

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE PRE DETERMINATION
HEARING**

25 February 2021

ABERDEEN, 25 February 2021. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE PRE DETERMINATION HEARING. Present:- Councillor Boulton, Convener; Councillor Stewart, Vice Convener, the Depute Provost; and Councillors Allan, Copland, Cormie, Greig, MacKenzie, Malik and Radley (as substitute for Councillor Cooke)

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

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

ERECTION OF RESIDENTIAL LED, MIXED USE DEVELOPMENT OF AROUND 100 TO 150 UNITS INCLUDING FACILITIES CONSISTING OF APPROXIMATELY 1000-3000 SQM OF CLASS 1 (SHOPS), 2 (FINANCIAL, PROFESSIONAL AND OTHER SERVICES) AND CLASS 3 (FOOD AND DRINK) WITH ASSOCIATED WORKS – SILVERBURN HOUSE, CLAYMORE DRIVE ABERDEEN - 191904

1. The Committee heard from the Convener who began by welcoming those present at the remote Hearing and provided information on the running order. She explained that the first person to address the Hearing would be Mr Gavin Evans, and asked that speakers adhere to their allocated time in order for the Hearing to run smoothly and in a timely manner.

The Committee then heard from Mr Gavin Evans, Senior Planner, who addressed the Committee in the following terms:-

Mr Evans advised that the application site was that of the former Silverburn House office complex, located immediately to the east of Ellon Road (A92), adjacent to its junction with the Parkway. The 3.7 hectare site was enclosed by roads on three sides, and to the north lay the Silverburn Gymnastics Centre and Silverburn Lodge, which was understood to contain both office and nursery uses.

Mr Evans displayed a number of photos of the site in order to give members a better sense of the application site. The application was for the erection of a residential led, mixed use development of around 100 to 150 units 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.

Mr Evans noted that the application was subject to statutory Pre Application Consultation, which included a public meeting at the gymnastics centre, advertised in advance in the local press. The applicant/agent and officers presented to the Pre Application Forum in

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE PRE DETERMINATION
HEARING**

25 February 2021

September 2019, which gave members early notice of major proposals ahead of submission.

Mr Evans advised that the application was for Planning Permission in Principle which meant that the layout shown was merely indicative and intended to demonstrate the feasibility of satisfactorily accommodating development at the scale proposed in general terms. If approved, conditions would be used to set out which matters required further consideration and these would be the subject of further applications for the approval of Matters specified in conditions, with further consultation and opportunity for public engagement on the detail at that time.

Mr Evans highlighted that due to the scale of the proposal, a Masterplan was required, and the applicants had prepared a Masterplan document in support of their proposal, which established key design principles against which subsequent applications would be compared. This noted that little change in ground levels was anticipated, and highlighted opportunities for the realignment of the Silverburn route, which was currently within a steep-sided channel.

Mr Evans explained that the indicative layout showed eighty private 2 and 3 bedroom terraced dwellings, two 3-bed maisonettes, 290sqm of commercial space suitable for a small-scale retailer and coffee shop, and 30 affordable flats within a 3-storey block at the Ellon Road side of the site, for a total of 112 units with 211 car parking spaces. The layout offered a number of pedestrian connections to the surrounding area, which included to Ellon Road.

It was noted that an existing access off Claymore Drive, which served Silverburn Lodge and the Silverburn Gymnastics Centre, would be modified to provide access to the northwest corner of the site. In addition, a new access would be formed directly off Claymore drive at a roughly central point. The indicative layout incorporated shared surfaces and variety in street surfacing materials, with two central areas of open space provided via a play area/community green and a 'pocket park'. A SUDS pond was indicatively shown at the southern end of the site.

Mr Evans indicated that the applicants' submissions recognised that the residential proposal represented a departure from the current 'Specialist Employment Area' zoning and highlighted both the re-zoning of the site in the Proposed Aberdeen Local Development Plan and the current supply of employment land in Aberdeen City and Shire, identified through the Council's Employment Land Audit for 2018/19, which demonstrated a marketable supply of available sites. Submissions also highlighted the benefits of developing brownfield sites before newly released greenfield land and the Strategic Development Plan gave support for 40% of all new housing in Aberdeen to be on Brownfield sites.

In regards to the Adopted Aberdeen Local Development Plan (ALDP) position, Mr Evans indicated that the site was zoned within a 'B2' area in the ALDP, which related to

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE PRE DETERMINATION
HEARING**

25 February 2021

'Specialist Employment Areas'. Policy B2 encouraged business (class 4) uses and could also provide for industrial and storage/distribution (classes 5 & 6), with a focus generally on quality environment and less heavy industrial uses. B2 made no provision for residential use and represented a 'significant departure' from the Development Plan.

Mr Evans explained that the proposed Aberdeen Local Development Plan was approved by Council on March 2020, and it represented the 'settled view' of the Council on what the next LDP should contain. It proposed the re-zoning of the Silverburn House site for residential use. There was a statutory consultation on the Proposed Plan from May to August 2020, and responses were currently being reviewed and processed, with five representations in response to the proposed plan consultation in relation to Silverburn House site, both for and against re-zoning.

In regards to the application, two representations were received, and there was also an objection from the Bridge of Don Community Council, a statutory consultee. An objection was also received from SEPA due to lack of information on flood risk and realignment of watercourse. The Council's own Flood Prevention and Coastal Engineering Team had not objected but had indicated that a suitable Flood Risk Assessment should be secured via condition.

Mr Evans also noted that ACC Roads response noted no objection. Conditions would be required to secure various matters for further assessment/agreement.

Mr Evans also indicated that a response from the education team highlighted capacity at Scotstown School and Bridge of Don Academy to accommodate additional pupils generated, based on consideration against current 2018 School Roll Forecasts. The Developer Obligations response identified sums payable in respect of Core Paths, Healthcare, Open Space, Community Facilities and Sports and Recreation, and these sums were calculated based on the scale of development and the rates set out in Supplementary Guidance to the Local Development Plan. A Noise Impact Assessment had been provided, which assessed potential impact from:

- 2 wind Turbines within the Aberdeen Energy Park;
- Road Traffic Noise; and
- Industrial Noise

Mr Evans explained that noise levels from road traffic and industrial noise were found to exceed the recommended limits without mitigation, however indicative proposals for mitigation could reduce noise within the development to acceptable levels, through a combination of acoustic barriers (including 2m barrier to the A92), acoustic glazing and trickle ventilation in the affected building facades. Environmental Health colleagues were satisfied with these findings, subject to conditions relating to further assessment and agreement of mitigation as necessary, based on final design proposals.

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE PRE DETERMINATION
HEARING**

25 February 2021

Mr Evans also highlighted that a Tree Survey had been submitted in support of the application, which indicated that most tree removals related to trees in poor condition. Extensive landscaping was proposed throughout, which could compensate for any necessary tree loss. Further details based on the final designed proposals would be required.

The Convener then invited Mr Scott Lynch, Senior Engineer, to address the Committee. Mr Lynch explained that as this was a Planning Permission in Principle application, the specifics were not under assessment however the Roads Department were looking to be satisfied with the principles and whether the applicant was willing to engage in discussions which would lead to meaningful and potential changes. As a result lots of details were still required, however the Roads Department were satisfied that at this stage everything appeared to be sufficient.

Mr Lynch noted that the site was very accessible by public transport with a bus stop within 400 metres of each side of the road, however he explained that bus stop upgrades would be required.

In regards to discussions with the applicant, Mr Lynch advised that the applicant was willing to put a foot crossing to the south of the site which would help with safe routes to school. The Roads team also asked that they consider a 3m wide footway to the west of the site on the A92. This would be carried to the Cloverhill site boundary and Mr Lynch advised they would ask the applicant for the Cloverhill site to do the same, to assist with accessibility for cyclists and walking.

Mr Lynch advised that parking was not assessed at this stage however noted that the proposed use of the site would reduce the traffic impact.

Mr Lynch finally explained that a residential travel plan would be required and also the drainage impact assessment required more information from the applicant.

Members then asked questions of Mr Evans and Mr Lynch and the following information was noted:

- The type of crossing to be installed was yet to be determined;
- The floorspace for the retail element had been reduced and the size of the retail was to cater for the local residents within the site, rather than a large retail unit which would encourage people to travel to it;
- Roads department were now content with the safe routes to school, following the agreement from the applicant to install a crossing;
- In regards to capacity at the local schools, this application would not bring the schools over capacity;
- There was no significant flood risk to the site;
- The specifics in relation to glazed windows were not available at this stage, however it was noted there would not be a need for a closed window strategy; and

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE PRE DETERMINATION
HEARING**

25 February 2021

- It was suggested that the applicant consider the use of shrubs, fencing etc to break the noise for the residents in the site, as it was considered to be a very open site.

The Convener then invited the applicant to address the Committee, and the speakers consisted of Angus Smith, Space Solutions and Maggie Bochel, Aurora Planning.

Mr Smith commenced the presentation for the applicant and spoke about the development aims as objectives, as being:-

- To create a high quality living environment with all of the benefits of urban city and coastal living in one location on the edge of Aberdeen;
- To capitalise and expand upon excellent existing local services, employment, public transport routes and recreational opportunities, which would make it an ideal location for new homes in a popular residential community to the north of the city;
- To provide new amenities with the new neighbourhood focused on an attractive heart where there would be a village square with shops and community facilities, enclosed within the new linear park and benefitting from existing sporting facilities and creche on the north boundary of the development;
- To create a new place with a strong sense of community and identity and embody all that was good about modern house design combined with a layout that acknowledged aspects of traditional north east towns and villages;
- To create character areas within the development, with differences in house types or densities, from apartment style through to smaller starter homes to slightly larger family properties offering affordable and desirable lifestyle and living choices; and
- To embody sustainability through a mixture of sustainability measures.

Mr Smith went on to explain that the proposal would help to create a place with a full mix of uses integrated into the area, which would help to provide an attractive location where new businesses and new residents could/would choose to locate. There would be:-

- Access to services and facilities;
- Schools, sports facilities and a range of amenities already in existence in the surrounding area;
- Sufficient capacity within the schools to accommodate the development and along with developer obligation contributions and increased population density there would be opportunities for enhancement to these services and facilities;
- Close proximity of the Park and Ride site to provide excellent access by public transport to services and facilities in the city centre; and
- Positive connectivity to the surrounding areas.

In regards to public consultations, Mr Smith advised that those who attended the event had been very positive about the proposals, and they appreciated this type of development which appeared to offer a sense of community. There was also support for

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE PRE DETERMINATION
HEARING**

25 February 2021

the proposal of no private parking on driveways, plenty open space and private gardens and street trees which created attractive spaces which were not cluttered by vehicles.

In relation to the design element, Mr Smith advised that there would be an increase in one bedroom homes, vehicle access removed around the village green and from the pocket park, a SUDS pond relocated out of the village green to the south boundary of the site, a children's play area relocated to the village green location, and a community "growing space" relocated adjacent to the public square. There would also be residents amenity gardens incorporated to the west of flatted properties, an area around the public square enhanced with streetscape and landscape, new pedestrian links provided west to Ellon Road, and an adoptable access route through the site to be revised in accordance with Vehicle Tracking analysis. Finally it was proposed to widen the footpath adjacent to Ellon Road to accommodate a segregated footpath and cycleway and proposed pedestrian crossing and lane realignment on Parkway East.

The Committee then heard from Maggie Bochel, Aurora Planning, who provided details on the relevant planning policies in relation to the proposed development and noted that the land was currently zoned as "Specialist Employment Areas", however indicated that within the new proposed Aberdeen Local Development Plan, it had been recommended to re-zone the site for residential use.

Mr Steve Smith then undertook a virtual 3D tour of the development with the members.

Members then asked questions of the applicant and the presenters and the following information was noted:-

- In regards to the retail element, the applicant had looked at the Chapleton development for inspiration;
- There would be 24 visitor spaces and homeowners would have access to all parking provision and also parking within the public square;
- It was hoped to reduce car use by encouraging individuals to walk and cycle to local places;
- The applicant had investigated single-storey properties for use by elderly people, however it was concluded that the location of the site meant that 2 and 3 bedroom properties were what was required, rather than bungalows;
- The terraced two storey buildings could be adapted to incorporate a stair lift if required; and
- 18 electric vehicle charging points were allocated for the site but this might increase.

The Committee then heard from **Ms Stella Adam**, Bridge of Don Community Council, who advised that the Community Council had a number of significant concerns about the proposed development. Ms Adam explained that it had been stated that Bridge of Don was the largest suburb in Europe and had a larger population than many towns in Scotland. She stated that Bridge of Don was a fragmented area of housing estates,

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE PRE DETERMINATION
HEARING**

25 February 2021

without the supporting infrastructure and this proposed development was another estate attached to the Bridge of Don.

Ms Adam advised that plans included shops such as retail, pharmacy and a coffee shop but noted that previous developments in Bridge of Don never materialised, namely in the Sheilhill, Seaview and Dubford housing estates. Ms Adam noted that the volume of traffic from the development would impact on the flow of traffic on the A92 which was already a busy dual carriageway north and south with a speed limit of 70 miles an hour.

Ms Adam also indicated there was an issue on safe crossing, especially for school children and any crossings or reduction of speed limit would impact further on the traffic flow. She advised that the Parkway would also be affected by increased volume, and further increases on to the Diamond and Persley bridges.

Ms Adam advised that the development was also close to the Blackdog junction which gave access the A90, and noted that this area also had a proposed housing development of almost 300 houses.

In relation to public transport, Ms Adam advised that the nearest to the site was the Park & Ride which had a half hour service with no buses in evenings or weekends. Out of town buses drove along the dual carriage but many of these were express services with limited stops. Ms Adam highlighted that there was no service into the Bridge of Don area to access schools, shops, medical services, sports and community centres etc, which would mean that individuals would be encouraged to use their cars more frequently.

Ms Adam also advised that local schools were all a distance from the development and indicated her concerns about safe travel for children having to cross the A92 and Scotstown Road. As a result there would be an increase in the number of parents driving their children to school, increasing congestion and carbon emissions.

Furthermore, Ms Adam explained that medical practices in the area were at their limits, and waiting times for appointments were lengthy and any additional housing would only increase pressure on already stretched resources.

Ms Adam concluded that the Community Council had raised many concerns in regards to the Bridge of Don and the lack of amenities, yet there were more and more developments being approved, without taking residents' concerns into account and this was a major concern for the Community Council.

Members then had the opportunity to ask Ms Adam questions.

The Committee was then addressed by **Mr Chris Miller, Avison Young**, who was representing the Bon Accord Centre Aberdeen.

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE PRE DETERMINATION
HEARING**

25 February 2021

Mr Miller explained that his comments only related to the retail and commercial aspect of the site and that he had no comment in regard to the residential and associated development aspect of the proposals.

Mr Miller advised that as set out in their original representation back in January 2020 the Bon Accord Centre did not offer any objection to the principle of the proposals on the basis that appropriate conditions were attached to any approval to control the possible size, function and impact of future detailed commercial retail proposals on the site.

Mr Miller indicated that the planning application description proposed up to 3,000sq.m of Class 1, 2 and 3 floorspace. However Mr Miller noted that the applicants' planning application form set out that the application only proposed up to 180sq.m of Class 1 floorspace and 60sq.m of Class 2 floorspace. He also advised that the applicants' Planning Statement prepared by Aurora Planning also set out that the application proposed less than 300sq.m of retail floorspace and this had been reconfirmed in their presentation that morning.

Mr Miller indicated that this highlighted a discrepancy between the description of development and the details within the application submission, which led the Bon Accord Centre to make the original representation and Mr Miller advised that he expected that the description of development would have been aligned with the content of the application submission.

Mr Miller concluded that if the applicants' proposals were to only provide up to around 300sq.m of retail and commercial floorspace within the site, then in order to remove any doubt over the approved quantum of commercial floorspace, any approval should be carefully conditioned in this manner so as to control the possible size, function and impact of future detailed proposals on the site. Proposals should be constrained by imposing limits on the level of commercial floorspace on the site to those which the applicant set out within the application forms and supporting statement.

Members then had the opportunity to ask Mr Miller questions.

The Committee was then addressed by **Mr Findlay Macneill**, Operations Manager for BOC Gases, who advised that their concern was in relation to the lack of adequate noise survey and the absence of a suitably detailed noise mitigation scheme from the applicant.

Mr Macneill advised that their site which was approximately 150 metres from the application site sat on land previously determined for industrial use however in recent years there had been planning granted for leisure facilities next to their site and now with the Silverburn application they were seeing residential properties getting closer to their premises which operated 24/7. He explained that BOC had previous experience of this happening at other locations within the UK which had had a significant impact on their operations due to noise complaints from the new residents. That was the reason why

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE PRE DETERMINATION
HEARING**

25 February 2021

they needed to be satisfied that a robust noise mitigation study had been completed, therefore eliminating the current and future operations being deemed a nuisance by future residents.

Mr Macneill highlighted that if the noise mitigation measures identified by the applicant ultimately required windows to be fixed closed and artificial ventilation provided in order to create reasonable living conditions for future residents, then the Council would need to satisfy themselves that this was both reasonable and practical mitigation. He indicated that most people would wish to open their windows on a hot summer night/morning for ventilation and it would become clear that in those circumstances residents would be disturbed by early morning noise from BOC Depot and might complain, which would result in impact on BOC Operations.

Mr Macneill finally advised that to put some perspective on noise generation from the site, it was primarily from a high frequency metal on metal screeching as they loaded/unloaded metal pallets on to the vehicle pintles. This occurred a minimum of 12 times per vehicle and up to a maximum of 52 times per vehicle. The noise from tanker decant operations was at the other end of the spectrum with lower frequency hose purging and venting gas. Mr Macneill advised that both of these operations took place 24 hours a day, 7 days a week.

Mr Macneill advised that the impact of noise from the site was likely to worsen in the early hours of the morning when there would be reduced road noise. Mr Macneill indicated that BOC had previously appointed an independent noise consultant to comment on the adequacy of the applicants' noise report, which they identified as having several flaws in the approach taken by the applicant.

Mr Macneill concluded that Policy T5 of the Aberdeen Local Development Plan stated that housing proposed within close proximity to existing noise producing premises, must be sufficiently designed to ensure the protection of future residential amenity and existing business operations. Mr Macneill indicated it was the view of BOC that insufficient information on the existing and predicted future noise environment had been provided by the applicant, in order to allow the application to be approved in its current form, and in its current form should therefore be refused.

Members then had the opportunity to ask questions of Mr Macneill.

At this juncture, the Convener asked that the applicant's acoustic consultant, Ashley Leiper, respond to the information provided by Mr Macneill.

The Convener thanked all those who attended the remote hearing, specifically those who had presented their case, submitted representations and provided information. She advised that the Chief Officer – Strategic Place Planning would prepare a report for submission to a meeting of the Planning Development Management Committee (PDMC) for subsequent consideration and determination.

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE PRE DETERMINATION
HEARING**
25 February 2021

COUNCILLOR MARIE BOULTON, Convener