

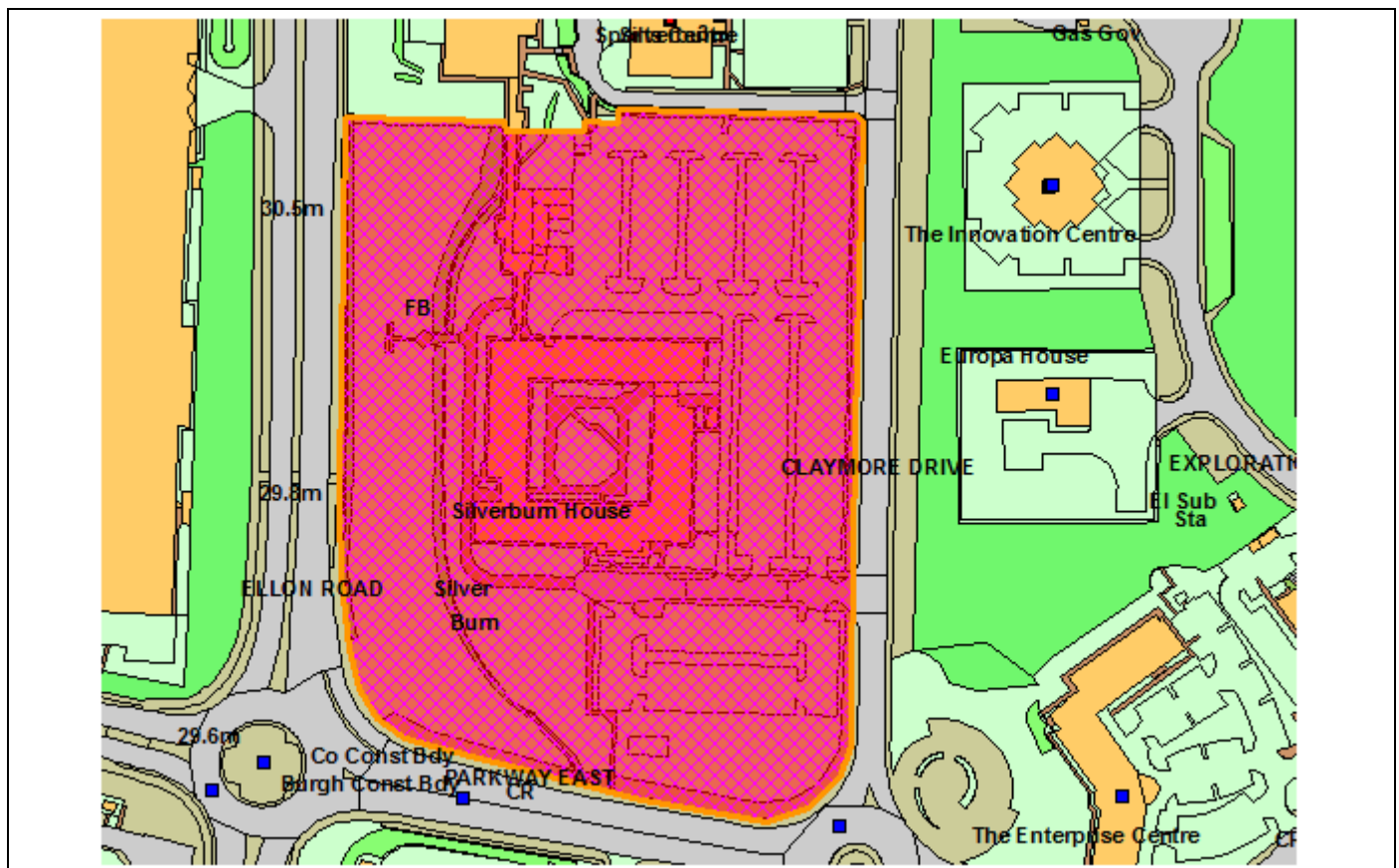


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 17th June 2021

Site Address:	Site at Silverburn House, Claymore Drive, Aberdeen, AB23 8GD
Application Description:	Erection of residential led, mixed use development of around 100 to 150 units (mix of house types and flats), including facilities consisting of up to 500 sqm of commercial floorspace (within classes 1(shops), 2(financial, professional and other services) and/or class 3(food and drink)) with associated works
Application Ref:	191904/PPP
Application Type	Planning Permission in Principle
Application Date:	3 January 2020
Applicant:	Parklands View LLP
Ward:	Bridge of Don
Community Council:	Bridge of Don
Case Officer:	Gavin Evans



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RECOMMENDATION

Willingness to approve subject to conditions and subject to conclusion of a legal agreement securing payment of developer obligations and ensuring that the development delivers a minimum of 25% as affordable housing.

APPLICATION BACKGROUND

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 the 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 former 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 2017 (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 supporting text states that the site needs to link into sites OP2 and OP13. The PLDP content was agreed by Full Council on 2nd March 2020 and was subject to a period of public consultation that ended on 31st August 2020.

To the south of the site lies the former 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 30th April 2020 in line with Officer Recommendation. The related planning agreement has since been concluded and planning permission was issued on 16th November 2020.

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

APPLICATION DESCRIPTION

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 up to 500sqm 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 associated works such as landscaping and formation of site access and internal roads.

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.

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

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee (PDMC) because, the proposal constitutes a major development, it is a significant departure from the adopted

local development plan and the local Bridge of Don Community Council has stated its objection to the application. Consequently, the proposal falls out with the approved Scheme of Delegation.

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 applicant undertook statutory pre-application consultation which included a pre-application consultation event at the gymnastics/sports centre on Claymore Drive, Bridge of Don, on 8th October 2019, between noon and 7pm. An advertisement was placed in the Evening Express on September 18th that year, 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 17th September meeting of the Bridge of Don Community Council and gave a presentation of the proposals, followed by a question and answer session.

The applicant presented to the Council's Pre-Application Forum on 19th September 2019.

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.

Requirement for a Pre-Determination Hearing

The proposed development is classed a 'major development' in terms of The Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009. The proposal is considered to be a significant departure from the Development Plan by virtue of it being a major residential-led development located on a site which forms part of a wider area identified for principally business and industrial development along with associated supporting uses, wherein Policy B2 'Specialist Employment Areas' of the Aberdeen Local Development Plan applies, but does not allow for development of the type proposed.

Under Regulation 27 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 there is a requirement to hold a Pre-Determination Hearing before such applications may be determined. As of 1st March 2020, the earlier requirement that such applications be determined by Full Council no longer applies.

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. A Hearing was held on Thursday 25th February 2021, and is discussed further in a later part of this report.

The Planning (Scotland) Act 2019 (Commencement No. 1) Regulations 2019 specify that from 1st 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

Scottish Environment Protection Agency – SEPA has withdrawn an earlier objection and requested that planning conditions be attached to any grant of permission to address the following matters:

- Details of any proposed realignment to the watercourse, including demonstration that environmental betterment would be achieved, with more natural alignment and appropriate buffer strips;
- Further information relating to flood risk and the finalised development layout;
- Further information relating to proposals for the sealing/abandonment of existing/historic drainage infrastructure;
- Incorporation of environmental enhancements within the proposals, as set out in section 5.2-5.4 or SEPA's earlier response (Feb 2020).

Aberdeen City Shire Strategic Development Planning Authority – No response.

Scottish Water – No objection. Note that there is currently capacity at Invercannie Water Treatment Works and Nigg Waste Water Treatment Works for water and waste water connections respectively. Capacity cannot be reserved, and there will be a requirement for a separate application to Scottish Water for connection once planning permission has been obtained.

ACC - Roads Development Management (RDM) Team – No objection. Note that there are a range of matters which will require further assessment and agreement via future applications for the approval of matters specified in conditions, but RDM colleagues are satisfied that engineering solutions are possible for those matters.

The proposed development will require provision of a new pedestrian crossing over the Parkway East and a widening of the footway along the site frontage to Ellon Road (A92) and northwards, to allow for shared footway/cycleway use and safe pedestrian movement. The applicants' Masterplan document now reflects this requirement. Indicative proposals also now demonstrate pedestrian connections from the development westwards, connecting to Ellon Road and nearby bus stops. An existing bus stop on the south side of Parkway East requires to be upgraded to provide a shelter.

Provision of the above crossing point and connections to existing pedestrian infrastructure provides for safe access to schools (Scotstown Primary and Bridge of Don Academy).

Requirements for on-site parking provision would be met through future applications, however the

applicant has committed to provision in line with ACC's standards, including provision of Electric Vehicle charging points. The principle of two site accesses is acceptable, and the final location and design of those access junctions would be controlled by use of planning conditions and subject to further assessment via future applications, along with assessment of the internal road layout. The indicative layout provided is based around the main access route being designed to adoptable standard and parking courts designed to a 'Designing Streets' compliant specification, with use of shared surfaces.

The submitted Transport Assessment highlights a net reduction in trips within the AM (-197) and PM (-173) peaks when this development is compared with the authorised former office use. On that basis, no further traffic impact assessments are required.

Other consented developments in the area (Berryhill / The Core and Cloverhill sites) include a requirement to reduce the speed limit on the 70mph stretch of the A92 to 40mph, with a temporary 20mph limit during school hours. A similar requirement would be required for this development in order to facilitate pedestrian access and safe routes to school.

Detail of waste collection arrangements will form part of subsequent applications. Swept-path plans based on the current indicative layout show only a few minor areas of overrunning, which can be amended through the detailed design process as required. A condition relating to provision of a Residential Travel Pack is also required.

Two levels of sustainable drainage treatment are required. Full details of drainage treatment can be secured by condition(s) for further consideration via future applications.

ACC - Structures, Flooding and Coastal Engineering – No objection to the principle of development but recommend that a requirement for a level 2 Flood Risk Assessment (at MSC application stage) is secured via planning condition.

ACC - Environmental Health – No objection. Recommend that further information on the following matters be secured at MSC application stage via planning conditions.

Noise

The submitted noise impact assessment includes modelling which found that external and internal noise levels within the development, arising from traffic and industrial noise, would exceed agreed criteria unless mitigation measures are incorporated within the proposed development. The mitigation proposed includes a combination of acoustic barriers and enhanced façade design. With this mitigation, noise levels would meet the agreed criteria for almost all sensitive receptors. Impacts at the remaining receptors are assessed as being only 'slight' in their significance. Full details of necessary mitigation will be influenced by the detailed design of buildings, but implementation of mitigation is essential and must be secured by appropriate planning conditions.

Odour and Noise Control from Food and Drink Premises

It is recommended that conditions secure details of a suitable extract ventilation assessment for food and drink premises within the development, to ensure that any odour impacts are adequately controlled. In addition, a noise impact assessment related to any necessary extraction ventilation system would also be required, including implementation of any necessary mitigation to protect the amenity of neighbouring residential premises.

Dust Management and Control

In order to protect nearby existing residences during construction works, it is recommended that an Air Quality (Dust) Risk Assessment is undertaken, with a site-specific Dust Management Plan based upon its findings. These submissions should be secured by conditions, requiring submission and agreement with the planning authority prior to commencement, and should include details of any

necessary control measures to be implemented for each phase of development (earthworks, construction and any other associated works), details of a monitoring protocol and a responsible person for dust control on site.

Noise from Site Construction Works

It is recommended that an informative note be applied to any permission, reflecting recommended construction hours.

ACC - Waste and Recycling – Response provides general advice on facilities for waste storage and collection points, as well as accessibility of the road layout for refuse vehicles. It will be necessary to use an appropriately worded planning condition to secure this information as part of further application(s) for the approval of matters specified in conditions.

ACC - City Growth – No response.

ACC - Contaminated Land Team – No objection to the approval of this application. However, as this site is in an industrial area, there is the potential for some contamination, and it is recommended that conditions are attached to any approval. These conditions relate to the investigation, risk assessment and remediation of any contamination, along with verification and monitoring thereafter as required.

ACC - Developer Obligations – Assessment undertaken on the basis of 150 standard 3-bed units, however it is recognised that the final composition of the development may be subject to change via subsequent applications for the approval of matters specified in conditions. Initial assessment identifies requirements for the following obligations:

Core Paths

£55,800 payable for towards the delivery of Aspirational Core Path 1.

Primary Education

The application site is within the catchment area for Scotstown Primary School. Factoring this development into the 2018 school roll forecasts will not result in the school going over capacity and mitigation will therefore not be required.

Secondary Education

The application site is within the catchment area for Bridge of Don Academy.

Factoring this development into the 2018 school roll forecasts will not result in the school going over capacity and mitigation will therefore not be required.

Healthcare Facilities

£153,536 payable towards the provision of additional capacity at the Scotstown Medical Practice or other such facilities serving the development.

Open Space

As the proposed development would result in the loss of existing public space, as identified in the Open Space Audit, a contribution of £27,450 is required towards the enhancement of existing open spaces in the locale.

Community Facilities

£274,275 payable towards the provision of additional capacity at Bridge of Don Community Learning Centre and/or Balgownie Community Centre, which have proposals in place to increase capacity to accommodate additional users as a consequence of development.

Sports and Recreation

£144,600 payable a new 3G sports pitch at the closest publicly available facilities, at the Alex Collie Sports Centre.

Affordable Housing

Policy H5 of the ALDP seeks a minimum of 25% of any development of 5 or more dwelling units to be provided as affordable housing. The affordable housing requirement for a 150 unit development would equate to 37.5 units, with an expectation for on-site delivery in accordance with the preferred hierarchy set out in section 4.1 of the Council's Affordable Housing Supplementary Guidance.

ACC - Education – No objection. The application site is zoned to Scotstown School and Bridge of Don Academy. Latest forecasts indicate that there is sufficient capacity at both schools to accommodate the number of pupils anticipated from a development of this scale.

ACC - Housing – As per affordable housing policy, 25% of the development requires to be provided as affordable housing. The affordable housing units should be reflective of the development as a whole and provide a mix of houses and flats, with a preference for social rented housing.

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 consideration is given to crime reduction measures during construction to protect goods and materials from theft.
- 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.

Bridge of Don Community Council – Objects to the application and considers that the existing business and industrial use should be maintained. Raises the following concerns:

- The proposal does not accord with the Aberdeen Local Development Plan, which was adopted following extensive consultation and stakeholder involvement.
- Suggests that granting planning permission contrary to the Council's own LDP undermines the integrity of the planning process.
- Highlights that the Main Issues Report refers to prioritising brownfield sites and any greenfield housing allocations being small-scale, with limited impact on the environment and infrastructure.
- Contends that there are more than enough new homes committed in the Bridge of Don area.
- The local housing market is not buoyant, with more than 5000 homes currently for sale on ASPC and house prices having fallen considerably in recent years.
- Highlights that children would be required to walk approximately 1.3 miles to the nearest

secondary school, crossing some of the busiest roads in the city.

- Expresses major concern for the safety of children going to or from schools.
- Argues that, even with some form of crossing provided, primary-age children would still be required to cross an extremely busy road at peak times, when air quality is at its worst.
- Existing bus services are insufficient to support school travel or to serve the development generally, such that residents would be more likely to make journeys by private car, increasing congestion and carbon emissions.
- Considers that the proposed development would result in school capacity being exceeded, particularly when considered along with other committed developments at Grandhome and Shielhill/Dubford and apparent delays in the delivery of schools at Grandhome.
- Existing healthcare facilities are at their limits, with long waits for appointments.
- 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.
- Highlights that this development, in conjunction with another consented scheme at Cloverhill to the north, would affect traffic flow on the A92 by reducing speed limits to 40mph (20 mph at peak school travel times). The associated stationary traffic and congestion would give rise to increased pollution, contrary to the Council's Local Transport Strategy.

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 shop 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.

Pre-Determination 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 was held on Thursday 25th February 2021. In lieu of the usual site visit, a presentation included photographs and street-view images 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).

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. 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&MId=7824&Ver=4>

The hearing was addressed by:

- officers from the City Council on the planning and roads considerations pertinent to deciding the planning application.
- the applicants' architect and planning consultant in terms of the merits of the proposed development.
- a representative of the Bridge of Don Community Council, which has expressed its objection to the application (issues raised summarised in 'representations' section).
- a representative of the Bon Accord Centre, which has no objection to the application subject to limitations on the size and nature of the retail/commercial uses proposed.
- a representative of BOC Gases, who reiterated concerns regarding the potential for noise arising from their existing business operations to be a source of complaint from residents of the proposed development in future.
- the applicants' acoustic consultant, responding to the concerns raised on behalf of BOC Gases.

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

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

Scottish Planning Policy

Scottish Planning Policy was approved on 18 December 2020. In February 2021, a Judicial Review of the decision of the Scottish Ministers on 18 December 2020 to amend Scottish Planning Policy (2014) as set out in 'Scottish Planning Policy Finalised Documents' and to publish 'Planning Advice Note 1/2020' was lodged with the Court of Session. As it stands, SPP2020 remains in place and is

a relevant consideration in the determination of all planning applications.

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.

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 (2020) (SDP)

The Strategic Development Plan 2020 was published in August 2020. The purpose of this Plan is to set a clear direction for the future development of the City Region. It sets the strategic framework for investment in jobs, homes and infrastructure over the next 20 years and promotes a spatial strategy for the next 20 years. All parts of the Strategic Development Plan area will fall within either a Strategic Growth Area or a Local Growth and Diversification Area. Some areas are also identified as Regeneration Priority Areas. The following general targets are identified; promoting diversified economic growth, promoting sustainable economic development which will reduce carbon dioxide production, adapting to the effects of climate change and limiting the amount of non-renewable resources used, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility in developments. The SDP also sets out Housing Supply Targets for both Council areas, to be detailed through allocations in the Local Development Plans.

Aberdeen Local Development Plan (2017)

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 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

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

Proposed Aberdeen Local Development Plan (2020)

The Proposed Aberdeen Local Development Plan (Proposed ALDP) was approved at the Council meeting of 2 March 2020. A period of representation in public was undertaken from May to August 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 –

- such matters have or have not received representations as a result of the period of representations in public for the Proposed ALDP;
- the level of representations received in relation to relevant components of the Proposed ALDP and their relevance of these matters to the application under consideration.

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

The application 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 offers support for the principle of residential development on the Silverburn House site, albeit at the lower end of the scale of residential development described in this 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.

Consultation on the Proposed ALDP during 2020 resulted in a further five representations being received in relation to this site (refs. 137, 248, 772, 888 & 892). These include: representations from SEPA and NatureScot in relation to the Environmental Report for the PALDP, highlighting a requirement for a Flood Risk Assessment to assess potential risk from the existing watercourse on this site and drawing attention to SEPA's earlier response to that effect in relation to the current application; a further submission on behalf of the applicants in support of the proposed re-zoning for residential use; an objection from the local Bridge of Don Community Council; and an objection from Royal Aberdeen Golf Club.

Other Material Considerations

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

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

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

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

Strategic Infrastructure Plan

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

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

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

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 (2020) and the Aberdeen Local Development Plan (2017). The emerging policy context, as set out in the Proposed Aberdeen Local Development Plan (approved by Council on 2nd 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 current Aberdeen Local Development Plan and the relevant policy B2 - Specialist Employment Areas.
- 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 to schools, public transport services and local facilities.
- 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 Local Development Plan following its approval by Council in early March 2020, which re-zones the application site and supports the principle of residential

development.

Zoning

The application site lies within an area zoned as B2 – Specialist Employment Areas 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

There are no site-specific environmental designations applicable to the site, however it is noted that it includes an existing watercourse and a number of existing trees. Existing trees are primarily located to the western portion of the site, beyond the route of the Silver Burn watercourse, however there are also small clusters of trees within the interior portion of the site (formerly part of the landscaping within the site car park). In addition, there are regularly spaced ‘avenue’ trees along the southern and eastern boundaries of the site. The submitted Arboricultural Report concludes that there are a total of 56 such ‘avenue’ trees, all of which would be retained. A further 43 trees are identified within the interior of the site, though it is noted that these trees are estimated to be in the early stages of their life span, not yet a quarter of their mature size, and it is noted that many are already in decline or damaged in such a way that removal is recommended. A total of 25 of those 43 specimens are recommended for removal for reasons of poor health or structural decline, with a further 7 to be removed in order to facilitate the indicative road layout and development proposal. As this is an application for PPIP, further information relating to arboricultural impact will be required based on any detailed design scheme. Nevertheless, the current submission gives a useful overview of existing trees and the Planning Service considers that this offers comfort that the indicative proposals would safeguard the more important arboricultural features that are present. It is noted also that extensive landscaping is proposed throughout the development, which would adequately compensate for any tree loss and is likely to result in a net increase/gain. Further submissions based on the finalised layout, including a tree survey, arboricultural impact assessment and tree protection plan (undertaken to BS5837:2012) should be secured through use of appropriate planning conditions. These should include details relating to any ground level changes and realignment of the Silver Burn watercourse, as well as specific details to show how trees would be planted next to and within hard landscaped areas. Subject to further assessment of those details relating to a finalised scheme, 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.

The application is accompanied by a Drainage Strategy Assessment document, which outlines an intention to divert the Silver Burn around the western boundary of the site as part of the proposed redevelopment. SEPA’s initial consultation response noted the route of the burn appears to have been previously modified, so there may be opportunities to restore a more natural alignment, however SEPA was not supportive of watercourse realignment solely for land gain purposes. The applicants have since provided further information, contained within the revised Masterplan

document, which sets out the aspiration and rationale for alterations to the Silver Burn. SEPA has reviewed this information and is now satisfied that its objection can be withdrawn, but requests that conditions are attached to any permission, securing full details of any proposed realignment and evidence that this would result in environmental betterment. 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) of the ALDP and the associated 'Natural Heritage' Supplementary Guidance.

A high-level Landscape Statement is also included within the supporting documentation, highlighting that there are long views from the A92 Ellon Road across the landscaped portion of the site and over the lower-lying southern part of the site. Ellon Road sits approximately 4.5m above the flat central part of the site which contained the former Silverburn House office building and its associated car parking. Views across the site from Ellon Road, towards the coast, are partially screened by the existing tree belts within the Aberdeen Energy Park and at the former AECC site. As noted previously, existing 'avenue' tree planting along Parkway East and Claymore drive would be retained and supplemented by extensive new planting to the western portion of the site. The scale and height of buildings indicatively shown, given the topography of the site and its relationship with the A92, would not appear to fundamentally obscure views to the coast, and the scale of buildings proposed is not incongruous in the local context. The submitted Masterplan document refers to low-level hedging at the front of properties and use of undulating landforms to attenuate noise, rather than solid acoustic barrier fencing. The western portion of the site is also identified as 'Character Area 1', which places emphasis on an 'open parkland aspect' to this part of the site. These principles provide some comfort at the PPIp stage, but will need to be integrated into the detailed design of the scheme for further assessment via future applications for the approval of matters specified in conditions. 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.

Matters relating to any historic site contamination can be overcome through the use of conditions requiring site investigations and mitigation as necessary, consistent with the consultation response from ACC's Environmental Health service.

Accessibility

The application site lies immediately to the west of the main A92 Ellon Road dual carriageway, which is presently a 70mph road, 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

Vehicular access to the site would be obtained via Claymore Drive. An existing access to the north of the site, adjacent to the gymnastics centre, would be retained and a new access would be formed mid-way along the Claymore Drive frontage. A second existing access point would be closed off. The indicative site layout indicates various pedestrian connections onto Claymore Drive and Parkway East and has recently been revised to also include pedestrian connections onto Ellon Road, to the west. ACC's Roads Development Management (RDM) Team has expressed satisfaction with the location of the proposed access junctions, but note that agreement of detailed junction designs would be established via the approval of matter specified in conditions. Roads colleagues are satisfied that engineering solutions are possible, so express no objection in principle.

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. This is consistent with the approach taken to previously consented developments at Cloverhill (residential) and Berryhill / The Core (business/industrial), and appropriately worded planning conditions can ensure that responsibility for implementation would rest with whichever development comes forward and reaches a specified trigger point 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. Also consistent with the proposals for Cloverhill, to the north, is a requirement for a temporary 20mph speed limit to facilitate safe routes to schools, with flashing 20mph signs during times when pupils would be travelling to and from school. This requirement has been highlighted by ACC's RDM Team, who note that this would also be subject to a Traffic Regulation Order. This also can be secured through appropriately worded planning conditions.

Internal roads layout

Roads colleagues have not undertaken a detailed assessment of the internal roads layout, on the basis that this application seeks Planning Permission in Principle and therefore it will be a matter for subsequent applications relating to the approval of matters specified in conditions to demonstrate a satisfactory detailed design, should permission be 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. General discussions around the indicative layout have taken place, and ACC's Roads DM team agreed that the main access route around the outer edges of the site would be to an adoptable standard and the parking courts following 'Designing Streets' guidance may be accessed off that. Swept path analysis including a required 250mm buffer have been submitted to demonstrate this indicative layout is feasible, and adjustments to radiuses at junction corners were revised to comply in the amended layout and Masterplan.

Local Road Network

A Transport Statement has been provided in support of the application. This sets out that, when comparing the proposed residential use to the historic office use, there would be a net reduction in trips within both the AM and PM peaks. On that basis, ACC's RDM Team has expressed satisfaction that no further traffic impact assessment is required. Earlier RDM comments, highlighting a requirement for a safe means of crossing Parkway East have now been addressed, and planning conditions can be used to secure details of a crossing specification and delivery prior to first occupation thereafter. A crossing over Parkway east allows for residents to access existing crossings over Ellon Road, to the south of the site. A new crossing over Ellon Road, to the north of the site, is to be delivered as part of the Murcar commercial development known as 'The Core' and the consented residential development for land at Cloverhill.

Public Transport

Existing bus services operate along the A92, immediately to the west of the site, and there are also bus stops on both sides of Parkway East, directly to the south of the site. The Bridge of Don Park and Ride site is located approximately 300m to the south. At present, there is no crossing point between the site and the bus stops south of the site. The applicants have agreed that a crossing point is required in order that residents can access public transport and indicative proposals for a staggered 'puffin' crossing have been provided. ACC's RDM Team advises that agreement of a detailed specification for and delivery of an appropriate crossing can be secured through use of planning conditions, noting that it may be appropriate for this to be a 'toucan' crossing given the presence of footway/cycleways.

The existing bus stops on Parkway East lack raised kerbs and shelters. ACC's Public Transport Team have advised that a shelter would be required on the southern side, with a standalone pole being sufficient on the northern side. These upgrades can be secured through use of planning conditions.

Section 6 of the submitted Transport Statement sets out a Travel Plan Framework, setting out 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 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' submissions state that parking provision will be made in accordance with ACC standards, including provision for Electric Vehicle charging points, and will be demonstrated in subsequent applications. This is considered to be satisfactory at this PPIP stage, and there has been no adverse comment from ACC's RDM Team.

Pedestrian Infrastructure

As noted previously, the applicants have agreed that a crossing point is required on Parkway East in order that residents can access bus stops and the connect to the surrounding network of footways. To that end, indicative proposals for a staggered 'puffin' crossing have been provided. ACC's RDM Team advises that agreement of a detailed specification for and delivery of an appropriate crossing can be secured through use of planning conditions, noting that it may be appropriate for this to be a 'toucan' crossing given the presence of footway/cycleways. A crossing in this location would aid pedestrian movement across the A92 by allowing residents to access existing crossing points. In addition, new crossings planned for the A92 in connection with other consented developments would facilitate access across the A92 to the north of the site. It is essential that a suitable crossing over Parkway East is available for use prior to first occupation of units within the development, so planning conditions will specify first occupation as the trigger for delivery.

The applicants have also agreed to necessary widening/upgrading of the footway along the site frontage to Ellon Road (A92) and northwards, to allow for shared footway/cycleway use and safe pedestrian movement. The applicants' Masterplan document now reflects this requirement, however a condition will also be used to secure delivery. The indicative site layout plan also now incorporates pedestrian connections from the development westwards, onto to Ellon Road/A92. Full details of the pedestrian and cycle infrastructure within the internal site layout would be provided and assessed through consideration of further applications, however the indicative layout appears to show a number of segregated footway/cycleways, which is welcomed and consistent with the aims of policy T3 (Sustainable and Active Travel) of the ALDP.

Safe Routes to School

The application site is zoned to Scotstown Primary and Bridge of Don Academy. There is currently no crossing point on Parkway East, and it was agreed that a crossing in this location would allow safe crossing and enable access to the existing crossing point over the Ellon Road (A956) opposite the former AECC. In addition to the provision of this additional crossing, the reduction in speed limits

previously mentioned would include a temporary 20mph speed limit, which would be in effect during school travel times. Subject to implementation of these additional measures, Roads colleagues are satisfied and it is considered that safe routes to the zoned schools can be delivered. Further details can be obtained, based on the finalised design and layout, via the consideration of applications for the approval of matters specified in conditions.

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 PPI 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. For allocated sites, a site would ordinarily be prepared separately from, and in advance of, a planning application. Where applications propose a departure from the Development Plan, such documents are generally lodged alongside a specific proposal and refined prior to determination of the application in question. In this case the applicants have prepared a supporting Masterplan document 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 PPI 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 Masterplan document 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 document sets out a vision for the creation of a high quality residential development which redevelops a prominent and vacant brownfield site on a busy approach to the city, enhances the setting of the Silver Burn and provides new and attractive open spaces to successfully integrate development into the surrounding landscape. The Masterplan document identifies proposals for residential development at Cloverhill and the redevelopment of the former AECC site as offering opportunities for improved connections between these areas.

The western edge of the site would incorporate significant new tree planting, focused around the retained and realigned Silver Burn watercourse, which would be set within a natural greenspace corridor, offering an attractive frontage onto the busy A92 route. The Masterplan document highlights a range of green spaces within the site, as well as a main square which serves as a focal point for the development and a location for retail/commercial floorspace. The intention is that these commercial units would be occupied by small-scale retailers or coffee shop uses. The eastern edge of the site would be defined by a 'landscaped boulevard' incorporating additional tree planting and addressed by regular terraced blocks. Smaller 'pocket park' spaces are identified within the interior of the site, with opportunities for safe play spaces which are subject to passive surveillance from surrounding homes. In terms of scale and built form, the indicative layout and Masterplan document refer to predominantly terraced and semi-detached houses, with a larger mixed-use block of 3-4 storeys located centrally in the western portion of the site, addressing the busy A92 route. This building also addresses the 'main square' and on its eastern side and contains commercial units at ground floor with flats above. The 'main square' space is also shown as incorporating community growing space. Design commentary refers to simple pitched-roof forms with some variation in heights and rooflines through use of projecting bay windows and pitched gables. The indicative layout demonstrates variation in street surfacing materials, with references made to 'Designing Streets' compatible shared surfaces and tight road geometry where appropriate to slow vehicle speeds and promote pedestrian priority spaces. Specific character areas within the site are

identified, with key design principles established. The intention is that these would be distinct from each other, but unified by a consistent palette of materials so as to give a coherence to the development as a whole. Car parking is generally contained within courtyards, away from street frontages, and pedestrian linkages to surrounding streets/footways are included to the south, east and west.

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. The commercial element of the proposal would not exceed 500sqm, so does not trigger any requirement for Retail Impact Assessment, and is not considered to be of a scale that would generate significant footfall for the purposes of sequential testing. At this PPIp stage, appropriately framed conditions will be required to secure the necessary details of any retail uses and limit floorspace accordingly, along with details of delivery mechanism and timescale for delivery.

The proposal does not yet contain sufficient detail to allow for detailed 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 Masterplan document, in its commentary on the respective character areas, refers to generally medium-density layouts comprising primarily terraced and semi-detached units, with higher density in a landmark 3-4 storey mixed use block comprising commercial floorspace with flats above. 100-150 units on this 3.7ha site equates to a gross density of between 27 and 40 units per hectare. The corresponding 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 Masterplan document, with the initial focus on the southern portion of the site, including formation of the main access from Claymore Drive and central 'village green' open space. The second phase involves development of the main square and commercial floorspace, along with approximately 46 units, including terraced houses, flats and affordable units. The third and last phase shown involved the northern section of the site and the remaining frontage to Claymore Drive, extending to approximately 33 terraced and semi-detached houses and a link to the second access point from Claymore Drive. 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 ALDP's land use zoning, the proposal is capable of offering adequate amenity for future residents. The site extends to approximately 3.7ha and does not contain steep slopes that would present an obstacle to residential street layouts. Trees are generally located to the edges of the site. The main factors that might present a threat to residential amenity are the proximity to the busy A92 road to the west and the existing and consented/allocated employment land uses to the north and east.

A Noise Impact Assessment has been submitted in support of the application and has been vetted by ACC's Environmental Health (EH) service. EH colleagues note that this assessment found that noise levels from both traffic and industrial noise would exceed the relevant thresholds without appropriate mitigation. Mitigation measures proposed include a combination of acoustic barriers and

enhanced façade design. With these measures in place, noise levels would achieve the required reductions in almost all instances, with a small number of 'slight' impacts remaining. As this application seeks PPIp, it will be necessary to revisit noise assessment once a finalised layout and design has been established. To that end, it is appropriate to attach conditions to any approval requiring such further assessment, details of any required mitigation and implementation of mitigation measures thereafter. It is recognised that a nearby industrial operator (BOC gases) has raised concerns about the potential for residential use in this location to affect its ongoing operations. The Planning Service is satisfied that the submitted noise assessment gives comfort regarding the anticipated noise levels within the development and the feasibility of mitigation where required within the new development. Section 41A of the Town and Country Planning (Scotland) Act 1997 restricts the ability to impose on an existing noise source additional costs relating to acoustic design measures to mitigate, minimise or manage the effects of noise to protect occupants of a new development.

It should be noted that there will be further opportunity for scrutiny of noise assessments based on the final layout as via the approval of matters specified in conditions process, which offers a further opportunity for public comment and review by the Environmental Health Service. Subject to that further assessment and appropriate controls, it is considered that adverse noise impact can be avoided and the final detailed proposal can demonstrate 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. SEPA had previously objected to the application on the basis of a lack of information on the proposed realignment of the burn and potential for flooding risk. Having reviewed that position in light of further clarifications from the applicants, SEPA has now withdrawn its objection and advised that it is content for matters raised in earlier responses to be addressed by conditions attached to a grant of planning permission and the related further applications. The requested conditions will include a requirement for details of any burn realignment and demonstration that there is no increased risk of flooding off-site as a result of any such realignments. ACC's Structures, Flooding and Coastal Engineering Team states no objection to the proposal, requesting that a level 2 Flood Risk Assessment be secured via a planning condition. On this basis, the Planning Service is satisfied that there is no obstacle to granting Planning Permission in Principle, and that detailed assessment of flood risk based on a fully designed scheme can be undertaken via consideration of further applications, provided appropriate conditions are applied at this stage.

ACC's Roads Development Management Team has highlighted that surface water must be subject to two levels of treatment before it may enter any existing watercourse, in order to safeguard water quality. The submitted Drainage Impact Assessment suggests that parking areas would drain via porous paving to stone-filled trenches, which in turn flow to a detention basin before leaving the site. This is considered to be acceptable, however there may be a requirement for drains depending on specific design. Roads appear to be subject to only one form of treatment, so further information will be required to demonstrate a second level of treatment for road drainage. At this stage, RDM are satisfied that engineering solutions are possible and the specific details of a detailed drainage scheme, based on the final site layout, will be required at a later stage. SEPA has expressed some concern about the Drainage Strategy Assessment's reference to existing drains within the development site that would be 'removed or abandoned' as part of the demolition works, on the basis that this has potential to result in pollution. With that in mind, SEPA has requested that a condition be used to secure further details of how historic site drainage will be dealt with and decommissioned. In addition, a detailed drainage scheme based on the final site layout 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, site drainage and SEPA's interest in the proposals for

historic 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 150 units would equate to 37.5 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 reiterate the requirement for 25% provision, and state that the affordable units should be reflective of the development as a whole and provide a mix of houses and flats, with a preference for social rented housing. This is consistent with ACC's Affordable Housing SG.

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 150 standard 3-bedroom units, but it is recognised that the final mix of unit types and sizes has yet to be determined so any legal agreement securing developer obligations requires to be account for changes to the development's composition. The detail of the relevant obligations is summarised in the 'consultations' section of this report. Financial contributions are identified towards increasing capacity at Scotstown Medical Practice (or other such facility serving the development); delivery of an aspirational Core Path route; enhancement of nearby open space: provision of additional capacity at Bridge of Don Community Learning Centre and/or Balgownie Community Centre; and a contribution towards delivery of a 3G sports pitch at the Alex Collie Sports Centre. As the primary and secondary schools to which the development is zoned have capacity to accommodate additional pupils, based on the most up-to-date School Roll Forecasts, no contributions are payable towards increasing school capacities. 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 conditions, however it is noted that a proposed waste collection strategy plan for the indicative layout offers some comfort that a solution is achievable, showing appropriate access/egress and turning points for refuse vehicles. Conditions attached to any Planning Permission in Principle must secure the necessary information on any finalised layout. 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 be 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 some commitment to this process through the inclusion of a section on 'resource efficiency', which refers to the use of measures such as low carbon generating technologies. Further technical submissions will be required to establish the exact nature of the measures employed to demonstrate compliance with policy R7 and the associated SG – this can be achieved through use of a planning condition.

Aberdeen City and Shire Strategic Development Plan (2020) (SDP)

As noted above in the discussion of housing land supply, the recently approved Strategic Development Plan sets the housing land requirements for the respective Local Development Plans within the SDPA area. The requisite examination process led to the reporter's recommendation that housing numbers be increased in the period 2020-2032 from the figures initially included at the Proposed Plan stage. In this context, it is considered that the 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 more up-to-date picture of housing land requirements in the City.

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 specialist employment 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 Policy B2 (Specialist Employment Areas), 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 level of representation made in connection with this application, comprising two letters of objection, is notably low given the scale of 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 process for the preparation of a new Local Development Plan.

As regards the scale and nature of any commercial uses, it is acknowledged that the ALDP places limits on the development of new significant footfall generating uses outwith the identified network of designated centres. It is recognised that policy B2 does not specifically provide for retail uses however the Planning Service is of the view that, if a departure from the development plan for residential use is considered appropriate, then it is reasonable to ensure that any such residential use is served by shops and services of an appropriate local scale, consistent with the approach set out by policy NE8 (Retail Development Serving New Development Areas) for sites allocated in the ALDP. It is recognised that a cap on retail floorspace may be appropriate in order to ensure that retail uses are serving a principally local need, rather being of a scale to serve a city-wide catchment. This also ensures that the integrity of the existing network of designated centres and the ALDP's approach to retail and footfall generating uses generally is not undermined. It is noted that the representations stated no objection to modestly scaled retail/commercial use and expressed support for the scale and nature of any such uses being regulated through use of planning conditions. In

terms of commercial uses the application description has been amended since the initial submission, reducing commercial floorspace from 1,000 – 3,000 sqm to no more than 500 sqm.

Concerns raised by British Oxygen Co. (BOC) are addressed in the 'Residential Amenity and Noise' section of this report.

Matters Raised by Community Council

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 process for the preparation of a new Local Development Plan. It is highlighted that the planning system provides for decisions to be taken which depart from the applicable Development Plan where the planning authority is satisfied that there is a strong justification for doing so. It is highlighted also that this site, formerly developed as the Silverburn House office complex, is a 'brownfield' site, and therefore does not represent the release of greenfield land for housing.

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 in principle. 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, including funding increased healthcare capacity. The framework for assessing such impacts is set out in the Council's adopted 'Planning Obligations' SG.

Consultation with ACC's Education service and the ACC Developer Obligations Team has highlighted that there is existing capacity at both primary and secondary level to accommodate pupils from the proposed development, based on the established methodology and having regard to the most up-to-date school roll forecasts.

The traffic and air quality impact of the proposal have been considered by Roads and Environmental Health colleagues, and no concerns have been raised. The reduction in the speed limit to 40mph (with temporary 20mph at school travel times) is consistent with other roads in the city and is essential to support safe routes to school.

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 1st April 2019) was published in December 2019. The SDP sets a requirement for at least 60ha of marketable land available to businesses, at all times, 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 former Silverburn House site that is the subject of this application extends to approximately 3.7ha and did not form part of the 274ha marketable supply identified in the 2018/19 Audit. This indicates that residential development in this location 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 1st January 2020, was published in December 2020. 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 7.1 years for the Aberdeen Housing Market Area (AHMA), however it is recognised that the 2020 HLA was based on the housing requirement contained within the now superseded Aberdeen City and Shire Strategic Development Plan 2014. Members will be aware that the Aberdeen City and Shire Strategic Development Plan 2020 has recently been reviewed and this actually increased the housing requirement for the Aberdeen Housing Market Area, which in turn led to the identification of new housing opportunity sites in the PALDP, including the current Silverburn House site. The re-zoning of this site from 'specialist employment' to residential, (and inclusion of some others, in the Proposed ALDP) is a response to the requirements of the SDP following examination. 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 no longer in effect and was acknowledged as being beyond its review period since 29 March 2019. The SDP's increasing of the housing land supply in the 2020-2032 period therefore 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 their basis on an outdated housing requirement. If we look to the most recently available information, it can be said that the newly approved SDP has set a higher bar for housing supply in Aberdeen, and that the re-zoning of the former Silverburn House 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 justifiable Departure from the extant Development Plan.

Proposed Aberdeen Local Development Plan

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 19th March to 28th May 2018. The former Silverburn House site was submitted at that time as a development bid, ref B02/32. 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 4th March to 13th May 2019. At that time, Officers concluded that the former Silverburn House site was 'undesirable' for inclusion in the Proposed Plan. Officers recognised that potential residential use would not necessarily conflict with the surrounding employment uses, but noted that there would be potential for erosion of the specialist nature of the employment area and identified that as a land use conflict. That 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 updated SDP 2020 context has changed since that time, and that is reflected in the Proposed LDP's re-zoning of the former Silverburn House site as a residential opportunity site (ref OP12) for approximately 100 homes, as a suitable brownfield site that can contribute to the increased housing numbers set in the SDP. The Proposed LDP was agreed by Council on 2nd 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 Cloverhill (as OP2), to the north, and the subsequent granting of Planning Permission in Principle 191171 also serves to remove earlier potential for 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 are now in many cases 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 into account the policy support and the residential re-zoning of the former Silverburn House site, it is considered that the Proposed Plan represents a significant material consideration which weights in favour of residential development in this location.

Heads of Terms of any Legal Agreement

A legal agreement will be required in order to secure the financial contributions identified by ACC's Developer Obligations Team. Such an agreement would also provide the mechanism for ensuring the development delivers a recognised form of affordable housing, at a minimum of 25% of the total number of units, to be retained as such thereafter. Should members be minded to approve this application, the conclusion of an appropriate legal agreement would be delegated to officers, working in conjunction with colleagues from ACC Legal Services.

Time Limit Direction

n/a

RECOMMENDATION

Willingness to approve subject to conditions and subject to conclusion of a legal agreement securing payment of developer obligations and ensuring that the development delivers a minimum of 25% as affordable housing.

REASON FOR RECOMMENDATION

This application represents a departure from the 2017 Aberdeen Local Development Plan (ALDP), specifically in relation to policy B2's limitation to uses compatible with 'specialist employment' zoning. 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 it is possible to develop this site for residential use whilst still maintaining a generous supply of employment land for future use. The emerging policy context provided by the Proposed Local Development Plan (PLDP), supports residential development in this location, with the PDLP re-zoning the former Silverburn House site in order to contribute towards meeting an increased housing 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. On balance, whilst it is recognised that the proposal represents a departure from the current Development Plan, the significance of that departure is not considered to result in significant harm in planning terms. The proposal's compliance with the Development Plan in all other respects, when considered in conjunction with the support offered by the PLDP, is considered to provide sufficient justification for departing from the Development Plan in this specific instance.

CONDITIONS

1. Phasing

No development pursuant to this grant of planning permission shall be undertaken 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 and/or commercial use to meet the local need generated by the new residential development.

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, including junction design and trigger points for delivery;
- 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;
- k) Details of the layout, siting, design, materials and finishes of all residential and non-residential buildings; and,
- m) Details of waste/recycling collection points, for residential and non-residential properties, including swept-path analysis of refuse collection vehicles.

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, arboricultural impact assessment and tree protection plan (undertaken to BS5837:2012);
- 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 Management Plan detailing appropriate management measures for all watercourse buffer strips;
- j) A programme for the completion and subsequent maintenance of the proposed landscaping.
- k) Specific details for the planting of trees within and adjacent to hard 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

Reason: in the interests of protecting trees and ensuring a satisfactory quality of environment.

4. 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.

5. 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.

6. Historic drainage infrastructure

No development pursuant to this grant of planning permission shall commence unless a scheme for the treatment/decommissioning/removal of historic site drainage infrastructure has first been submitted to and approved in writing by the planning authority, in consultation with SEPA.

Thereafter, development shall not be undertaken other than in full accordance with the scheme so agreed.

Reason: to prevent the abandonment of waste on site and pollution of the environment.

7. 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 watercourses within the site. 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.

8. De-culverting and realignment of Silver Burn

No development pursuant to this grant of planning permission shall be undertaken unless a detailed scheme for the protection and enhancement of the water environment has first been 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 and enhance the water environment and to prevent an increase in flood risk.

9. Flood Risk Assessment

No development pursuant to this grant of planning permission shall be undertaken unless a Level 2 Flood Risk Assessment has been submitted to and approved in writing by the planning authority, in consultation with SEPA.

Any such submission shall include the following information:

- a) confirmation of the functional floodplain, including with the addition of climate change, of the (realigned) burn (illustrated on a Site Plan);
- b) a development layout which avoids the functional floodplain, including with the addition of climate change;
- c) demonstration that there is no increased flood risk off-site resulting from the realigned channel compared to the existing (baseline) scenario to be agreed by the Planning Authority in consultation with SEPA.

Thereafter, development shall not be undertaken other than in accordance with any agreed submissions.

Reason: In order to protect people and buildings from flooding.

10. Environmental Enhancements

No development pursuant to this grant of planning permission shall be undertaken unless a scheme of environmental enhancements, including reference to those listed in paras 5.2 and 5.3 of SEPA's consultation response dated 11th Feb 2020, has been submitted to and approved in writing by the

planning authority in consultation with the Scottish Environment Protection Agency. Once approved the scheme shall be implemented in full.

Reason: To ensure the offset of environmental impacts and contribute to and enhance the natural environment and support Policy D1 - Quality Placemaking by Design.

11. 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.

12. Street Design, Car Parking etc.

No development pursuant to this grant of planning permission shall be undertaken unless details of the proposed street design, which shall contain but not be limited to: a parking strategy (including provision for accessible spaces, motorcycle and bicycle spaces and Electric Vehicle charging points and infrastructure); road geometry, dimensions and swept-path analysis; road junctions and visibility splays; traffic calming measures; footway and 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.

13. Pedestrian Crossing at Parkway East

No buildings within the development may be occupied unless a 'toucan' crossing has been provided across Parkway East, in accordance with a scheme which has first been submitted to and approved in writing by the planning authority.

Reason: to ensure that the site has appropriate pedestrian infrastructure to allow connection to local schools, 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.

14. Traffic Regulation Orders

No buildings within the development hereby approved shall be occupied unless 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 during school travel times.

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

15. Bus Stops

That no residential units shall be occupied unless existing bus stops on Parkway East have been upgraded 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.

16. 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.

17. 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.

18. Noise Assessment and Mitigation Measures

No development pursuant to this grant of planning permission shall be undertaken unless a further noise assessment, based on the final design and layout approved 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 the development shall be occupied unless the approved mitigation measures for that unit have been implemented in full.

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

19. Dust Risk Assessment and Management Plan

No development pursuant to this grant of planning permission shall be undertaken 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.

20. Commercial floorspace

The commercial units hereby approved shall not exceed a total of 500sqm in gross floor area, and shall be used not be used for purposes other than those falling within classes 1 (shops), 2 (financial and professional services) or 3 (food and drink).

No unit shall be occupied for purposes within Class 3 (food and drink) unless a scheme comprising the following has been submitted to and approved in writing by the planning authority:

- a) A suitable extract ventilation assessment in line with relevant guidance for example, the EMAQ guidance document 'The Control of Odour and Noise from Commercial Kitchen Exhaust Systems' (or equivalent) and associated references, by a competent person must be carried out. This assessment must ascertain the predicted impacts of odour associated with the specific type and level of cooking activities to be undertaken and fully demonstrate the effectiveness of any proposed mitigation measures to; filter, neutralise, extract and disperse cooking fumes produced at the premises. A suitable report detailing this assessment and its findings must be submitted and approved by the Environmental Health Service.
- b) A Noise Impact Assessment by a suitably qualified noise consultant to ascertain the predicted impacts of noise associated with the system and fully demonstrate the effectiveness of any noise controls. The methodology for such an assessment must be agreed with this Service. Details of this assessment and its findings must be submitted for review, in the form of a suitable report to the satisfaction of this Service. This assessment should:
 - (i) Be in accordance with Planning Advice Note (PAN) 1/2011 Planning and Noise and its accompanying Technical Advice Note.
 - (ii) Identify the noise sources associated with the proposed development and their impact on neighbouring properties.
 - (iii) Detail the noise mitigation measures to reduce noise from the proposed noise sources to an acceptable level to reasonably protect the amenity of the occupants of neighbouring properties.

Reason: In order to ensure that retail and commercial floorspace is of a local scale and to safeguard amenity within upper floor residential units.

21. Contaminated Land (A)

No development pursuant to this grant of planning permission shall be undertaken 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.

22. Contaminated Land (B)

No building(s) on the development site shall be occupied unless:

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 approval 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

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.

ADVISORY NOTES FOR APPLICANT

Applications for the approval of matters specified in conditions (AMSC)

The applicant's attention is drawn to Annex H of Scottish Government Circular 3/2013: Development Management Procedures, which sets out that applications for the approval of matters specified in conditions (AMSC) which require submissions to be made prior to commencement of development must be made within a period of 3 years from the date on which Planning Permission in Principle is granted. Other conditions which require submissions post-commencement are not subject to that 3 year period, but must still be made via a formal application for AMSC.

<https://www.gov.scot/binaries/content/documents/govscot/publications/advice-and-guidance/2015/09/planning-series-circular-3-2013-development-management-procedures%5B2%5D/documents/00485277-pdf/00485277-pdf/govscot%3Adocument/00485277.pdf>

SEPA Authorisation

Authorisation is required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) to carry out engineering works in or in the vicinity of inland surface waters (other than groundwater) or wetlands. It is the applicant's responsibility to determine if any engineering works proposed will receive authorisation from SEPA.

Hours of construction work

In order to protect amenity of the occupants of the neighbouring residences and prevent any potential noise nuisance caused by site conversion works, it is recommended that such operations should not occur:

- Outwith the hours of 07:00 to 19:00 Monday to Friday and
- Outwith the hours of 08:00 to 13:00 on Saturdays so that no noise is audible at the site boundary outwith these times.

Secured by Design Award

Attention is drawn to the consultation response from Police Scotland's Architectural Liaison Officer, which strongly encourages the applicants to seek the 'Secured by Design' award in order to demonstrate that safety and security have been proactively considered and that the development will achieve high standards in these respects.

'Secured by Design' (SBD) is a police initiative to encourage the building industry to adopt crime prevention measures in development design to assist in reducing the opportunity for crime and the fear of crime, creating a safer and more secure environment. 'Secured by Design' is endorsed by the Association of Chief Police Officers (ACPO) and has the backing of the Home Office Crime Reduction Unit. It has been drawn up in consultation with the Department of Transport, Local Government and the Regions (DTLR, formerly DTLR).