

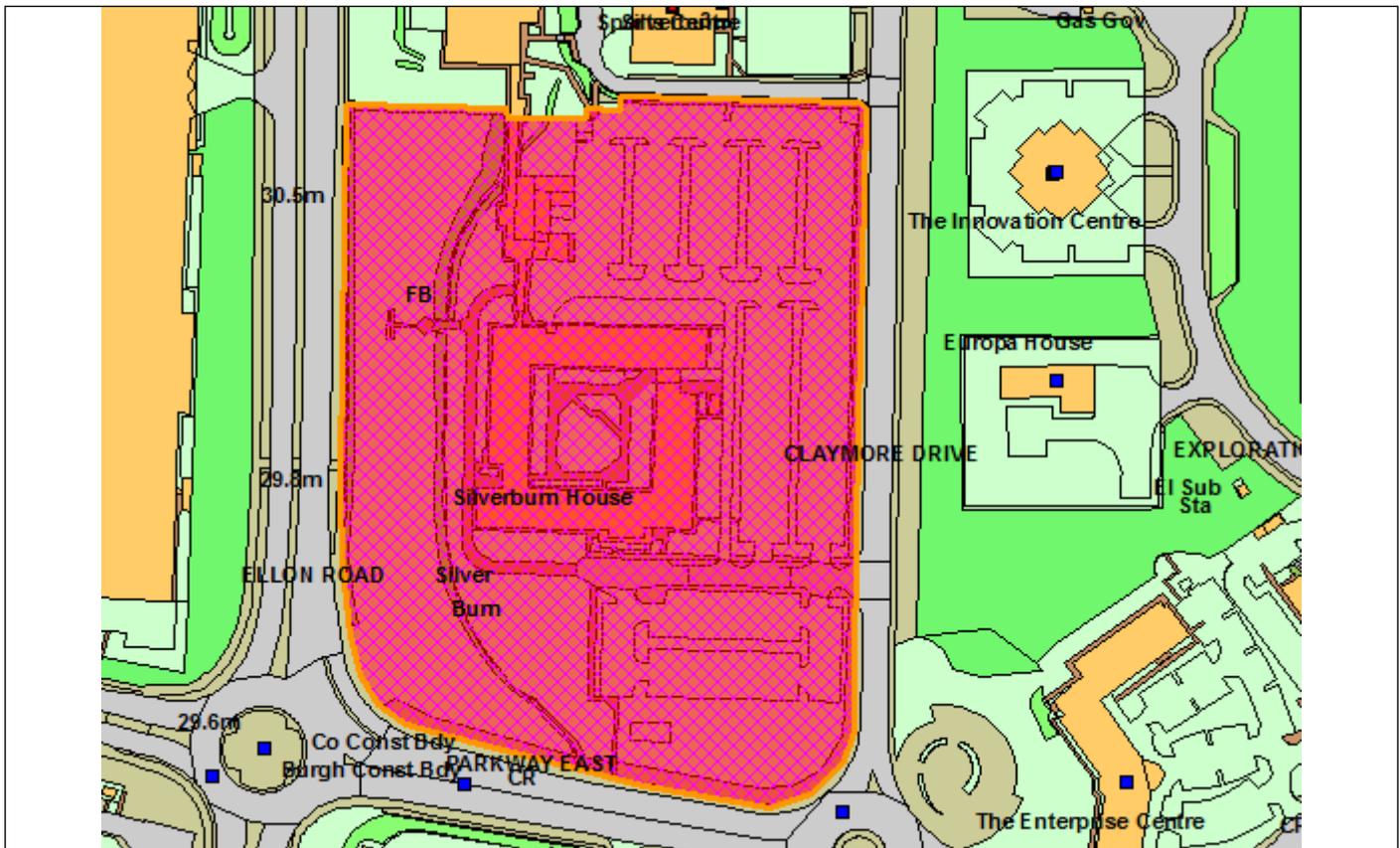


# Planning Development Management Committee

Report by Development Management Manager

**Committee Date: 1<sup>st</sup> June 2020**

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



## 1. PURPOSE OF REPORT

This report considers whether application (ref. 191904/PPP), which triggers the statutory criteria to require that a pre-determination hearing is held, should be determined by the Planning Development Management Committee or if it would be advisable for the pre-determination hearing and determination to be carried out by Full Council.

## 2. RECOMMENDATION(S)

That the Committee:

- 2.1 Note the contents of the report; and
- 2.2 Agree that the application be subject of a statutory pre-determination hearing by a special meeting of the Planning Development Management Committee (PDMC) and that the application is then determined at a subsequent scheduled PDMC meeting.

## 3. BACKGROUND

- 3.1 A report to the 30<sup>th</sup> April 2020 meeting of the Planning Development Management Committee (report no. GOV/20/087) set out the process to be followed for reporting to this Committee and referral to Full Council where the relevant criteria for Pre-Determination Hearings are triggered. The recommendations of that report were agreed by the Committee.

## 4. APPLICATION BACKGROUND

### 4.1 Site Description

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

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

The site and the land to the north is zoned as 'residential' in the Proposed Local Development Plan 2020 (PLDP). In the PLDP the site is allocated as Opportunity Site OP12, 'Opportunity for 100 homes on former employment land'. The PLDP content was agreed by Full Council on 2<sup>nd</sup> March 2020 and is currently being publicly consulted on.

To the south of the site lies the Aberdeen Exhibition and Conference Centre, which is zoned within a 'Mixed Use' area and identified as Opportunity Site OP13 in the ALDP. An application

for Planning Permission in Principle for the redevelopment of the now-disused AECC facility was submitted in May 2015, proposing *'demolition of existing buildings and erection of a mixed use development to include (approximately 498) residential units, commercial and business use, recycling centre and park and ride facility'*. The Planning Development Management Committee considered this application in December 2015 (and again in May 2018) and expressed a willingness to *'Approve conditionally with permission to be withheld until a legal agreement is entered into to secure: affordable housing; and developer obligations relating to primary education, community facilities, sports and recreation, healthcare, transportation and open space'*.

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

Around 180 metres to the north of the Silverburn House site is the site of the proposed residential-led mixed use development at Cloverhill. Application 191171 Planning Permission in Principle for this proposal was approved by the PDMC on 30<sup>th</sup> April 2020 in line with Officer Recommendation.

#### 4.2 Relevant Planning History

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

#### 4.3 Description of Proposal

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

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

#### 4.4 Supporting Documents

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

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

These include:

- Pre-Application Consultation (PAC) Report
- Transport Statement
- Noise Impact Assessment
- Landscape Statement
- Supporting Statement
- Planning Statement
- Access & Waste Management Statement
- Drainage Strategy Assessment
- Arboricultural Report
- Masterplan

#### 4.5 Pre-Application Consultation

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

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

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

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

On 19<sup>th</sup> September 2019, the applicants gave a presentation to the Council's Pre-Application Forum.

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

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

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

The proposed development is classed a 'major development' in terms of The Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009. The proposal is considered to be a Significant Departure from the Development Plan by virtue of it being a major residential-led development located on a site which forms part of a wider 'Specialist Employment Area', where policy B2 of the Aberdeen Local Development Plan 2017 applies. Policy B2 seeks to encourage activities associated with research, design and development, knowledge-driven industries and related education and training, but also allows for uses within classes 5 (General Industrial) and 6 (Storage and Distribution) provided it can be demonstrated that the uses can co-exist without eroding the amenity of the park. Policy B2 does not allow for residential-led development of the type proposed and therefore this proposal constitutes a significant departure from the Development Plan.

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

A previous requirement for such applications to be determined by Full Council has been removed by the recently revised legislation under the Planning (Scotland) Act 2019, and in March of this year Council delegated authority for these statutory hearings and determinations to PDMC as part of the Scheme of Governance review. It will therefore be for Members to decide whether the hearing and subsequent determination of this application are conducted in front of PDMC, or whether there are any particular issues that would warrant referral to Full Council in this instance.

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.

#### 4.7 **CONSULTATIONS**

**Scottish Environment Protection Agency** – Object to the proposal on the grounds of a lack of information on the proposed realignment of the Silver Burn and flood risk. Highlight that notification to ministers will be required if the planning authority is minded to grant permission contrary to SEPA advice on flood risk.

Further information will be required in order for SEPA to consider withdrawing its objection.

SEPA also highlight various other matters which it recommended are addressed by conditions, including pollution prevention, site waste management plan and inclusion of environmental enhancement/placemaking measures as part of the development.

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

**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.

**ACC - Roads Development Management Team** – Note that the proposed development would generate less trips than the former office use. Further information will be requested in relation to the following:

- Proposals for safe crossing of A92 and Parkway East, as well as pedestrian connections to crossing points;
- Access to bus infrastructure;
- Safe connections to the identified routes to schools;
- Provision for Electric Vehicle charging/parking;
- Spacing between access junctions and existing junctions;
- Alternative proposals for refuse collection – noting that the applicants' current strategy involves collection vehicles reversing excessive distances and overrunning footways;
- Clarification of a second level of treatment for surface water discharge from internal roads.

Generally, RDM note that many issues of detail would be resolved through assessment of a finalised layout and proposal at the Approval of Matters Specified in Conditions stage. Roads colleagues highlight that a Traffic Regulation Order would be required to reduce speed limits on the A92, consistent with the recently considered application for residential development at Cloverhill, to the north.

**ACC - Structures, Flooding And Coastal Engineering** – No objection. Request that a condition be attached to secure a level 2 Flood Risk Assessment.

**ACC - Environmental Health** – No objection. Comments on the following matters. Also suggest an advisory note relating to recommended hours of construction work.

#### Noise

Note submission of a Noise Impact Assessment, which indicates significant impacts without mitigation measures (acoustic barriers and enhanced façade design). With the indicative mitigation, noise levels are found to meet the agreed criteria for almost all receptors, with any remaining impacts categorised as 'slight'. Installation of mitigation measures is essential and further assessment will be required on the basis of detailed scheme design.

#### Food and Drink premises

In order to protect the amenity of the occupants of residences, it is recommended that a suitable extract ventilation assessment is carried out to identify potential odour impacts associated with cooking activities and to demonstrate the effectiveness of any proposed mitigation measures. It is also recommended that a Noise Impact Assessment be undertaken in relation to any necessary ventilation/extraction system. These submissions should be agreed in consultation with ACC Environmental Health.

#### Dust Control

To address the potential for impact on nearby residences during construction, it is recommended that an Air Quality (Dust) Risk Assessment is carried out and submitted for approval. A site-specific Dust Management Plan, based on the outcomes of that risk assessment and including details of any necessary control measures during works, should also be submitted for approval.

**ACC - Waste Strategy Team** – No objection. Recommend that conditions are attached to any grant of consent to secure details of provision for waste/recycling storage and arrangements for collection, including identification of collection points, specification of bin stores and details of internal road layout to ensure that this is suitably accessible for refuse vehicles and waste operatives.

**ACC - City Growth** – No response

**ACC - Contaminated Land Team** – No objection. Recommend that conditions are attached to any approval, securing submission and agreement of a scheme to address any significant risks from contamination and a report verifying completion of necessary remedial works thereafter.

**ACC - Developer Obligations** – Notes that the proposed development would not result in Scotstown Primary or Bridge of Don Academy operating beyond capacity, based on most recent school roll forecasts.

Financial obligations are identified in the following areas, in order to offset the impacts of the development:

- £55,800 towards Core Path Network;
- £153,536 towards healthcare facilities;
- £27,450 towards Open Space provision;
- £274,275 towards community facilities;
- £144,600 towards sports and recreation.

It is noted that any roads infrastructure would be identified separately by the Roads Development Management team. In addition to the above requirements, policy H5 (Affordable Housing) of the ALDP requires that a minimum of 25% of the units proposed are provided as affordable housing – this equates to 37.5 units, and consultation with ACC Housing Strategy will be required to determine an appropriate mix of unit types and sizes to meet local needs.

**ACC - Education** – No objection. The site is zoned to Scotstown School and Bridge of Don Academy. Latest forecasts indicate there is sufficient capacity at both schools to accommodate the number of pupils expected to be generated by this development.

**ACC – Housing Strategy** – Per affordable housing policy, require that 25% of the development is provided as affordable housing, and that the affordable units are reflective of the development as a whole, including a mix of houses and flats. A preference for social rented housing is expressed.

**Police Scotland** – No response

**Bridge Of Don Community Council** – Strongly object to the proposal.

- Consider that permitting a departure from the adopted Local Development Plan would undermine the extensive consultation and stakeholder involvement in preparation of that plan.
- Highlights that the Main Issues report for the next LDP stated that this site was 'undesirable' for residential development due to the loss of allocated employment land and stated that housing development in this location would be contrary to the Proposed Strategic Development Plan.
- Considers that the housing allocations made in the LDP and approved Strategic Development Plan provide an adequate supply of housing in Bridge of Don to meet future needs.
- Routes to school are inadequate and involve pupils crossing some of the busiest roads in the city. Major concerns regarding road safety. Existing bus services are infrequent and not conveniently located for school travel.
- Considers that the development would result in existing school capacity being

exceeded.

- Existing public transport provision is considered to be poor, and the applicants' assertions in the Transport Statement are disputed.
- Healthcare facilities are operating at their limits and additional housing will only increase pressure on already stretched resources.
- Expresses doubt about delivery of proposed transport improvements and community facilities.
- Proposals to reduce speed limits during school travel times would have a major impact at junctions, resulting in delays, congestion and adverse impacts on air quality.

## 5. REPRESENTATIONS

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

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

## 6. MATERIAL CONSIDERATIONS

### 6.1 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.

## 6.2 National Planning Policy and Guidance

### National Planning Framework 3 (NPF3) 2014

NPF3 is a long-term strategy for Scotland - the spatial expression of the Governments Economic

Strategy, and of plans for infrastructure investment. Sets out a vision for Scotland to be:

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

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

### Scottish Planning Policy (SPP), 2014

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

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

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

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

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

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

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

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

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.

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'.

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.

### **6.3 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 may also be a material consideration. The Proposed SDP constitutes the settled view of the Strategic Development Planning Authority (and both partner Councils) as to what should be the final content of the next approved Strategic Development Plan. The Proposed SDP was submitted for Examination by Scottish Ministers in Spring 2019, and the Reporter has now reported back. The Scottish Ministers will consider the Reporter's Report and decide whether or not to approve or modify the Proposed SDP. The exact weight to be given to matters contained in the Proposed SDP in relation to specific applications will depend on whether:

- these matters have been subject to comment by the Reporter; and
- the relevance of these matters to the application under consideration.

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

Policy D1 – Quality Placemaking by Design

Policy D2 – Landscape

Policy NC8 – Retail Development Serving New Development Areas

Policy I1 – Infrastructure Delivery and Planning Obligations

Policy T2 – Managing the Transport Impact of Development

Policy T3 – Sustainable and Active Travel

Policy T4 – Air Quality

Policy T5 – Noise

Policy B2 – Specialist Employment Areas

Policy H3 – Density

Policy H4 – Housing Mix

Policy H5 – Affordable Housing

Policy NE1 – Green Space Network

Policy NE4 – Open Space Provision in New Development

Policy NE5 – Trees and Woodlands

Policy NE6 – Flooding, Drainage and Water Quality

Policy NE8 – Natural Heritage

Policy NE9 – Access and Informal Recreation

Policy R6 – Waste Management Requirements for New Development

Policy R7 – Low and Zero Carbon Buildings, and Water Efficiency

Policy CI1 – Digital Infrastructure

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

- Aberdeen Masterplanning Process TAN;
- Energetica;
- Transport and Accessibility;

- Noise;
- Planning Obligations;
- Affordable Housing;
- Landscape;
- Natural Heritage;
- Green Space Network and Open Space;
- Trees and Woodland;
- Flooding, Drainage and Water Quality

## 6.6 Proposed Aberdeen Local Development Plan (2020)

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

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

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

The site and the land to the north is zoned as 'residential' in the Proposed Local Development Plan 2020 (PLDP). In the PLDP the site is allocated as Opportunity Site OP12, 'Opportunity for 100 homes on former employment land'. The PLDP therefore contains support for residential development on the Silverburn House site, albeit at a reduced scale than what is envisaged through the current planning application.

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

## 6.7 Other Material Considerations

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

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

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

The Aberdeen City and Shire Employment Land Audit (ELA) provides information on the

supply and availability of employment land in the North-East of Scotland.

#### 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.

## **7. DISCUSSION**

As described above, following legislative change there is no longer a statutory requirement for applications concerning a significant departure from the Development Plan to be subject to determination by Full Council. The Planning Development Management Committee may therefore opt to determine an application itself, or to refer the matter to Full Council. The agreed procedures require this report to make a recommendation, and it is suggested that relevant factors for consideration in reaching that include: the level of representation attracted by an application; the scale of development proposed; the nature and extent of the resultant departure from the Development Plan.

The scale of the proposal, at between 100-150 units, with associated local retail and commercial uses, is such that it represents a ‘major development’ in terms of the relevant hierarchy of developments. It is however notable that a recent application at Cloverhill, a short distance to the north, was considered by the Planning Development Management Committee at its meeting of 30<sup>th</sup> April 2020, rather than being referred to Full Council. That application attracted upwards of 120no representations, whereas the current application has attracted only 2no representations. As the main purpose of a Pre-Determination Hearing is to offer a forum for those who have made representations to be heard, it may be considered excessive to convene a meeting of Full Council for a proposal where only 2no representations have been received.

As regards the nature of the departure from the Development Plan, this principally relates to the zoning of the site as part of a ‘Specialist Employment Area’ and the relevant policy B2 not providing for residential development in this location. Whilst this clearly does represent a significant departure from the Development Plan, it is also noted that the site is identified for development in some form, and the question is whether an alternative form of development might be considered acceptable. It might be argued that this is of less significance than, for example, a major development in a green belt location. The Proposed Local Development Plan 2020 also supports the principle of residential development on the Silverburn House site, to be allocated as OP12 albeit at a reduced scale than what is envisaged through the

current planning application. This is a material consideration.

Taking account of the scale of the proposal, the level of public representation and the Proposed Local Development Plan, it is considered that the Planning Development Management Committee is equipped to provide the necessary public scrutiny via a statutory pre-determination hearing and determination of the application thereafter, and that referral to Full Council would not be necessary in this instance.

**8. NEXT STEPS**

A hearing will be arranged in accordance with the Committee's instructions, subject to there being interest in attending from those who have made representation in relation to the application.

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