

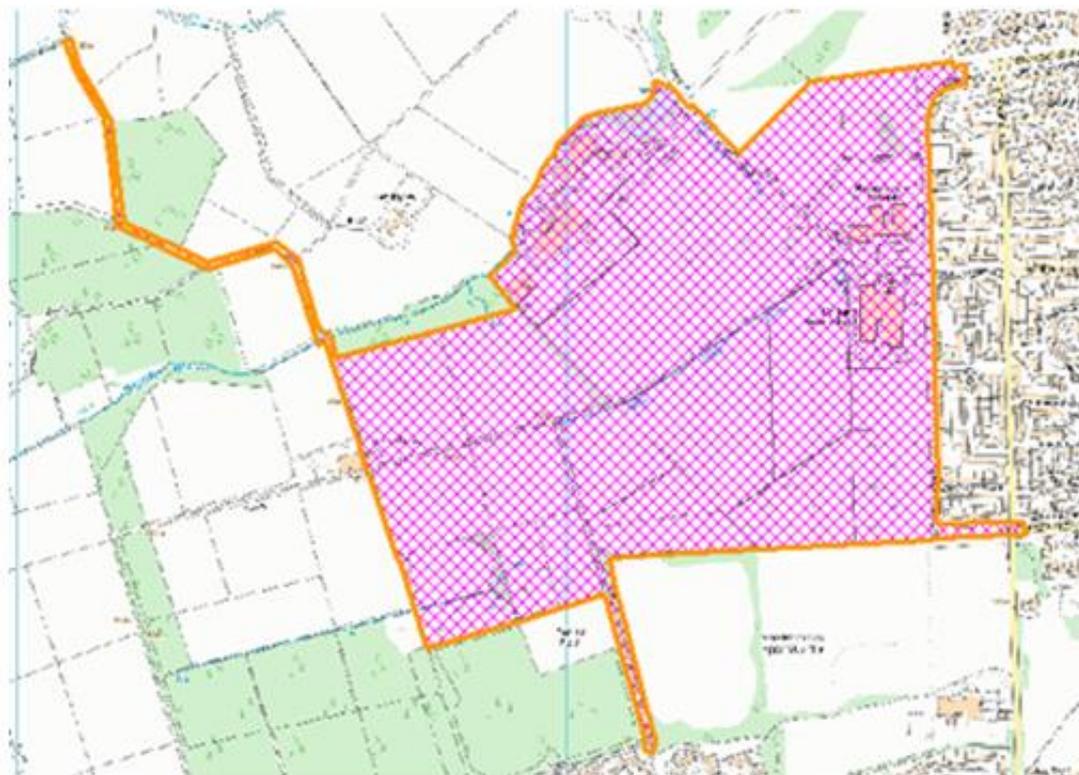


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 25th May 2023

Site Address:	Land at Greenferns, Sites OP28 & OP33, Aberdeen
Application Description:	Residential-led, mixed use development comprising approximately 1,650 homes, employment use, a neighbourhood centre comprising local retail and commercial provision, leisure and community uses and associated infrastructure including new and upgraded access roads, landscaping, open space and engineering works
Application Ref:	230173/PPP
Application Type	Planning Permission in Principle
Application Date:	10 February 2023
Applicant:	Aberdeen City Council
Ward:	Dyce/Bucksburn/Danestone
Community Council:	Bucksburn and Newhills
Case Officer:	Gavin Clark



1. PURPOSE OF REPORT

- 1.1 This report considers whether planning application 230173/PPP, which triggers the statutory criteria to require that a Pre-Determination Hearing is held, should be determined by the Planning Development Management Committee or if it would be advisable for the pre-determination hearing and determination to be carried out by Full Council.

2. RECOMMENDATION(S)

That the Committee:

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

3. BACKGROUND

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

4. APPLICATION BACKGROUND

4.1 Site Description

The application site extends to approximately 79.9 hectares and is located on the western edge of Aberdeen, to the west of the established residential area of Northfield and south of the Bucks Burn. The application site is identified within both the adopted Aberdeen Local Development Plan 2017 and the Proposed Aberdeen Local Development Plan 2020 as Opportunity Sites OP28 and 33 suitable for a combined total of around 1470 homes and 10 hectares of employment land. OP28 at the edge of Northfield includes recent development comprising the Heathryburn and Orchard Brae Schools. The EnerMech commercial site lies within the OP33 allocation at the northern edge.

4.2 Relevant Planning History

A Screening Opinion (Ref: 220427/ESC) was submitted on the 31st March 2022 in relation to a proposed residential-led mixed use development including approximately 1650 homes, employment use, neighbourhood centre comprising local retail and commercial provision, leisure and community uses and associated infrastructure including new and upgraded access roads, landscaping, open space and engineering works. The Planning Service responded to this request on the 14th April 2022 advising that an Environmental Impact Assessment (EIA Report) would be required to accompany any future planning application for the site.

A Scoping Opinion (Ref: 220478/ESP) was also submitted on the 31st March 2022 in relation to the above proposals. The Planning Service responded to this on the 10th May 2022 advising on the level of information which would be required to be submitted with an EIA Report.

4.3 Description of Proposal

The proposal seeks planning permission in principle for a residential-led, mixed use development comprising approximately 1,650 homes, employment uses, a neighbourhood centre comprising local retail and commercial provision, leisure and community uses and associated infrastructure including new and upgraded access roads, landscaping, open space and associated engineering works.

4.4 Supporting Documents

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RPV5EABZGFS00>

The Environmental Statement

The Environmental Statement (ES) reports on the findings of an Environmental Impact Assessment (EIA) for the proposed development. An EIA is the process of compiling, evaluating and presenting all of the significant environmental impacts of the proposed development, leading to identification and incorporation of appropriate mitigation measures. The range of the potential impacts considered in the ES fall under the following headings:

- Chapter 1: Introduces the Development
- Chapter 2: Provides further information in relation to the need for the development
- Chapter 3: Discusses the proposed development
- Chapter 4: Consideration of Alternatives
- Chapter 5: Environmental Assessment
- Chapter 6: Figures
- Chapter 7: Population and human health
- Chapter 8: Ecology and nature conservation
- Chapter 9: Land use ground conditions and land contamination
- Chapter 10: Water environment flood risk and drainage
- Chapter 11: Noise and vibration
- Chapter 12: Air quality
- Chapter 13: Landscape and visual impacts
- Chapter 14: Cultural Heritage
- Chapter 15: Disruption due to construction
- Chapter 16: Summary of environmental commitments
- EIA Non-technical summary
- EIA Appendix 1 – Consultations
- EIA Appendix 2 – Draft Construction Environment Management Plan
- EIA Appendix 3 – Cultural Heritage
- EIA Appendix 4 – Ecology (non-confidential)
- EIA Appendix 5 – Air Quality

Other documents forming part of the PPP application include:

- Development Framework and Phase 1 Masterplan
- Development Framework Plan
- Indicative Phase 1 Masterplan Layout

- Transport Assessment
- Preliminary Environmental Risk Assessment
- Pre-Application Consultation Report (with associated Appendices)
- Tree Survey Report
- Tree Survey Schedule & Drawings
- Planning Statement
- Drainage Strategy and Flood Risk Assessment
- Air Quality Impact Assessment
- Surface Water Features and Hydrogeology

4.5 Pre-Application Consultation

A Proposal of Application Notice (PoAN) was submitted for the site on the 13th May 2022 outlining the proposed development description and detailing the public consultation strategy to be undertaken prior to submission of any formal planning application.

The public consultation process was undertaken during the defined “Emergency Period” contained within the related Town and Country Planning (Miscellaneous Temporary Modifications) (Coronavirus) (Scotland) Regulations 2022 and the engagement operated a hybrid format of both online and face-to-face exhibitions held in the Middlefield Community Hub.

The initial online consultation in June 2022 involved the creation of a dedicated consultation website containing details of the proposed development and an opportunity for the public to feed back. Additionally, a live interactive event took place on the consultation website via a web chat function, which allowed interested parties to ask questions of the design team.

A second face-to-face public drop-in exhibition of the proposals was undertaken in August 2022, where members of the design team were available to discuss the proposals. Feedback forms were provided at this event and a summary of the responses was provided within the Pre-Application Consultation (PAC) Report.

4.6 Requirement for a Pre-Determination Hearing

The proposed development is classed a ‘major development’ in terms of The Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009. The proposal is considered to be a Significant Departure from the Development Plan by virtue of the proposal being contrary to Policy LR1 (Land Release) of the Aberdeen Local Development Plan 2017 and the Proposed ALDP 2020 in that 400 homes within the application (part of the Greenferns OP33 allocation) are identified for development within the future plan period 2033-2040.

Policy LR1 (Land Release Policy) of the Proposed ALDP (it is anticipated that this will be adopted and become the Aberdeen Local Development Plan 2023 at the time this application is determined) states that *“Housing and employment development on sites allocated in the period 2033-40 are safeguarded for future development and will be released by a review of the Local Development Plan. Development on a site allocated in these phases or in close proximity to an allocation that jeopardises the full provision of the allocation will be refused. The housing and employment land sites for the period 2033-40 are as follows; OP33 Greenferns – 400 homes (from a total of 1,350)”*.

Given that the current application includes the future housing allocation, it represents a significant departure from the LDP. Under Regulation 27 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 there is a requirement to hold a Pre-determination Hearing before such applications may be determined.

A previous requirement for such applications to be determined by Full Council has been removed by the revised legislation under the Planning (Scotland) Act 2019, and in March 2020 the Council delegated authority for these statutory hearings and determinations to Planning Development Management Committee as part of the Scheme of Governance review. It is therefore for Members to decide whether the hearing and subsequent determination of this application are conducted in front of Planning Development Management Committee, or whether there are any particular issues that would warrant referral to Full Council in this instance.

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

5. CONSULTATIONS

5.1 A full list of consultations and their responses will be outlined in the subsequent Pre-Determination Hearing Report and Committee/Full Council Report, as a note the following bodies have been consulted:

- Aberdeen International Airport
- Archaeology Service (Aberdeenshire Council)
- ACC – City Growth
- ACC – Developer Obligations
- ACC – Environmental Health
- ACC – Schools Estates Team
- ACC – Structures, Flooding and Coastal Engineering
- ACC – Housing
- ACC – Natural Environment Policy Team
- Police Scotland
- ACC – Roads Development Management Team
- ACC – Land and Property Assets
- Scottish Environment Protection Agency
- Scottish Government
- NatureScot
- Scottish Water
- ACC – Waste and Recycling
- ACC – Contaminated Land Team

6. REPRESENTATIONS

6.1 The period for public comments expired on the 27th March 2023 and details of all comments received will be outlined in the subsequent Pre-Determination Hearing Report and Committee/Full Council Report.

6.2 The proposal has been subject to two letters of representation, both of which object to the planning application.

7. MATERIAL CONSIDERATIONS

7.1 Legislative Requirements

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

7.2 National Planning Framework 4

National Planning Framework 4 (NPF4) is the long-term spatial strategy for Scotland and contains a comprehensive set of national planning policies that form part of the statutory development plan. The relevant provisions of NPF4 that require consideration in terms of this application are –

- Policy 1 (Tackling the climate and nature crises)
- Policy 2 (Climate mitigation and adaptation)
- Policy 3 (Biodiversity)
- Policy 4 (Natural places)
- Policy 6 (Forestry, woodland and trees)
- Policy 12 (Zero waste)
- Policy 13 (Sustainable transport)
- Policy 14 (Design, quality and place)
- Policy 15 (Local living and 20-minute neighbourhoods)
- Policy 16 (Quality homes)
- Policy 18 (Infrastructure first)
- Policy 19 (Heating and cooling)
- Policy 20 (Green and blue infrastructure)
- Policy 21 (Play, recreation and sport)
- Policy 22 (Flood risk and water management)
- Policy 23 (Health and safety)
- Policy 24 (Digital infrastructure)
- Policy 26 (Business and industry); and
- Policy 27 (City, town local and commercial centres)

7.3 Aberdeen Local Development Plan (2017)

Section 16 (1)(a)(ii) of the Town and Country Planning (Scotland) Act 1997 requires that, where there is a current local development plan, a proposed local development plan must be submitted to Scottish Ministers within five years after the date on which the current plan was approved. The ALDP is beyond this five-year period and is still the extant LDP at the time of writing.

The following policies are relevant –

- LR1: Land Release Policy
- LR2: Delivery of Mixed-Use Communities
- OP28: Greenferns

- OP33: Greenferns
- D1: Quality Placemaking by Design
- D2: Landscape
- D5: Our Granite Heritage
- I1: Infrastructure Delivery and Planning Obligations
- T2: Managing the Transport Impact of Development
- T3: Sustainable and Active Travel
- T4: Air Quality
- T5: Noise
- B4: Aberdeen Airport
- H1: Residential Areas
- H2: Mixed Use Areas
- H3: Density
- H4: Housing Mix
- H5: Affordable Housing
- NE1: Green Space Network
- NE2: Green Belt
- NE4: Open Space Provision in New Development
- NE5: Trees and Woodlands
- NE6: Flooding, Drainage and Water Quality
- NE8: Natural Heritage
- NE9: Access and Informal Recreation
- R2: Degraded and Contaminated Land
- R6: Waste Management Requirements for New Development
- R7: Low and Zero Carbon Buildings, and Water Efficiency
- R8: Renewable and Low Carbon Energy Developments
- CI1: Digital Infrastructure

7.4 **Supplementary Guidance (SG)**

- Landscape
- Planning Obligations
- Affordable Housing
- Transport and Accessibility
- Air Quality
- Noise
- Natural Heritage
- Trees and Woodlands
- Flooding, Drainage and Water Quality
- Green Space Network and Open Space
- Resources for New Development

7.5 **Proposed Aberdeen Local Development Plan (2020)**

The Report of Examination on the Proposed Aberdeen Local Development Plan 2020 (PALDP) was received by the Council on 20 September 2022. All the recommendations within the Report have been accepted and the modifications made to the PALDP were agreed by Full Council on 14 December 2022. The PALDP constitutes the Council's settled view as to the content of the final adopted ALDP and is now a material consideration in the determination of planning applications. The exact weight to be given to matters contained in

the PALDP (including individual policies) in relation to specific applications will depend on the relevance of these matters to the application under consideration.

The following policies are relevant –

- LR1: Land Release Policy
- LR2: Delivery of Mixed-Use Communities
- OP28: Greenferns
- OP33: Greenferns
- WB1: Healthy Developments
- WB2: Air Quality
- WB3: Noise
- WB5: Changing Places Toilets
- NE1: Green Belt
- NE2: Green and Blue Infrastructure
- NE3: Our Natural Heritage
- NE4: Our Water Environment
- NE5: Trees and Woodland
- D1: Quality Placemaking
- D2: Amenity
- D4: Landscape
- D5: Landscape Design
- R2: Degraded and Contaminated Land
- R5: Waste Management Requirements for New Development
- R6: Low and Zero Carbon Buildings, and Water Efficiency
- R7: Renewable and Low Carbon Energy Developments
- R8: Heat Networks
- H1: Residential Areas
- H2: Mixed Use Areas
- H3: Density
- H4: Housing Mix and Need
- H5: Affordable Housing
- VC12: Retail Development Serving New Development Areas
- I1: Infrastructure Delivery and Planning Obligations
- T2: Sustainable Transport
- T3: Parking
- CI1: Digital Infrastructure
- B3: Aberdeen international Airport and Perwinnes Radar

8 DISCUSSION

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

- 8.2 The scale of the proposal, being a residential-led, mixed use development comprising approximately 1,650 homes, employment use, a neighbourhood centre comprising local retail and commercial provision, leisure and community uses and associated infrastructure including new and upgraded access roads, landscaping, open space and engineering works, is such that it represents a 'major development' in terms of the relevant hierarchy of developments and is a large scale land release in the context of the City.
- 8.3 With regards the nature of the departure from the Development Plan, this principally relates to the inclusion of 400 homes within the application being identified for development within the plan period 2033-2040, rather than this part of the allocation being the subject of a separate future application. The proposals are therefore contrary to Policy LR1 (Land Release) of the Aberdeen Local Development Plan 2017 and the Proposed ALDP 2020.
- 8.4 Considering the scale of the proposal, the level of public representation and the content of the Proposed Local Development Plan, it is considered that the Planning Development Management Committee is equipped to provide the necessary public scrutiny via a statutory Pre-Determination Hearing and determination of the application thereafter, and that referral to Full Council would not be necessary in this instance.

9 NEXT STEPS

- 9.1 A hearing will be arranged in accordance with the Committee's instructions, subject to there being interest in attending from those who have made representation in relation to the application.
- 9.2 Following any hearing, a report will be prepared by officers for Full Council or Planning Development Management Committee (per Committee's instruction). This will include an assessment of the proposed development and make a Recommendation to Members as regards determination of the application.