B1 – Business and Industrial Land in the Aberdeen Local Development Plan 2017 (ALDP). The corresponding policy B1 states that the business and industrial allocations set out in the plan will be supported in principle in such locations, and “safeguarded from other conflicting development types”. In this regard, policy B1 does not provide for residential use in this location and recognises that permitting other use types in areas zoned for business and industrial use may result in conflict between the respective uses. In the context of this proposal for residential development, a portion of the allocated employment land (22.5ha in the south western portion of the larger 68.4ha OP2 allocation – approximately 33%) would be lost to accommodate the residential development, meaning that the full allocation would not be realised. The implications of this will be discussed separately, below. Furthermore, there is scope for the proposed new residential use to preclude or restrict the effective operation of business/industrial uses on the remaining business/employment land and/or for the amenity afforded to residents of any new homes to be adversely affected by operations associated with existing/future business and employment uses. The relationship between the proposed residential development and neighbouring uses, both existing and planned/consented, is therefore important and will be explored in more detail later in this report.

### **Environmental Impacts**

The applicants made a formal request for an Environmental Impact Assessment (EIA) ‘screening opinion’ from the planning authority in January 2019 (application ref 190162/ESC), with background information provided in support. The planning authority concluded that statutory Environmental Impact Assessment would not be required, as the proposed development was not anticipated to result in significant effects on the environment.

Whilst the statutory EIA process was not considered to be warranted in this instance, there are still environmental matters to be considered by the planning authority in making its decision. There are no site-specific environmental designations applicable to the site, however it is noted that it includes habitats potentially suitable for bats and reptiles, therefore further surveys will be required in support of subsequent detailed proposals. This will allow for an informed assessment of any impact on habitat and species to be taken based on the finalised development layout, and for mitigation to be incorporated where necessary. By securing further survey work and identifying areas for potential ecological enhancements, such as the de-culverting of the existing watercourse and establishment of appropriately planted buffer strips incorporating a variety of native species, the proposal can ensure compliance with policy NE8 (Natural Heritage).

Existing trees are generally arranged around the periphery of the site, such that the vast majority may be retained. Supporting documents identify six individual trees to be removed to directly

facilitate the development, with a further five removed on the basis of their condition. In addition, a group of hawthorn forming a hedge along a field boundary appear to conflict with the indicative layout, which may necessitate some removals. It is considered that the indicative proposals give comfort that the majority of existing trees can be retained within the new development, and any losses may be offset through tree planting and landscaping within newly formed open spaces. Whilst tree losses are not significant, it will also be necessary to consider the relationship between retained trees and new buildings, to ensure that trees have sufficient space to grow and thrive. On that basis, further consideration of that relationship will be required in terms of finalised proposals for the development layout, via the approval of matters specified in conditions application process. Subject to that further assessment, it is considered that the proposal demonstrates due regard for the retention of existing trees and for new tree planting, consistent with policy NE5 (Trees and Woodlands) of the Aberdeen Local Development Plan.

A Landscape Appraisal, undertaken by chartered landscape architects on behalf of the applicants, forms part of the supporting documentation. This assesses the likely landscape and visual impacts of the development, with a focus on views from public viewpoints. In terms of the surrounding context, the appraisal notes past commercial and industrial development as a defining characteristic of the coastal landscape to the east of the A92, along with the coastal views to the east. The LVIA identifies that the proposals would represent a significant change to the local landscape, however the surrounding topography and context is such that these landscape impacts are relatively localised, principally due to the landscape capacity of the wider coastal area. Significant visual effects are generally restricted to a small number of existing properties close to the site boundaries. These impacts are not considered to result in any significant harm to the character or amenity of the local area, and are acceptable in the context of the site's allocation for development in the Local Development Plan. The development is relatively low-rise and its visual impacts can be further mitigated as necessary through a robust landscape framework which seeks to soften the appearance of new buildings through tree planting and establishment of high-quality landscaped open spaces. In this regard, the proposal is considered to accord with the aims of policy D2 (Landscape) of the ALDP.

There are areas to the central and southern portions of the site which form part of the Council's designated Green Space Network (GSN), and therefore require consideration against policy NE1 (Green Space Network) of the ALDP. These areas of the site reflect the location of the east/west AP1 Aspirational Core Path route and the path of the Silver Burn through the southern portion of the site. The indicative green space strategy outlined in the applicants' Design and Access Statement indicates that the central swathe of the GSN designation will be incorporated within a gateway 'linear park', which offers a sense of arrival to the site but also maintains that green corridor through the site from east to west for wildlife habitat connection purposes. The route of the Silver Burn is also identified as being maintained as a green space, which ties in with the requirements of ACC's 'Natural Heritage' Supplementary Guidance and advice offered by SEPA during consultation, both of which advocate green buffers being maintained around watercourses as a means of protecting them from pollution and also offering habitat and recreational opportunities. In this regard, it is clear that the overall vision set out by the Design and Access Statement recognises the location of these GSN designations and seeks to retain functional green space in these locations as part of the development scheme. On that basis, and given the expectation that further development of the scheme will reflect the principles set out in this statement, it is considered that the proposal demonstrates accordance with policy NE1 (Green Space Network), in that it would not destroy or erode the character or function of the Green Space Network, and will in fact offer potential for the enhancement of the habitat around the existing Silver Burn.

Matters relating to any historic site contamination can be overcome through the use of conditions requiring site investigations and mitigation as necessary.

## **Accessibility and Transport Impact of Development**

The application site lies immediately to the west of the main A92 Ellon Road dual carriageway, which is presently a 70mph road and carries large volumes of traffic into Aberdeen and also affords connection to the AWPR to the north via the Blackdog interchange. The A92 slows to 40mph on approach to the Aberdeen Energy Park roundabout junction, with the A956 Ellon Road A92 Parkway continuing south and west respectively.

### **Site accesses**

It is proposed to form two vehicular access points off the A92. A main access junction would be formed mid-way along the western site frontage and would be controlled by traffic signals including provision for a toucan crossing over the A92. A secondary access, to the south, would be a priority junction operating on a left-in, left-out basis. Indicative drawings are included in the applicants' Transport Assessment, at appendix D, however conditions will be required to secure approval of details and implementation. Roads colleagues are satisfied that up to 150 units may be occupied prior to delivery of the secondary access, subject to agreement from the Fire Service being obtained.

### **Speed Limits**

A 70mph speed limit currently applies to the section of the A92 immediately to the west of the site, with a 40mph limit applying on approach to the roundabout junction at Aberdeen Energy Park and the A956 Ellon Road south of that point. The speed limit further reduces to 30mph on approach to the Ellon Road / North Donside Road roundabout. It is proposed that the speed limit on the A92 adjacent to the site be reduced to 40mph, with a Traffic Regulation Order required to achieve this. The earlier approval of business/industrial development at Berryhill / The Core was subject to a similar requirement, and responsibility for implementation would rest with whichever development comes forward first. On that basis, the speed reduction on this section has been previously established, and the proposed 40mph limit is appropriate in the context of the proposed residential development and the increased pedestrian traffic over the A92 towards the local shops and services in the surrounding area. The applicants also propose a temporary 20mph speed limit in order to facilitate safe routes to schools, with flashing 20mph signs during times when pupils would be travelling to and from school. This has been accepted by the Roads Development Management Team, who note that this would also be subject to a Traffic Regulation Order.

### **Internal roads layout**

Roads colleagues have not undertaken a detailed assessment of the internal roads layout, on the basis that this will be a matter for subsequent applications relating to the approval of matters specified in conditions, if permission in principle is granted. Such applications would be required to include a greater level of detail in relation to road dimensions, gradients, materials etc., as well as visibility splays for junctions. Traffic calming measures will also be required for any longer sections of straight road, exceeding 60m in length.

### **Junction Impacts**

In terms of traffic impacts arising from the development, the submitted Transport Assessment and supplemental information have demonstrated that junctions at (i) Pitmedden Road / Shielhill Road, (ii) Ellon Road / North Donside Road / King Robert's Way and (iii) the proposed new Cloverhill site access will all operate within capacity when development traffic is factored in. On that basis, no works to improve junction capacity in these locations will be required.

As detailed in the Roads Development Management Team's response, the junctions at (i) Pitmedden Road / Denmore Road, (ii) Murcar Roundabout and (iii) Aberdeen Energy Park Roundabout are either predicted to operate over capacity as a result of the development, or the development is predicted to exacerbate an existing over-capacity situation. In recognition of those impacts, Roads colleagues have agreed necessary mitigations to offset the development impact

and established financial contributions totalling £41,879.14 to be paid to ACC and secured via a section 75 obligation .

### **Public Transport**

Existing bus services operate along the A92, immediately to the west of the site, and further services running on Denmore Road and Greenbrae Drive lie within 400m of the western edge of the site. The Bridge of Don Park and Ride site is located approximately 850m to the south. The Council's Roads Development Management Team has noted the potential for new bus stops to be provided along the A92, in conjunction with a reduced speed limit. If these additional stops are added near to the main site access, then the entire development will be within the recommended 400m walking distance. There is no requirement for buses to be diverted into the site to achieve this, however it is expected that the internal road network will be designed to allow potential for buses to be routed through the site.

Roads DM colleagues also note the submission of a Travel Plan Framework as part of the applicants' supporting documentation. This sets out the broad principles for the production of a Residential Travel Pack to promote awareness of the sustainable travel options available in the local area. Roads colleagues have accepted the framework put forward and will provide further comment on submission of a detailed Residential Travel Pack as part of a later application for the approval of matters specified in conditions. On that basis, a condition will be required to secure such submissions and ensure compliance with policy T2 and the associated 'Transport and Accessibility' SG.

### **Car Parking**

A detailed assessment of car parking provision has not been undertaken at this stage, as the layout shown is merely indicative of how development might be accommodated on the site. Subsequent AMSC applications would be required to demonstrate that development is accompanied by appropriate on-site parking for residential and commercial/community uses, with regard for the parking standards set out in the Council's 'Transport and Accessibility' Supplementary Guidance. The site lies within the 'outer city' parking zone, where parking standards are higher to reflect the suburban location, and there is not presently any controlled parking zone (CPZ) in operation. The applicants' Design and Access Statement makes reference to the inclusion of infrastructure for electric vehicle charging, which is a further requirement of the Council's supplementary guidance. The exact nature, extent and location of that provision will be established through subsequent applications.

### **Pedestrian Infrastructure**

As noted previously, a toucan crossing would form part of the main site access junction, with an indicative junction design provided. In addition, a second toucan crossing would be required to the north of the site, just south of the Murcar Roundabout, aiding pedestrian movement across the A92. Indicative phasing plans show the northern portion of the Cloverhill site in the second phase of works, and it is considered that the initial phase can be adequately accommodated by the crossing at the main access junction. Delivery of this second (Murcar) crossing can be secured by use of a planning condition, however it is noted that a similar requirement for a crossing in this location is attached to the planning permission for the Core Business Park, such that it may be delivered sooner by others. Nevertheless, a condition is required to secure the fall-back position and ensure that the required crossing is in place at the appropriate time. A plan has been submitted by the applicants, indicating the area of the site where works will be prohibited unless the northern crossing is in place (the northern portion of the site, corresponding with the second phase, as shown in indicative phasing).

The main site access is located close to the aspirational core path route that runs east-to-west across the site. The delivery of this route as part of the development will improve public access, permeability through the site and access to green spaces beyond, consistent with the aims of

policy NE9 (Access and Informal Recreation) of the ALDP. As the developer would be providing this route within the application site, a reduced financial contribution to offset impacts on the wider core path network is required, however any legal agreement will include a fall-back position in order that a full contribution is payable in the event that the path within the site boundary is not delivered as anticipated. Footways and pedestrian infrastructure within the site will be subject to further assessment on submission of detailed layouts as part of the approval of matters specified in conditions process.

### **Safe Routes to School**

The application site is zoned to Scotstown Primary and Bridge of Don Academy, however the applicant and the Council's Roads Development Management Team have highlighted that Greenbrae Primary would become much more conveniently accessible if a further section of the aspirational core path route between the A92 and Denmore Road is delivered in future, therefore this has been taken into account in identifying safe routes to schools. Roads officers note that all schools, whether currently zoned or not, require pupils to cross the A92, which would be provided for by the new crossing at the main site access. It is also proposed that a temporary 20mph speed limit be in effect during school travel times. The routes identified by the applicant have been accepted by Roads DM colleagues, who note that they would utilise appropriate means of crossing and well-lit sections of footway.

### **Design, Layout & Density**

As this application seeks Planning Permission in Principle, the layout that is before the planning authority is indicative and is intended to demonstrate how residential led development at this scale might be accommodated within the site, rather than representing a finalised proposal. If PPIP is granted, it will be for subsequent AMSC applications to set out the finer details of the proposal and establish a finalised design.

The ALDP, through policies D1 (Quality Placemaking by Design) and H4 (Housing Mix) and the associated Aberdeen Masterplanning Process TAN, requires that larger developments of more than 50 units be subject to a masterplan, setting out key design principles for that development. The applicants have prepared a supporting document, referred to as a Design and Access Statement, that is considered to include the necessary content equivalent to a masterplan e.g. on design principles, landscape strategy, density, open space, phasing etc.. In the event that PPIP is granted, this document would be a material consideration in the planning authority's determination of subsequent AMSC applications, acting as a point of reference for detailed assessment based on the design principles it establishes.

The submitted Design and Access Statement provides an analysis of the local context and sets out how the proposal will respond to the relationships with the A92 and the surrounding industrial/commercial uses. The western edge of the site would incorporate significant new tree planting as a means of ensuring privacy and also offering further noise attenuation to residential properties, as well as offering an attractive face to this main road. The main site access is at a central point in that western frontage, and a 'linear park' running west to east will offer a pleasant arrival into the site whilst also allowing for the realisation of an aspirational core path route across to the eastern boundary. Commercial uses would be centred around a 'main square' which is positioned on the main internal access route, directly opposite the linear park. The document refers to the potential for retail and community hub-type uses within this main square, though the exact nature of those uses will be determined via the MSC process.

The Local Development Plan, via policy NC8: Retail Development Serving New Development Areas, sets out an expectation that retail and related uses will be at an appropriate scale to serve the convenience shopping needs of the expanded local community. Policy NC8, though primarily aimed at sites allocated for residential development, is arguably equally relevant to any large-scale residential Departure from the Plan. This policy requires proposals to identify the intended location

of retail uses serving new communities, along with an appropriate delivery mechanism and timescale for delivery. There may, depending on the scale of any retail component, be a need for retail impact assessment or sequential testing in accordance with policy NC4 (Sequential Approach and Impact), and larger convenience shops may require to be subject to planning conditions restricting the proportion of non-convenience floorspace. At this PPIP stage, appropriately framed conditions will be required to secure the necessary details of any retail uses, along with details of delivery mechanism and timescale for delivery, such that they can be subject to further assessment and restriction where appropriate.

The proposal does not yet contain sufficient detail to allow for assessment of development density, however consideration of future applications for the approval of matters specified in conditions will allow for further scrutiny against policy H3 (Density), which presently requires developments to achieve a net density of 30 dwellings/hectare, but to balance this alongside ensuring that development is appropriate to its context. In this instance, the nearest residential areas of Bridge of Don are generally relatively suburban in their density, however the scale and location of the site is such that higher density could be accommodated without appearing incongruous. The submitted Design and Access Statement identifies opportunities for higher density flatted accommodation adjacent to the access junctions and around the main square, which would be an appropriate means of denoting the core of the development. 550 units on this 22.5ha equates to a gross density of 24.4 dwellings per hectare, and the net figure would generally exclude non-developable areas such as significant landscape buffers, so is likely to be materially higher. The indicative layout provided offers comfort that the requirements of policy H3 (Density) can be achieved in the final layout.

Indicative phasing proposals are also contained within the Design and Access Statement, with the initial focus on the central portion of the site and the proposed sports facilities, along with affordable housing and establishment of the central linear parkland. This would be accessed from the main access junction, up until 150 units, after which the second junction to the south would be required. The second phase of work would then extend northwards, incorporating approximately 250 dwellings and flats along with the local retail and community uses arranged around the 'main square' area. The last phase of works would be in the southern portion of the site, with approximately 30 dwellings south of the Silver Burn, as well as the pavilion/changing facilities to accompany the sports pitch. This is an indicative programme, and a detailed scheme of phasing would be required by condition.

### **Residential Amenity and Noise**

Whilst recognising that the present zoning of this site does not allow for residential development, it is nevertheless necessary to consider whether, as a departure from the plan's land use zoning, the proposal is capable of offering adequate amenity for residents. The site is of a considerable size and does not contain steep slopes that would present an obstacle to residential street layouts. The main factors that might present a threat to residential amenity are the proximity to the busy A92 to the west and the existing and consented/allocated employment land uses to the north, west and south. The inclusion of an all-weather sports pitch also presents a potential source of noise, however it is considered that the findings of the submitted noise assessments give comfort that a combination of restrictions on hours of use and appropriate noise mitigation/attenuation with verification following installation can successfully address any potential noise impacts such that they do not present an obstacle to the granting of permission.

Whilst an earlier Environmental Health response had suggested a requirement for further assessment of noise arising from the existing onshore wind turbine at the RubberAtkins premises in the Aberdeen Energy Park, this lies some 650m away from the eastern boundary of the site and it is notable that there are residential properties in closer proximity to that turning, with no history of noise complaints relating to its operation. Taking these factors into account, it is considered that further noise assessment relating to the turbine is not necessary.

As far as noise relating to road traffic on the A92 is concerned, Environmental Health colleagues note that the submitted noise assessment proposes the formation of an acoustic barrier in attenuate noise levels. A small number of gardens of those properties closest to the road would naturally be most affected, however noise levels would still be within the levels required by the relevant British Standard, subject to the acoustic barrier providing the predicted attenuation. As the success of these mitigation measures is essential to ensuring an adequate standard of amenity, it is recommended that conditions are attached to any consent to verify the predicted noise attenuation following installation of acoustic barriers. These properties closest to the A92 will also require to be served by acoustic ventilators in order to avoid adverse noise impact, and this too can be ensured through use of conditions.

Recent addendums to the original Noise Impact Assessments have provided further evidence that daytime noise impact from commercial units that may be developed in the future on land to the east would be low with the proposed mitigation measures in place. There is potential for significant noise impact from future class 5 and 6 units during the night, however suitable noise mitigation measures are proposed along the site boundary shared with the allocated and consented employment land in the form of a landscaped bund and acoustic timber fencing. It is also acknowledged that the relevant planning permission for the neighbouring Core Business Park was granted subject to conditions which require further assessment of noise impact on existing residential uses and would oblige mitigation measures as necessary prior to occupation of those commercial units. The combination of these measures is sufficient to provide comfort that industrial noise is not an impediment to achieving satisfactory residential amenity within this development, but equally that the introduction of residential use in this location will not unduly preclude delivery of consented commercial development on the neighbouring land allocated for this purpose. Again, given the central importance of successful noise mitigation measures, it would be appropriate that conditions secure further information post-construction to verify that the proposed mitigation measures have proven effective. Subject to these safeguards, it is considered that impacts arising from local noise sources can be satisfactorily mitigated to provide an appropriate standard of amenity, whilst not undermining the delivery of consented and allocated business development on neighbouring land. Taking these factors into account, it is considered that the proposal demonstrates due regard for the provisions of policy T5 (Noise) and the associated Supplementary Guidance.

### **Flooding and Drainage**

Policy NE6 (Flooding, Drainage and Water Quality) sets out requirements on flood risk and drainage and the OP2 Opportunity Site designation of which this site forms a part highlights a requirement for Flood Risk Assessment to accompany future development proposals. SEPA had initially objected to the application on the basis of a lack of information on the potential for flooding. A Flood Risk Assessment has since been provided in support of the application, and SEPA has, in its most recent response, removed that objection, subject to the use of conditions to secure further details of appropriate buffer strips along the route of the Silver Burn and details of the extent of any de-culverting and naturalisation of the watercourse.

These submissions provide comfort that a development of proposed scale is achievable, however further detailed assessment will be required on the basis of the finalised development, and planning conditions can be used to secure this for further scrutiny by the Council's Flooding and Coastal Protection Team.

ACC's Roads Development Management Team has highlighted that surface water must be subject to two levels of treatment before it may enter the existing watercourse, in order to safeguard water quality. The submitted Drainage Impact Assessment is considered acceptable at this stage, however further the specifics of a detailed drainage scheme, based on the final site

layout, will be required. This can be secured using suitable planning condition(s), allowing for further review to ensure compliance with the requirements of the development plan.

On that basis, it is considered that the proposal adequately addresses matters of flood risk and site drainage at this PPIP stage, consistent with policy NE6 (Flooding, Drainage and Water Quality) of the ALDP.

### **Affordable Housing and Developer Obligations**

Policy H5 (Affordable Housing) of the ALDP requires that housing developments of five or more units contribute no less than 25% of the total number of units as affordable housing. A Developer Obligations assessment has been undertaken on the basis of that 25% requirement, which for a proposal of 550 units would equate to 137.5 affordable units. The Council's relevant 'Affordable Housing' Supplementary Guidance sets out that there are a number of ways in which this can be delivered but states an expectation that the affordable component arising from developments of 20 or more units will be delivered on-site. A section 75 planning obligation is the usual means of securing affordable housing obligations, and this can be framed in such a way that the obligations reflect any change to the ultimate number of units consented via the AMSC process and delivered on site. ACC Housing Strategy colleagues recommend that the developer engages with them on the size, type and location of any affordable units, stating a particular desire to avoid large numbers of flats, which is consistent with Affordable Housing SG's aim to ensure that the affordable units within a development reflect the wider mix of unit types and sizes.

Policy I1 (Infrastructure Delivery and Planning Obligations) of the ALDP sets out that development must be accompanied by the necessary infrastructure, services and facilities required to support expanded communities. ACC's 'Planning Obligations' SG sets out the methodology for calculating developer contributions and the mechanism by which they will be secured. The Council's Developer Obligations team has assessed this proposal on the basis of up to 550 units, and the detail of the relevant obligations is summarised in the 'consultations' section of this report. Financial contributions are identified towards increasing capacity at Scotstown Primary School and Scotstown Medical Practice. The Developer Obligations assessment has been revisited since the earlier report to the Pre-Determination Hearing, to take account of the publication of the 2018 School Roll Forecasts. This report reflects that revised assessment, and as such there is no longer any requirement for increased capacity at Bridge of Don Academy.

It should be noted that, because the development itself includes the provision of facilities for community facilities, sports and recreation and works to form core path routes, financial obligations are reduced accordingly, however if those elements of the proposal are not ultimately delivered by the developer then a section 75 obligation can include a fall-back position that requires payment of the full sum in order that provision for such expanded facilities can be made separately. By utilising a planning obligation to secure these contributions, compliance with policy I1 of the ALDP and its associated 'Planning Obligations' SG can be ensured, and the impacts of the development can be offset.

### **Refuse/Recycling**

Policy R6 (Waste Management Requirements for New Development) of the ALDP sets out that all new development should have sufficient space for the storage of general waste, recyclable materials and compostable wastes, including provision for bins to be presented on collection days. In this regard, the detailed layout, its adequacy for refuse vehicle access and bin collection, and the inclusion of necessary bin stores for flatted blocks and commercial uses will be established by consideration of further applications for the approval of matters specified in condition. Conditions attached to any Planning Permission in Principle must secure this necessary information. Subject to appropriate conditions, compliance with policy R6 of the ALDP, along with Part B of the associated 'Resources for New Developments' SG, can be ensured.

## **Resources for New Development**

Policy R7 (Low and Zero Carbon Buildings and Water Efficiency) requires that all new buildings are constructed to achieve specified reductions in carbon emissions through the use of low and zero carbon generating technologies. The associated Supplementary Guidance provides that compliance may also be achieved through efficiencies in the building fabric. At this Permission in Principle stage, the detailed design specification of buildings is not yet known, however planning conditions can secure the submission of appropriate submissions to demonstrate the measures to be taken to ensure compliance with the requirements of policy R7 and its associated Supplementary Guidance. Similarly, a statement setting out water-saving measures to reduce pressure for abstraction from the River Dee, which is designated as a Special Area of Conservation. Such measures may include rainwater harvesting, low-flow and/or dual flush toilets, etc. The applicants have demonstrated early engagement with this process by providing an 'Outline Sustainability (Resources) Statement' as part of the supporting documentation, which highlights the intended use of hydrogen fuel cells in 30 units as a pilot scheme, along with the potential for a combination of passive 'fabric first' solutions and other eligible low and zero carbon generating technologies, alongside water saving measures such as rainwater harvesting, water meters and low-flow sanitary fittings. The details provided are indicative, and further submissions will be required to establish the exact nature of the measures employed – this can be achieved through use of a planning condition.

## **Development Plan Summary**

Whilst the proposed development is considered to adequately demonstrate its compliance with the environmental, placemaking and technical requirements of the Development Plan, it nevertheless concerns a site which is allocated by the 2017 ALDP for business and industrial uses and fundamentally does not provide for residential use. On that basis, it must be concluded that the proposal fails to accord with the provisions of the extant plan in terms of the OP2 allocation and Policy B1 Business and Industrial Land, and what requires to be determined is whether there are any other material considerations which would warrant the granting of planning permission as a Departure from the provision of the Development Plan. This report will now address other material considerations in turn.

## **Matters Raised in Representations**

It is noted that the vast majority of representations made in connection with this application express support for the proposed development. That the proposal represents a departure from the 2017 ALDP is recognised, and the adequacy of the housing and employment land supplies are discussed in detail elsewhere in this report, along with the current position in the processes for the preparation of a new Local Development Plan and Strategic Development Plan, respectively. Similarly, matters relating to the accessibility of the site and its impacts on the surrounding road network are discussed separately.

It is recognised that residential development at Cloverhill would offer scope for residents to be located close to potential places of employment, reducing the need for travel and contributing to sustainable development aims. It is noted also that particular support has been expressed for the provision of affordable housing and sporting facilities, to the benefit of the wider community in Bridge of Don.

Matters relating to the principle of residential use and the potential for noise nuisance have been addressed in the foregoing sections of this report, along with environmental impacts, mitigations and improvements. The Developer Obligations assessment identifies scope for financial contributions to offset the impacts of the development, including those on healthcare and schools capacities.

## **Matters Raised by Community Council**

Matter relating to the adequacy of the housing land supply are discussed in detail in the 'Housing Land Supply' section of this report, along with the Development Bid submitted in response to the Council's 'call for sites'.

Accessibility, Safe Routes to School and public transport connections are discussed in preceding sections of this report and have been assessed by ACC's Roads Development Management as being acceptable.

It is recognised that new development brings increased pressure on local community and healthcare facilities. As noted in the 'Affordable Housing and Developer Obligations' section of this report, and the related Developer Obligations consultation response, the developer is required to make financial contributions towards increasing capacity to offset the impacts of the development. The framework for assessing such impacts is set out in the Council's adopted 'Planning Obligations' SG.

The traffic and air quality impact of the proposal have been considered by Roads and Environmental Health colleagues, and no concerns have been raised. Right-turns across the A92 from the new access junction are not considered to unacceptably affect traffic flows, and the reduction in the speed limit to 40mph (with temporary 20mph at school travel times) is consistent with other roads in the city.

As noted in the 'Flooding and Drainage' section of this report, further supporting submissions have been made which have allowed SEPA to remove its earlier objection and we are satisfied that further assessment, based on the finalised layout and secured by conditions, offers the opportunity for appropriate scrutiny and public comment.

As regards the delivery of community facilities, the proposed on-site delivery forms part of the applicants' proposal, whereas the fall-back position is for greater financial contributions to be payable in order to allow for the provision of new facilities or increased capacity at existing facilities in the local area. Appropriate trigger points for payment of any financial contributions will be set out in a legal agreement which is tied to the land.

### **Employment Land Supply**

The Aberdeen City and Shire Employment Land Audit (ELA) is prepared annually, with the aim of providing up-to-date and accurate information on the supply and availability of employment land in the region. The most recently prepared audit (for the 2018/19 period, with a base date of 1<sup>st</sup> April 2019) was published in December 2019. The current SDP sets a requirement for at least 60ha of marketable land available to businesses in a range of places in Aberdeen City. The 18/19 ELA identified an 'established' employment land supply of 274ha, of which 210ha was identified as 'marketable'. The Cloverhill site that is subject of this application extends to 22.55ha forms part of that marketable supply. This indicates that residential development at Cloverhill would not result in any shortage of available employment land, with a significant surplus being maintained over and above the target set in both the current SDP and the Proposed SDP.

### **Housing Land Supply**

The Aberdeen City and Shire Housing Land Audit (HLA), like the ELA described above, is prepared on an annual basis. Its purpose is to illustrate the scale and characteristics of the current housing land supply in Aberdeen and Aberdeenshire. The most recently prepared audit, with a base date of 1<sup>st</sup> January 2019, was published in July 2019. The Strategic Development Plan (SDP) sets a 'housing requirement', and Scottish Planning Policy (SPP) requires planning authorities to maintain enough 'effective' housing land for at least five years. Effective sites are those which are either allocated for development or previously consented, and considered to be free from constraints, and which are therefore expected to be available for housing development.

This most recent HLA identified an effective supply of 7.2 years for the Aberdeen Housing Market Area (AHMA), indicating a generous supply of land available for housing development.

Members will be aware, however, that the Aberdeen City and Shire Strategic Development Plan is currently under review, introducing the potential for change to the 'housing requirement' used as the basis for HLAs. Following an Examination process, the Scottish Government's appointed Reporter published an Examination Report in January of this year. The report included a recommendation that the housing allowance for AHMA the period 2020-2032 be increased from 4,168 to 5,107 houses. The re-zoning of this site from employment to residential, (and inclusion of some others, in the Proposed ALDP) is a response to the anticipated requirements of the Proposed SDP and in response to Reporter's request for additional sites to be put forward, the content of the Proposed SDP being at a relatively advanced stage and representing an anticipated 'settled view'. In this regard, whilst the annual Housing Land Audit shows a generous supply of available housing land, that audit is carried out on the housing requirements of the current 2014 SDP, which is acknowledged as being beyond its review period since 29 March 2019. The publication of the Report of Examination is a significant material consideration, and its recommendation that the housing land supply be increased in the 2020-2032 period appears to contradict the conclusions of the HLA. In this regard, the conclusions of the HLA should not be taken in isolation and should be treated with some caution given the emerging Development Plan context. If we look to the most recently available information, it can be said that the Proposed SDP has set a higher bar for housing supply in Aberdeen, and that the re-zoning of the Cloverhill site in the Proposed ALDP contributes to meeting that more ambitious target requirement. This provides a strong set of material considerations through which to support this application as a suitable Departure from the extant Development Plan.

### **Contribution to Sustainable Development**

This proposal has been found to be of a nature that it is relevant to consider the whole Development Plan context. As noted above, due to the Aberdeen City & Shire Strategic Development Plan 2014 being beyond its 5-year review period, 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 Planning Authority must therefore consider the contribution that this proposal makes to sustainable development.

Whilst this proposal concerns the development of greenfield land, it is recognised that the site in question has been identified for development, albeit of a commercial rather than residential nature, in successive development plans. The emerging development plan context suggests that the city now has an abundance of commercial land available for the foreseeable future, whereas the reporter's report on the Proposed SDP indicates that housing allocations in the emerging LDP should be increased. This has now been reflected in the re-zoning of the Cloverhill site in the Proposed LDP for residential development. In this regard, the proposal is considered to make appropriate use of the available land resource by meeting that identified need on previously allocated land, rather than releasing one or more additional green belt sites.

Furthermore, in addition to its contribution towards meeting housing needs and housing supply targets, the site is well-located on the urban edge and directly adjacent to the busy A92 road which offers connections to public transport services. Subject to the reduced speed limits and other road and pedestrian infrastructure improvements described in this report, the character of the A92 can be altered to facilitate greater accessibility to the local shops, facilities and schools in the surrounding community. In this regard, the proposal would not be in an isolated location and can facilitate trips by sustainable means. It is noted that the surrounding employment land offers potential for people to live close to their place of work, consistent with policy aims to reduce journeys by car and promote sustainable development.

The development's placemaking value cannot be fully assessed at this stage, however the submitted Design and Access Statement sets out some central design principles to guide subsequent applications. This is rooted in establishing a landscape framework for the site, with generous provision of open spaces with play and recreational functions, appropriate mix of residential unit types to offer choice for residents, including accessible bungalow units. Provision is made for sports facilities within the site, as well as a central community hub with retail of a scale appropriate to the development, reducing the need for frequent short trips to be made by car. Retail/commercial uses would not be of a scale that would undermine the role of the City Centre as a first-tier location, nor detract from the development plan's identified network of centres.

As noted previously in the report, flood risk has been taken into account and further work will be required, however it is considered that flood risk can be adequately mitigated in the final scheme, as reflected in the removal of SEPA's earlier objection. The provision of an all-weather sports pitch as part of the development, available for public use and addressing a suggested deficiency in the local facilities, offers opportunities for participation in sport and social interaction and is consistent with policy aims to encourage physical activity and wellbeing. The inclusion of new recreational path routes, including the delivery of an identified aspirational Core Path route, further encourage physical activity and sustainable travel whilst opening up this section of a west-to-east route towards the coast. The site is not of particular environmental sensitivity, and the proposal offers the potential for environmental improvements through de-culverting of an existing watercourse, with appropriate buffers maintained in order to offer habitat enhancement and mitigate flood risks. The inclusion of a potential test-bed for hydrogen fuel cell technology is also welcomed as promoting research and development of reduced carbon technologies for domestic residential application.

Taking these factors into account it is considered that, notwithstanding the policy conflict arising from the site's zoning for employment uses, this proposal has potential to make a significant contribution towards sustainable development, consistent with the presumption set out in section 29 of SPP.

### **Proposed Local Development Plan 2020**

As part of the process of preparing a new Local Development Plan, a 'call for sites' seeks nominations from developers and landowners for sites to be included in the next plan. This formed part of a non-statutory pre-main-issues consultation, which ran from 19 March to 28 May 2018. The Cloverhill site was submitted at that time as a development bid, ref B02/20. Officers' assessment of development bids was included as an appendix to the Main Issues Report, which was published in Spring 2019 and subject to a 10-week consultation from 4<sup>th</sup> March to 13<sup>th</sup> May 2019. At that time, officers concluded that the Cloverhill site was 'undesirable' for inclusion in the Proposed Plan, though officers recognised that employment land allocations exceeded the requirements of the SDP, but considered that this site would contribute to maintaining a 60ha supply of available employment land. The assessment was carried out prior to publication of the SDP report of examination, and therefore found no pressing need for additional greenfield housing sites, concluding that the requirements of the Proposed SDP (prior to recommendations arising from examination) could be adequately met through previously developed brownfield sites. The emerging Proposed SDP context has changed since that time, and that is reflected in the Proposed LDP's re-zoning of the Cloverhill portion of OP2 as a residential opportunity site (ref OP2) for approximately 550 homes. The Proposed LDP was approved by Council on 2<sup>nd</sup> March 2020. In that regard, the principle of residential development in this location is fully supported by the Proposed LDP, which carries significant weight as it represents the most up to date 'settled view' of the Council. It is noted also that the residential re-zoning of land at the former Silverburn House site to the south (as OP12) also serves to remove some element of conflict between residential and commercial land uses.

In terms of the policies contained within the Proposed Plan, many of these are not materially altered in their requirements and aims from those contained in the current LDP. The most significant changes in policy have been that details previously contained within a suite of supplementary guidance documents have now in many cases been contained within the policies of the plan itself, reflecting changes in legislation that will mean that supplementary guidance no longer has a statutory basis and equal footing to the plan itself. Nevertheless, the general approach to residential development on sites so zoned/allocated is largely unchanged, with requirements for affordable housing provision, a mix of unit types and sizes, and retail/local facilities to serve new or expanded communities. More challenging density targets are introduced via policy H3, with an aim for 50 units per hectare instead of the current 30. As this application seeks planning permission in principle, the detail of layouts and unit mix will be established through future applications for the approval of matters specified in conditions. Any such applications will be assessed against the development plan in effect at that time, however as the Proposed ALDP progresses towards adoption it will gain increasing weight as a material consideration in the decision-making process. In summary, it is considered that the proposed development is consistent with the main policies applicable from the Proposed ALDP, and that further AMSC applications will allow for additional scrutiny of the proposals in detail. Taking account of the policy support and the residential re-zoning of the Cloverhill site, it is considered that the proposed plan represents a significant material consideration which weighs in favour of residential development in this location.

### **Proposed Strategic Development Plan**

As noted above in the discussion of housing land supply, the emerging policy context is that of the Proposed SDP, which will in turn set the housing land requirements for the respective Local Development Plans within the SDPA area. The Proposed SDP has been subject to public consultation and an examination conducted by the Scottish Government's appointed reporter. That examination led to the reporter's recommendation that housing numbers be increased in the period 2020-2032. Whilst the Proposed SDP has not yet been approved by Ministers, and there is still a possibility that the plan may be approved without the recommended modifications or rejected entirely, Scottish Government Circular 6/2013: 'Development Planning' highlights that in practice, Ministers will expect to take on board the reporter's recommendations unless there is a strong justification to depart from them. In this context, it is considered that the Proposed SDP both supports residential development in this location as a means of meeting its housing supply target and carries significant weight as a material consideration in the decision-making process due to its advanced stage in proceedings and the level of scrutiny afforded thus far.

### **Scottish Planning Policy**

Overall, whilst the departure from the current Local Development Plan conflicts with SPP's aims for a plan-led system, this is considered to be a development which contributes to sustainable development and does not result in any significant environmental or social impacts. It also reflects the emerging development plan context, which at this stage has significant weight as a material consideration. The use of hydrogen fuel cell technology is consistent with SPP's aims to diversify the energy sector and facilitate transition to a low carbon economy. This proposal offers an opportunity for a high-quality development in a sustainable and accessible location, which can be served by local shops and amenities on-site. It would contribute towards the delivery of new homes and provide for affordable housing, whilst also resulting in economic benefits, both during development and post-construction. Taking these factors into account, and despite the departure from the current Development Plan, it is considered that the proposal complies with many of the aims of Scottish Planning Policy, and that this expression of national policy weighs in favour of approval.

### **Other Material considerations**

In terms of economic benefits attributable to the development, the applicants have estimated that the circa £100m development would create 115 construction jobs per annum, with a further 175

jobs p.a. in the associated supply chain, along with £12.8m economic output in terms of Gross Value Added. Post-construction, the applicants estimate £3.0m of 'first occupation' expenditure, followed by £11m p.a. in resident expenditure locally. Post-construction, employment benefits are estimated to include 35 direct jobs (employed in new commercial/community uses in development), supporting 15 supply chain jobs and 175 jobs through local expenditure. The assumptions and methodology used have been reviewed by colleagues in the Council's City Growth Team and found to be based on standard practice. The £11m figure is seen as potentially being high/optimistic given the current performance of the local housing market.

The proposal is considered to be suitably accessible, with public transport options available within reasonable walking distance, subject to the provision of new stops adjacent to the main site access. The provision of local shops, community facilities and sports facilities on-site contributes towards reducing the need to travel and associated dependence on the private car, consistent with the outcomes sought by the Local transport Strategy.

The response provided by Invest Aberdeen highlights that the development of hydrogen fuel cell technology on the site is consistent with the aims of the Regional Economic Strategy and the Energetica corridor, as well as Aberdeen City Region's Hydrogen Strategy.

### **Conclusion**

In conclusion, whilst it is recognised that the proposal represents a departure from the 2017 ALDP, this relates wholly to its zoning and the associated B1 policy, and other access, placemaking and technical issues can be addressed in compliance with the plan. The emerging policy context provided by the Proposed SDP and Proposed LDP, the former requiring additional residential allocations and the latter supporting residential development in this location as endorsed by Aberdeen City Council in its approval of that plan as the settled view of the Council, is such that these as-yet unadopted plans nevertheless represent significant material considerations in support of approval. There is considerable public support for the proposed development, based upon the affordable housing provision and range of accommodation types it will bring to the local community as well as the provision of new leisure and community facilities as part of the development all of which are significant material considerations weighing in favour of the development. Whilst the site is presently zoned for employment uses, the most recent Employment Land Audit and the inclusion of the site in the Proposed LDP support the view that there is an abundance of employment land available in the city and therefore the loss of this site will not result in any shortage. Amenity issues relating to the location of residential use close to the main A92 road and the surrounding industrial uses can be overcome through appropriate noise mitigation, such that business and employment uses on neighbouring land are not prejudiced and residential within the Cloverhill development are afforded an appropriate level of amenity in their homes, gardens and public spaces. Furthermore, the utilisation of hydrogen fuel cell technology within a proportion of homes in the first phase serves as a test bed for low-carbon technology being applied to volume housebuilding, contributing towards national aims for a low-carbon future. Taking account of all these factors, and recognising the contribution that residential development on this site would make to the city's housing needs, it is considered that a Departure from the extant Development Plan is justified.

### **Heads of Terms of any Legal Agreement**

A legal agreement will be required in order to secure the following matters:

- Payment of developer obligations monies (as specified in the Developer Obligations consultation response), including triggers for payment and use of monies thereafter. This shall require on-site delivery of the identified sports pitch and community facilities, with a fall-back position for equivalent financial contributions if it can be demonstrated that on-site delivery is not practicable;

- Delivery of a minimum of 25% of the total units as affordable housing, including a mix that adequately reflects the mix of unit types and sizes within the wider development;

### **Time Limit Direction**

The applicants' submissions set out an intention to develop the site in three distinct phases, and it is appropriate for a condition to secure a detailed phasing plan accordingly. As this is a development of a relatively large scale, the default 3 year period for submission of any pre-development applications for the approval of matters specified in conditions may not be appropriate, as the detail of later phases may not be drawn up in detail at the point of commencing phase 1. Section 59 of the Act allows for planning authorities to substitute such alternative periods as it considers to be appropriate. In this instance, the applicants have suggested that a 5 year period is allowed for the submission of pre-commencement applications for the approval of matters specified in conditions. Thereafter, the default periods allow for a further 2 years within which development may be commenced. It is considered that a combination of that alternative 5 year period and framing conditions to allow for a phase-by-phase submission of details, where appropriate, allows sufficient flexibility for the developer without resulting in any conflict with the provisions of the Development Plan or harm to the wider public interest. On that basis, it is proposed that a Direction under s59 of the planning act be added to any decision notice accordingly as follows:

*The [planning authority] direct that subsections (2)(a)(i) and (3) of section 59 of the Town and Country Planning (Scotland) Act 1997 apply as respects [ the PPP ] with the substitution for the period of 3 years referred to in each of those subsections, of the period of 5 years.*

## **RECOMMENDATION**

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### **Approve Conditionally & Legal Agreement**

## **REASON FOR RECOMMENDATION**

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This application represents a departure from the 2017 Aberdeen Local Development Plan (ALDP), specifically in relation to its zoning for business/employment land and the associated B1 policy restriction on other uses. Nevertheless, the proposal is able to satisfy many of the other requirements of the plan in relation to the provision of an appropriate residential environment and mitigating the impacts of the development.

It is evident that Aberdeen has an abundant supply of available employment land, such that the development of this site for an alternative site whilst maintaining a generous supply for future use. The emerging policy context provided by the Proposed Strategic Development Plan (SDP) and Proposed Local Development Plan (PLDP), speaks to a requirement for additional housing land to meet anticipated needs, and the PLDP re-zones the Cloverhill site in order to contribute towards meeting that requirement. The PLDP, having been approved by Aberdeen City Council, now represents the settled view of the Council and has significant weight as a material consideration in favour of the proposed development. The weight afforded by this emerging policy context, the anticipated economic benefits of the development, its provision of sporting and community facilities for benefit of the community, the piloting of hydrogen fuel cell technology and the significant public support expressed through representation are considered to outweigh any harm arising from departing from the Development Plan in this instance.

## CONDITIONS

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### (1) Phasing

That no development shall take place unless a phasing programme outlining the delivery of buildings, open spaces and roads infrastructure across the entire application site has been submitted to and approved in writing by the planning authority. For the avoidance of doubt, this scheme shall include details of trigger points for delivery of retail use to meet the local need generated by the new residential development, as well as community and sporting facilities.

Reason: in order to ensure development is progressively accompanied by appropriate associated infrastructure.

### (2) Detailed Design (by phase)

No development in connection with any individual phase of the planning permission hereby approved shall take place unless the following details for that respective phase have been submitted to the Planning Authority and agreed in writing. Thereafter, development within that phase of development shall be implemented in accordance with the approved details.

Unless otherwise agreed in writing with the planning authority, MSC applications shall include:

- a) siting, design and external appearance of the built development;
- b) a detailed landscape plan and strategy;
- c) details of the means of access
- d) A detailed levels survey of the site and cross sections showing proposed finished ground and floor levels relative to existing ground levels and a fixed datum point;
- e) A detailed Drainage Plan, including details of the proposed means of disposal of surface water, including how surface water run-off shall be addressed during construction, incorporating the principles of pollution prevention and mitigation measures. The final location of SUDs, including ponds, should be appropriately positioned in accordance with an agreed flood risk assessment;
- f) Details of the connection to the existing Scottish Water foul water drainage network;
- g) Details of all cut and fill operations;
- h) The details of all roads, footpaths, cycleways and car parking provision;
- i) Details of any screen walls/fencing/boundary enclosures;
- j) Details of all landscaping, planting and screening associated;
- k) Details of the layout, siting, design and finish of all residential properties;
- l) Details of the layout, siting, design and finish of all non-residential properties, including but not limited to: retail and commercial premises, community facilities, sports pitch and pavillion; and,
- m) Details of waste/recycling collection points, for residential and non-residential properties.

Reason: In order to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

### (3) Landscaping Information

The landscaping details to be submitted pursuant to Condition 2 above (detailed design by phase) shall include:

- a) Existing and proposed finished ground levels relative to a fixed datum point;
- b) Existing landscape features and vegetation to be retained.
- c) Tree survey, including layout plan showing proposed development together existing trees;
- d) Existing and proposed services including cables, pipelines and substations;
- e) The location of new trees, shrubs, hedges, grassed areas and water features;
- f) A schedule of plants to comprise species, plant sizes and proposed numbers and density;

- g) The location, design and materials of all hard landscaping works including walls, fences, gates, street furniture and play equipment;
- h) An indication of existing trees, shrubs and hedges to be removed;
- i) A Biodiversity Action Plan;
- j) A Management Plan detailing appropriate management measures for all watercourse buffer strips;
- k) A programme for the completion and subsequent maintenance of the proposed landscaping.

All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of each respective phase of the development or such other date as may be agreed in writing with the Planning Authority. Any planting which, within a period of 5 years from the completion of each phase of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted - in the interests of protecting trees and ensuring a satisfactory quality of environment.

#### **(4) Drainage connections**

The details to be submitted pursuant to Condition 2 for each respective phase of the development shall show the proposed means of disposal of foul and surface water from the relevant phase of the development within the form of a Sustainable Urban Drainage System and include a development impact assessment and detailed design and methodology statement. Unless otherwise agreed in writing by the Planning Authority, in consultation with SEPA, the development shall connect to the public sewer and the relevant phase of the development shall not be occupied unless the agreed drainage system has been provided, is operational, and maintained thereafter throughout the lifetime of the consent in accordance with the approved maintenance scheme.

Reason: To protect the water environment and help reduce flooding.

#### **(5) Archaeology**

No works in connection with the development hereby approved shall commence unless an Archaeological Written Scheme of Investigation (WSI) has been submitted to and approved in writing by the planning authority and a programme of archaeological works has been carried out in accordance with the approved WSI. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the WSI will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post-excavation analysis the development hereby approved shall not 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.

Reason - to safeguard and record the archaeological potential of the area. In the first instance a 7-10% archaeological investigation is envisaged to be suitable

#### **(6) Contaminated Land (i)**

No development shall take place unless it is carried out in full accordance with a scheme to address any significant risks from contamination on the site that has been approved in writing by the planning authority. The scheme shall follow the procedures outlined in "Planning Advice Note 33 Development of Contaminated Land" and shall be conducted by a suitably qualified person in accordance with best practice as detailed in "BS10175 Investigation of Potentially Contaminated Sites - Code of Practice" and other best practice guidance and shall include:

1. an investigation to determine the nature and extent of contamination
2. a site-specific risk assessment
3. a remediation plan to address any significant risks and ensure the site is fit for the use proposed
4. verification protocols to demonstrate compliance with the remediation plan

#### **(7) Contaminated Land (ii)**

No building(s) within an individual phase of the development hereby approved shall be occupied unless the following matters have been agreed for that phase:

1. any long-term monitoring and reporting that may be required by the approved scheme of contamination or remediation plan or that otherwise has been required in writing by the planning authority is being undertaken and
2. a report specifically relating to the building(s) has been submitted and approved in writing by the planning authority that verifies that remedial works to fully address contamination issues related to the building(s) have been carried out, unless the planning authority has given written consent for a variation.

The final building on the application site shall not be occupied unless a report has been submitted and approved in writing by the planning authority that verifies that the remedial works have been carried out in full accordance with the remediation plan, unless the planning authority has given written consent for a variation.

Reason: to ensure that the site is suitable for use and fit for human occupation

#### **(8) Safe routes to school**

That no residential units shall be occupied unless safe routes to school have been provided in accordance with a scheme which has first been submitted to, and approved in writing by the planning authority. This shall include details of measures, including a timetable for implementation, required to help ensure safe travel to school.

Reason: In order to provide safe routes for travelling to local schools by sustainable means.

#### **(9) Residential Travel Pack,**

That no residential unit within the development shall be occupied unless a Residential Travel Pack, expanding on the principles set out in the agreed Travel Plan Framework and containing proposals for reducing dependency on the private car has been submitted to and approved in writing by the Planning Authority, and thereafter provided to residents on first occupation.

Reason: to be consistent with the requirements of Scottish Planning Policy (SPP) and PAN 75 Planning for Transport – in the interests of reducing travel by private car.

#### **(10) Bus Stops**

That no residential units shall be occupied unless bus stops have been provided on the A92, in accordance with a scheme which has first been submitted to and agreed in writing by the planning authority.

Reason: In order to provide the necessary infrastructure to make the development accessible by public transport and to encourage travel by sustainable means.

#### **(11) Traffic Regulation Orders**

No buildings within the development hereby approved shall be occupied unless the necessary the necessary Traffic Regulation Orders have been obtained for the reduction of speed limits on the A92 to 40mph, including provision for temporary 20mph limits to accommodate safe travel to schools.

Reason: In order to facilitate safe access to schools and to reduce traffic speeds to a level appropriate for a residential area.

### **(12) Toucan Crossing south of Murcar roundabout**

No buildings in the area shown shaded on Halliday Fraser Munro drawing ref 11085-SK-040 (or such equivalent drawing as has been submitted to and approved in writing by the planning authority as part of the final designed scheme) may be occupied unless a toucan crossing has been provided across the A92, at a suitable location north of the main site access and to the south of the Murcar Roundabout (or such equivalent alternative means of facilitating pedestrian/cycle crossing as agreed), in accordance with a scheme submitted to and approved by the planning authority.

Reason: to ensure that the site has appropriate pedestrian infrastructure to allow connection to local shops and services in the surrounding area and to ensure compliance with policies T2 (Managing the Transport Impacts of Development) and T3 (Sustainable and Active Travel) of the ALDP.

### **(13) Access Junctions (i)**

That no unit within the site shall be occupied unless the main access junction (as shown in Appendix D to the Transport Assessment, drawing ref 123823/sk1012-Rev B, or any such other drawing as has been approved by the planning authority for this purpose, based on the finalised scheme) has been fully constructed and made available for use.

Reason: In order to ensure that the development is served by the necessary roads infrastructure and to ensure compliance with policy T2 (Managing the Transport Impacts of Development) of the ALDP.

### **(14) Access Junctions (ii)**

That no more than 150 units within the site shall be occupied unless both access junctions (as shown in Appendix D to the Transport Assessment, drawing refs 123823/sk1012-rev B and 123823/sk1013-revA, or any such other drawings as have been approved by the planning authority for this purpose, based on the finalised scheme) have been fully constructed and made available for use.

Reason: In order to ensure that the development is served by the necessary roads infrastructure and to ensure compliance with policy T2 (Managing the Transport Impacts of Development) of the ALDP.

### **(15) Noise Assessment and Mitigation Measures**

No works within a given individual phase of development shall commence unless a further noise assessment, based on the final design and layout approved for that phase via condition 2 (Detailed Design by Phase) and including details of any necessary noise mitigation measures, has first been submitted to and agreed in writing by the planning authority.

Thereafter, no residential unit within that phase of the development shall be occupied unless the approved mitigation measures have been implemented in full and a further Noise Impact Assessment has been submitted to and approved in writing, demonstrating that mitigation

measures have delivered the anticipated noise reductions (or such other alternative arrangements as have been agreed in writing) by the planning authority.

In the event that the anticipated noise reductions are not achieved by the agreed mitigation measures, alternative mitigation must be agreed in writing with the planning authority and its efficacy verified prior to occupation of the affected units.

Reason: To ensure that a suitable residential environment is provided, and that potential noise impact is mitigated as necessary.

### **(16) Dust Risk Assessment and Management Plan**

No development in connection with the planning permission hereby approved shall be carried out unless:

(i) An Air Quality (Dust) Risk Assessment, carried out by a suitably qualified consultant in accordance with the Institute of Air Quality Management document "Guidance on the Assessment of Dust from Demolition and Construction" 2014, has first been submitted to and agreed in writing by the planning authority.

(ii) A site-specific Dust Management Plan, based on the outcomes of the Air Quality (Dust) Risk Assessment and detailing the necessary control measures to be implemented for each phase of the proposed works (demolition, earthworks, construction, and trackout), an example of the monitoring protocol and schedule to be implemented on-site, and the responsible person for dust control on-site, has first been submitted to and agreed in writing by the planning authority.

Thereafter, all works shall be carried out in accordance with the control measures so agreed.

Reason: In order to mitigate the impact of dust from construction activities associated with the development on local air quality.

### **(17) Species Surveys and Mitigation**

No development in any individual phase of the development hereby approved shall take place unless pre-construction surveys for reptiles and protected species (red squirrel /bats /badgers) for that phase, including details of any necessary mitigation measures, have been carried out and submitted to and approved in writing by the Planning Authority. Thereafter no development shall take place within the relevant phase of the development unless any necessary mitigation measures have been implemented as agreed

Reason: to ensure the protection of reptiles and protected species during construction works

### **(18) Private Water Supplies**

No development in any particular phase of the development hereby approved shall take place unless it is demonstrated to the satisfaction of the planning authority, in consultation with SEPA, that any wells within/in the vicinity of that phase of works are avoided through appropriate buffers, as detailed in SEPA's guidance on 'Assessing the Impacts of Development Proposals on Groundwater Abstractions and Groundwater Dependent Terrestrial Ecosystems' or otherwise agreed with the owner of any PWS that they will be connected to the public supply to avoid disruption and negative impacts during the construction works.

Reason: To protect the water environment and its users.

### **(19) De-culverting of Watercourses**

Prior to commencement of any work in any individual phase a detailed scheme for the protection and enhancement of the water environment within that phase shall be submitted to, and approved in writing by, the Planning Authority in consultation with SEPA.

As a minimum, this shall include:

- a) Demonstration of how the existing waterbodies on site have been incorporated into the layout of the development, including appropriate buffer zones
- b) Detailed information relating to the investigation of and realignment / de-culverting of any watercourses onsite
- c) Full details relating to any other proposed engineering activities in the water environment, including the location and type of any proposed watercourse crossings. Any proposed watercourse crossings shall be bridging solutions or bottomless or arched culverts, designed to accept the 1 in 200 year flow unless otherwise agreed with the Planning Authority in consultation with SEPA.

All works on site must be undertaken in accordance with the approved scheme unless otherwise agreed in writing with the Planning Authority.

Reason: To protect the water environment and to prevent an increase in flood risk.

#### **(20) Sustainable Urban Drainage and relationship to the water environment**

That no development in any individual phase shall take place unless a scheme detailing levels of sustainable drainage (SUDS) surface water treatment has been submitted for the written approval of the planning authority, in consultation with SEPA, and all work shall be carried out in accordance with the approved scheme. This shall include an assessment to demonstrate how the layout and design has considered the feasibility of de-culverting any water courses within the site and also what measures are proposed to minimise impacts on the spring in the north east of the site, identifying reasonable compensatory measures or proportionate mitigation to the satisfaction of the planning authority. The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C697) and should incorporate source control. A minimum 6m buffer shall be maintained between development including garden ground and property boundaries and the top bank of the Silver Burn and any proposals to de-culvert watercourses through the site.

Reason: To ensure adequate protection of the water environment from surface water run-off and to provide for enhancement of the natural environment.

#### **(21) Tree Survey and Protection Measures**

That no development in any individual phase shall take place unless a plan showing those trees to be removed and those to be retained and a scheme for the protection of all trees to be retained on the site during construction works has been submitted to, and approved in writing by, the Planning Authority and any such scheme as may have been approved has been implemented.

Reason: In order to ensure adequate protection for the trees on site during the construction of the development.

#### **(22) Trees – Care and Management**

That no units within a given individual phase of the development hereby approved shall be occupied unless a plan and report illustrating appropriate management proposals for the care and maintenance of all trees to be retained and any new areas of planting (to include timing of works and inspections) for that phase has been submitted to and approved in writing by the Planning Authority. Thereafter, the works shall be carried out in accordance with such plan and report as may be so approved.

Reason: In order to preserve the character and visual amenity of the area.

**(23) Carbon Reduction and Water Efficiency**

No units within a given individual phase of development shall be occupied unless a scheme detailing measures to ensure compliance with the Council's 'Resources for New Development' Supplementary Guidance (including water efficiency measures) within that phase has first been submitted to and agreed in writing by the planning authority, and any recommended measures specified within that scheme for the reduction of carbon emissions and reduction in water use have been implemented in full.

Reason: To ensure that this development complies with the requirements for carbon emission reductions and water saving measures set out in the Council's 'Resources for New Development' Supplementary Guidance.

**(24) Sports Pitch – Hours of Operation**

The approved sports pitch shall not be used outwith the hours between 09.00 and 22.00.

Reason - To ensure adequate protection of amenity to the residents of the development.

**(25) Sports Pitch – Noise Assessment and Mitigation**

No development relating to the formation of the approved sports pitch shall be undertaken unless a further noise impact assessment, including an assessment of adherence to 'Sportscotland Outdoor Sports Facilities - Planning Guidance/1002 - Siting of Synthetic Grass Pitches - Guidance on Noise and Floodlighting' and detailing any necessary noise mitigation measures, has first been submitted to and approved in writing by the planning authority.

Thereafter, the approved sports pitch shall not be brought into use unless all mitigation measures set out in the agreed noise impact assessment have been implemented in full.

**(26) Street Design, Car Parking etc.**

Prior to the commencement of works in any individual phase of development details of the proposed street design for that phase, which shall contain but not be limited to: a parking strategy; road geometry, dimensions and swept-path analysis; road junctions and visibility splays; traffic calming measures; cycleway provision; gradient; level details, finishing/surfacing materials and crossing points, shall be provided for the further written approval of the Planning Authority in consultation with the Roads Authority. No building shall not be occupied unless the streets and parking areas for the respective block are complete and available for use.

Reason: in the interests of road safety.

**(27) Construction Environment Management Plan (CEMP)**

No development shall be carried out within any individual phase of the development hereby approved unless a site specific Construction Environmental Method Plan (CEMP) for that phase of works has been submitted to, and approved in writing by, the Planning Authority in consultation with SEPA. Thereafter, all works on site must be undertaken in accordance with the approved CEMP unless otherwise agreed in writing with the Planning Authority.

Reason: In order to minimise the impacts of necessary demolition and construction works on the environment.

**(28) Flood Risk Assessment on final layout**

No development shall take place unless a matters specified in conditions application comprising a flood risk assessment (FRA) has been submitted to and approved in writing by

the planning authority in consultation with SEPA. The FRA shall be undertaken in accordance with SEPA's 'Technical Flood Risk Guidance for Stakeholders' and considers the flood risk from all sources which may affect the development.

Thereafter all works on site must be undertaken in accordance with the approved FRA unless otherwise agreed in writing with the Planning Authority in consultation with SEPA.

Reason - in order to protect the proposed development from flood risk.

**(29) A92 streetlight upgrading**

That no residential units within the development hereby approved shall be occupied unless streetlights on the A92, between Murcar Roundabout and The Parkway, have been upgraded to LED illumination.

Reason: In order to reflect the increased pedestrian travel along this route and to bring it up to current standards for streetlighting in residential areas.