

Public Document Pack



To: Councillor McRae, Chairperson; and Councillors Clark and Copland.

Town House,
ABERDEEN 30 October 2025

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

The Members of the **LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL** are requested to meet in **Committee Room 2** on **THURSDAY, 6 NOVEMBER 2025 at 9.00 am.**

JENNI LAWSON
CHIEF OFFICER – GOVERNANCE

Members of the Public can observe the meeting here through the webcast:- [Webcast.](#)

B U S I N E S S

1.1 Procedure Notice (Pages 3 - 8)

COPIES OF THE RELEVANT PLANS / DRAWINGS ARE AVAILABLE FOR INSPECTION IN ADVANCE OF THE MEETING AND WILL BE DISPLAYED AT THE MEETING

Link to the [Local Development Plan](#)

TO REVIEW THE DECISION OF THE APPOINTED OFFICER TO REFUSE THE FOLLOWING APPLICATIONS

PLANNING ADVISER - LUCY GREENE

REVIEW ONE

2.1 Scotstown Moor Base, Shielhill Road Aberdeen - 230969

Members, please note that all plans and supporting documents relevant to the review can be viewed online [here](#) and by entering the application reference number 230969.

2.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (Pages 9 - 86)

2.3 Planning Policies Referred to in Documents Submitted (Pages 87 - 90)

2.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 91 - 166)

2.5 Determination - Reasons for Decision

Members, please note that reasons should be based against Development Plan policies and any other material considerations.

2.6 Consideration of Conditions to be Attached to the Application - if Members are minded to Over-Turn the Decision of the Case Officer

Website Address: aberdeencity.gov.uk

Should you require any further information about this agenda, please contact Lynsey McBain on lymc bain@aberdeencity.gov.uk / tel 01224 067344

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

PROCEDURE NOTE

GENERAL

1. The Local Review Body of Aberdeen City Council (the LRB) must at all times comply with (one) the provisions of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013 (the regulations), and (two) Aberdeen City Council's Standing Orders.
2. Local members are not permitted to sit on cases that fall within their ward.
3. In dealing with a request for the review of a decision made by an appointed officer under the Scheme of Delegation adopted by the Council for the determination of "local" planning applications, the LRB acknowledge that the review process as set out in the regulations shall be carried out in stages.
4. As the first stage and having considered the applicant's stated preference (if any) for the procedure to be followed, the LRB must decide how the case under review is to be determined.
5. Once a notice of review has been submitted interested parties (defined as statutory consultees or other parties who have made, and have not withdrawn, representations in connection with the application) will be consulted on the Notice and will have the right to make further representations within 14 days.
Any representations:
 - made by any party other than the interested parties as defined above (including those objectors or Community Councils that did not make timeous representation on the application before its delegated determination by the appointed officer) or
 - made outwith the 14 day period representation period referred to abovecannot and will not be considered by the Local Review Body in determining the Review.
6. Where the LRB consider that the review documents (as defined within the regulations) provide sufficient information to enable them to determine the review, they may (as the next stage in the process) proceed to do so without further procedure.
7. Should the LRB, however, consider that they are not in a position to determine the review without further procedure, they must then decide which one of (or combination of) the further procedures available to them in terms of the regulations should be pursued. The further procedures available are:-
 - (a) written submissions;
 - (b) the holding of one or more hearing sessions;

- (c) an inspection of the site.
- 8. If the LRB do decide to seek further information or representations prior to the determination of the review, they will require, in addition to deciding the manner in which that further information/representations should be provided, to be specific about the nature of the information/representations sought and by whom it should be provided.
- 9. In adjourning a meeting to such date and time as it may then or later decide, the LRB shall take into account the procedures outlined within Part 4 of the regulations, which will require to be fully observed.

DETERMINATION OF REVIEW

- 10. Once in possession of all information and/or representations considered necessary to the case before them, the LRB will proceed to determine the review.
- 11. The starting point for the determination of the review by the LRB will be Section 25 of the Town and Country Planning (Scotland) Act 1997, which provides that:-
 - “where, in making any determination under the planning Acts, regard is to be had to the Development Plan, the determination shall be made in accordance with the Plan unless material considerations indicate otherwise.”
- 12. In coming to a decision on the review before them, the LRB will require:-
 - (a) to consider the Development Plan position relating to the application proposal and reach a view as to whether the proposal accords with the Development Plan;
 - (b) to identify all other material considerations arising (if any) which may be relevant to the proposal;
 - (c) to weigh the Development Plan position against the other material considerations arising before deciding whether the Development Plan should or should not prevail in the circumstances.
- 13. In determining the review, the LRB will:-
 - (a) uphold the appointed officers determination, with or without amendments or additions to the reason for refusal; or
 - (b) overturn the appointed officer's decision and approve the application **with or without appropriate conditions.**
- 14. The LRB will give clear reasons for its decision.

Planning Development Management Committee and Local Review Body Site Visit Protocol

1. Introduction

- 1.1 The Planning Development Management Committee (PDMC) or the Local Review Body sometimes decides to inspect a site to gain a greater understanding of its location, physical characteristics and relationship to neighbouring properties or land uses. These can help Members reach an informed decision on a planning application.
- 1.2 This protocol sets out the procedure to be followed for the conduct of such formal site visits by Members. To ensure fairness, this guidance should be observed during these visits.
- 1.3 Site visits should only be necessary where:
 - the application can't be assessed fully without a site visit (eg. the proposal raises issues that need to be experienced eg. noisy or smelly processes near the site),
 - where the required information hasn't been provided by way of the plans, images or any supporting information, or
 - where the proposal is particularly contentious and where the benefit of a site visit is clear and substantial.

2. Interested Parties and Neighbouring Properties

- 2.1 There may also be a possibility that Members will visit neighbouring properties as part of the site visit. The Committee Clerk will contact all interested parties who submitted a timely representation in regards to an application ("interested parties") to let them know the application is on the agenda and, in the case of PDMC, advising that they may make a verbal representation at the Committee. Any interested parties who are neighbouring proprietors to the site, may request that their properties are visited as part of any site visit that may take place. To do so, they will be obliged to respond in writing to the Committee Clerk by the deadline of 12pm on the Tuesday before PDMC requesting that the committee visit their property during any site visit. In relation to the Local Review Body, any interested parties who are neighbouring proprietors to the site should indicate their wish for the Local Review Body to visit their property should a site visit be undertaken. Indication should be given in response to the notification given to the interested party advising them that the notice of review has been received.
- 2.2 If the PDMC or Local Review Body determine that a site visit is required for a particular application then the Committee or Local Review Body will also, at the same meeting, decide by agreement (or by way of a Procedural Motion if no agreement can be reached) whether they wish to visit the properties of any interested parties who have requested that they do so, as above. The decision of the PDMC or Local Review Body is final as to whether a site visit is conducted.
- 2.3 The applicants and/or their agent, as well as any interested parties whom PDMC or the Local Review Body have decided to visit their property as part of the site visit, as above, will also be advised of the site visit.
- 2.4 A copy of this protocol will be provided to the applicants and/or their agents and any interested parties whom PDMC or the Local Review Body have decided to visit their property as part of the site visit, as above. It will also form part of the agenda for the relevant site visit meeting.

- 2.5 It is important to emphasise that permission to enter any land will require to be given by the landowner. Landowners are legally entitled to refuse entry to their land.

3. Conduct of Site Visits

- 3.1 The Councillors' Code of Conduct applies to site visits; therefore interests should be declared. Members should not attend the site visit or take part in the determination of the application if, having considered the objective test in the Code of Conduct, they consider that they have a prejudicial interest.
- 3.2 Site visits are a fact finding exercise and not part of the formal consideration of the application and, therefore, Members require to remain impartial. Members must not appear to favour one or other party and must avoid reaching a final decision until all views have been presented at the Committee or Local Review Body meeting to take place following the site visit.

4. Procedure on Site


- 4.1 The Planning Development Management Committee or Local Review Body Convenor will call the site visit to order, ask the Committee Clerk to outline the site visit protocol, and invite the Planning Officer to summarise:
1. the application;
 2. any relevant site history;
 3. the features of the site;
 4. any other matters the Planning Officer considers should be pointed out.
- 4.2 The Planning Officer will then show Members around the site, showing relevant plans, describing the development proposed and pointing out significant features, and will also advise whether interested parties have requested that the PDMC Committee or Local Review Body view the site from other locations and how that is to be dealt with. Members may ask the Planning Officer factual questions (eg. distances to adjoining or interested parties' properties or the location of the planned development) but must not otherwise discuss the application. All questions should be objective, relevant and material. Members are not permitted to hear or express opinions on the merits of the application during the site visit. Members should not address anybody other than each other, the Planning Officer, other Council Officers and the Committee Clerk. Any questions from Members to the applicant, agents and interested parties should be directed through the Convenor. The applicant, agent and local ward members, community council representatives may join the site visit group but only to observe and listen and will not be permitted to address Members other than specifically when requested by the Convenor or the Planning Officer to confirm factual information such as the location of physical features and access points. Members of the public may attend and listen to the proceedings where these are conducted in public areas, but they have no right to enter private land or buildings. If the site visit gives rise to excessive lobbying or demonstrations, Members may cancel the visit and arrange another in private.
- 4.3 Hospitality will not be accepted during the site visit by Members from applicants or other parties given that this could be seen to show favour.
- 4.4 In order to assist in ensuring that all Members receive the same information to inform the decision making process, they should keep together in one group with the

Convenor and the Planning Officer during the entirety of the accompanied site visit. They should not break-off to discuss the proposal separately in small groups with other members, with residents or with the applicant.

5 What happens after a Site Visit

- 5.1 After a site visit has taken place, the PDMC will then reconvene and determine the application in the usual manner. Local Review Body meetings are held remotely and therefore following the site visit, Members will reconvene remotely. Any Member wishing to vote on an application or review following a Site Visit must have been in attendance at the Site Visit.

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	Strategic Place Planning
	Report of Handling

Site Address:	Scotstown Moor Base, Shielhill Road, Aberdeen, AB23 8NN
Application Description:	Redevelopment of vacant industrial site, including erection of 4 detached houses, associated garaging / car parking, pedestrian access paths, infrastructure and open space
Application Ref:	230969/DPP
Application Type:	Detailed Planning Permission
Application Date:	10 August 2023
Applicant:	Executors of John Langler
Ward:	Bridge of Don
Community Council:	Bridge of Don
Case Officer:	Robert Forbes

DECISION

Refuse

APPLICATION BACKGROUND

Site Description

The site comprises a vacant warehouse /storage site located to the west of the Dubford residential development site. It contains two shed-like buildings of industrial appearance and associated single storey office building. The open storage yard area is surfaced with concrete and hardcore and is enclosed by chain-link fencing. The site is accessed from Shielhill Road. There are a number of young trees and scrub areas at the fringes of the site. There is a change in levels of around 5.5m across the site with ground levels rising up to the east and south. The south-west corner of the site and adjacent land to the west and south is designated as Scotstown Local Nature Conservation Site (LNCS). This is a varied area largely comprising open moorland / rough grassland and limited woodland. The burn of Mundurno and associated marshland lies to the west of the site, across Shielhill Road. The land to the east is formed by an embankment and mounded area which forms part of the open space area of the adjacent Dubford housing development.

The site lies in the catchment area of Greenbrae Primary School and Oldmachar Academy.

Relevant Planning History

None for the site.

Detailed planning permission was granted in 2014 for residential development and associated works (e.g. infrastructure and open space) on the land to the east of the site at Dubford (ref. 141506) and has since been implemented.

Detailed planning permission was granted for erection of 99 houses on land at Mundurno to the east of the site within the wider Dubford Development Framework Area (ref. 131851) but has expired unimplemented.

APPLICATION DESCRIPTION

Description of Proposal

A total of 4 detached houses are proposed with associated garden ground, garaging, parking, access and landscape areas. The southern and eastern parts of the site would be excavated to form level garden ground, with gabion retaining walls formed to retain the adjacent sloping ground within the site. The houses would be largely 1½ storeys in height with the upper floor contained within the pitched roof slopes and lit by Velux windows. The larger houses would include pitched roofed gable projections. Ancillary toilet / utility areas would be incorporated in single storey flat roofed projections, including sedum roofs. Air source heat pumps and water butts would also be provided. The pitched roofs would incorporate solar panels and the houses would include substantial glazing to public rooms on the south and west elevations. Materials would comprise a mix of natural stone basecourse, off white render and timber clad walls and slate clad roofs. They would have 4 or 5 bedrooms, study area and open plan lounge / kitchen / dining area. A 2m high acoustic fence is proposed between the housing and the public road.

A public footpath is proposed extending along parts of the west edge of the site. A remote footpath with steps is shown extending outwith the north end of the site to link to an unadopted access path which lies within the Dubford housing development. A footpath link onto the Scotstown Moor path network to the south of the site is also shown. No details of the construction of such paths have been provided.

Amendments

In agreement with the applicant, the following amendments were made to the application –

- Revised site layout/ access, revised plot boundaries, pedestrian and drainage connections.

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=RZ0P9MBZM5Q00>

- Planning Statement
- Design Statement
- Ecological Report
- Drainage Impact Assessment
- Noise Impact Assessment
- Tree Report
- Safe Routes to School Assessment
- Speed Survey Report

CONSULTATIONS

ACC - Roads Development Management Team – No objection. Consider that the proposed pedestrian linkage is acceptable, subject to provision of a footpath on the southern side of Shielhill Road. Consider that cycling on carriageway (Shielhill Road) would be acceptable. Advise that the access and internal layout is appropriate and suitable for both fire and refuse vehicles. Advise that the proposed surface water drainage is appropriate.

ACC - Environmental Health – No objection subject to implementation of the noise attenuation

measures recommended in the noise impact assessment. Recommend that the hours of construction are restricted.

ACC - Waste and Recycling – No objection. Advise that waste uplift would be undertaken using wheelie bins, with collection undertaken from Shielhill Road.

ACC - Contaminated Land Team – No objection. Advise that the development site has a history of industrial use and there is the potential for associated land contamination. Historical landfilling has also taken place in the vicinity of the site. Recommend that a contaminated land risk assessment is carried out prior to development to ensure that the site is suitable for any new use. Request that an appropriate condition is attached.

Scottish Environment Protection Agency – No objection. Consider the development currently avoids the area at flood risk and will not increase flood risk elsewhere, therefore under NPF4 the principle of development at this location is acceptable on flood risk grounds.

Scottish Water – No objection. Advise that there is sufficient waste water capacity to service the development. For reasons of sustainability and to protect against future sewer flooding, Scottish Water will not accept any surface water connections into the combined sewer system.

North East Scotland Biological Records Centre – Advise that the south part of the site contains lowland dry acidic grassland. Advise that European Protected Species have been recorded in the vicinity of the site.

Bridge of Don Community Council – No response received.

REPRESENTATIONS

None

MATERIAL CONSIDERATIONS

Legislative Requirements

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

Development Plan

National Planning Framework 4 (NPF4)

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 8 (Green Belts)
- Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings)
- 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 20 (Blue and Green Infrastructure)
- Policy 22 (Flood Risk and Water Management)
- Policy 23 (Health and Safety)

Aberdeen Local Development Plan 2023 (ALDP)

The ALDP identifies the main part of the site as an opportunity for residential development (OP6: WTR Site at Dubford):

“Brownfield opportunity for residential development that should look to integrate with the neighbouring development at Dubford. A flood risk assessment will be required. Ecological surveys to assess the presence of and effects on protected habitats and species will be required.”

The southern edge of the application site extends onto adjacent land to the south which is designated as green space network and green belt, however no development is proposed within this part of the site.

The following ALDP policies are relevant –

- Policy H1 (Residential Areas)
- Policy D1 (Quality Placemaking)
- Policy D2 (Amenity)
- Policy D4 (Landscape)
- Policy D5 (Landscape Design)
- Policy NE1 (Green Belt)
- Policy NE2 (Green and Blue Infrastructure)
- Policy NE3 (Our Natural Heritage)
- Policy NE4 (Our Water Environment)
- Policy NE5 (Trees and Woodland)
- Policy R2 (Degraded and Contaminated Land)
- Policy R5 (Waste Management Requirements for New Developments)
- Policy R6 (Low and Zero Carbon Buildings and Water Efficiency)
- Policy R8 (Heat Networks)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)
- Policy WB3 (Noise)
- Policy 23 (Health and Safety)
- Policy I1 (Infrastructure Delivery and Planning Obligations)

Aberdeen Planning Guidance (APG)

The following APG is relevant –

- Dubford Development Framework 2012 (DDF)
- Noise

- Amenity & Space Standards
- Materials
- Landscape
- Transport and Accessibility
- Open Space and Green Infrastructure
- Natural Heritage
- Flooding, Drainage and Water Quality
- Trees and Woodlands
- Food Growing
- Outdoor Access
- Waste Management
- Resources for New Development

Other National Policy and Guidance

- 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.

- Designing Places (design policy)

This planning policy statement was launched in 2001 and sets out Scottish Government aspirations for design and the role of the planning system in delivering these. The aim of the document is to demystify urban design and to demonstrate how the value of design can contribute to the quality of our lives. Designing Places is a material consideration in decisions in planning applications and appeals. It also provides the basis for a series of Planning Advice Notes (PANs) dealing with more detailed aspects of design.

- Designing Streets 2010 (design policy)

This 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.

- Naturescot Developing With Nature Guidance

<https://www.nature.scot/doc/developing-nature-guidance>

- Naturescot Standing Advice for Planning Consultations
- Biodiversity: draft planning guidance (November 2023)
- Local living and 20 minute neighbourhoods: planning guidance 2024

Other Material Considerations

- Aberdeen Employment Land Audit (ELA)
- Draft Housing Land Audit 2024 (HLA)

EVALUATION

Principle of Development

The provision of housing on residential zoned land accords with NPF4 policy 16. The development of brownfield land accords with NPF4 policy 9. As the site is identified as an opportunity for residential development in the ALDP (OP6) and lies within an H1 area zoned for residential purposes in the ALDP, the principle of housing provision on the site is accepted. Given that the DDF was undertaken in 2012 and did not include the application site within its boundary, it has limited relevance as a material consideration. As the extent of housing and plot boundaries would not encroach onto adjacent land which lies within the greenbelt there is no conflict with NPF4 policy 8 and ALDP policy NE1.

A number of constraints and policy issues are raised and require to be suitably addressed.

Design / Amenity

It is noted that the site is located on the urban fringe, outwith the adjacent Dubford development and screened from it by open space located on rising ground to the west. The site is clearly visible from the adjacent public road and is set in an open rural context. The redevelopment of the site offers potential for significant visual and landscape benefit by removal of the existing visually incongruous industrial buildings and yard area. Whilst the general height and materiality of the proposed buildings is considered to be appropriate, the overall layout and form of the development is considered to result in an unsatisfactory design solution as the northmost house would have undue proximity to the public road and revision of the site layout and design would be required to arrive at an acceptable solution. The location of its private garden area would result in screen fencing adjacent to the public road which would be an incongruous and inappropriate visual feature given the rural context of the site. The orientation and location of the houses on plots 2 and 4 such that their principal elevations would not face the public road is also problematic as this results in private garden areas being unduly close to the public road. The proposed acoustic fence adjacent to the proposed public path is considered to be an incongruous and overly prominent feature that would detract from the setting of the development and thus conflicts with the intent of ALDP policy D4.

Whilst the draft HLA identifies a theoretical capacity of 20 housing units for the site, this does not take into account the particular design/ physical constraints related to the site and thus has limited relevance. Given the location of the site adjacent to the green belt and rural context, a low density development is required which respects the context. In order to respect the site constraints and provide increased separation with protected species, reconfiguration of the layout to form a housing cluster of a more tightly grouped building layout and of reduced footprint, which would also better reflect the characteristics of the site and provide a better relationship to the public road, is desired. The proposed location of the sewage pumping station within the private garden ground of the north most proposed house is also considered to be a further constraint on development and locating this feature within private garden ground would not be an ideal design solution.

As the proposed development would not relate well to the semi-rural context and its poor relationship to the public road, by reason of the proximity and orientation of the proposed detached buildings, the arrangement, positions and sizes of the houses, the prominence of proposed fencing and the location of the private gardens for Plots 1 and 4 next to Shielhill Road, it conflicts with the design quality aspirations of NPF4 policy 14 and ALDP policies D1 and D4.

Climate Mitigation, Energy and Water Efficiency

The proposed houses are sited and designed in a way that rooms would benefit from sunlight / daylight penetration and natural ventilation. There would be generous provision of private garden

ground in all but the northmost plot. Section 3F of the Town and Country Planning (Scotland) Act 1997 requires planning authorities to include within their local development plans policies requiring developments be designed to ensure that all new buildings avoid a specified and rising proportion of the projected greenhouse gas emissions from their use, through the installation and operation of low and zero-carbon generating technologies. Within the ALDP, the requirement of section 3F is translated into Policy R6 (Low and Zero Carbon Buildings, and Water Efficiency). The relevant building standards and percentage contribution required is set out in Aberdeen Planning Guidance.

In March 2024, the Scottish Government published the Fourteenth Annual Report on the Operation of Section 72 of the Climate Change (Scotland) Act 2009, which concluded that the future effectiveness of section 3F as an approach for reducing greenhouse gas emissions from developments after 1 April 2024 is surpassed due to an updated and holistic policy approach set out in NPF 4 and New Build Heat Standards seeking to minimise greenhouse gas emissions from new buildings.

Due to this, insofar as it relates to low and zero carbon buildings, Policy R6 no longer carries any significant weight and as such there is no useful purpose in requiring the policy to be met, relative to the development proposal. Had the recommendation been one of approval, a condition could have been imposed requiring implementation of details of water efficiency measures on site in accordance with the objectives of NPF4 policy 2 and ALDP policy R6.

Ecology Impact

Whilst an ecological assessment has been submitted in accordance with the expectations of the ALDP OP3 designation, ACC Natural Environment Policy Team advise that, due to the presence of protected species on and adjacent to the site, the nature of development and extent of groundworks / excavation, the proposal is likely to have adverse effects on a European Protected Species and the proposed mitigation measures are unlikely to be effective. Notwithstanding the limited extent of natural habitat on the site and its brownfield nature, the proposal would have likely direct detrimental impact on protected species. It has not been demonstrated that alternative solutions have been considered and ruled out to avoid such disturbance. Thus, it has not been demonstrated that the development would accord with NPF4 policy 4 part f) and ALDP Policy NE3. As the development result in no significant social or economic benefits and given the need to apply the precautionary principle, it is therefore appropriate to refuse the application.

No evidence has been provided that the applicant has sought a suitable license for the development from Naturescot for works which potentially affect a protected species. Further, insufficient information has been provided that there would be adequate mitigation measures or avoidance of disturbance to protected species resulting from the development.

Tree Impact

The submitted tree report shows that the existing trees along the west edge of the site would be removed to accommodate the development. Whilst no details of replacement planting have been provided, given the limited age and maturity of these trees, had the recommendation been one of approval, a suspensive condition could have been imposed requiring provision of mitigatory tree planting on site and on adjacent land controlled by the applicant in accordance with NPF4 policy 6 and ALDP policy NE5.

Flood Risk

The Drainage Impact Assessment demonstrates that the extent of flood risk is not significant and does not warrant refusal of the development. It has been reviewed by relevant consultees who have no objection. Thus there is no conflict with NPF4 policy 22 and ALDP policy NE4 on flood

risk grounds.

Surface Water Drainage

Reduction in the extent of vehicle hard standing and manoeuvring areas is necessary in order to address the expectations of NPF4 policy 22 part c. That is because the extent of hard surfacing / roads appears to exceed that which is necessary to adequately service the development. The proposal would, however, incorporate SUDS features in accordance with relevant guidance. Had the recommendation been one of approval, a condition could have been imposed requiring implementation of on-site surface water drainage measures.

Foul Drainage

There is adequate public sewer treatment capacity to accommodate the proposed development, but no public sewer linkage to the site exists. It is proposed to connect to existing foul sewers located within the adjacent Dubford development to the east of the site. The drainage strategy shows that a new sewer would be formed along the edge / verge of Shielhill Road running north from the site. This would require agreement with the adjacent landowners and Scottish Water. However no details of such infrastructure works on adjacent land have been provided. Due to the change in levels between the site and adjacent land, a communal pumping station would be required to be provided. The strategy shows the pumping chamber being located with the private garden ground of a proposed house, at the north end of the site. Notwithstanding the legal complexities and challenges in relation to delivery of development on third party land, had the recommendation been one of approval, a condition could have been imposed requiring agreement and implementation of the requisite on and off site sewerage infrastructure works prior to commencement of the development in accordance with the expectation of ALDP policy NE4.

Contamination

Whilst the proposed end use is more sensitive than the existing industrial use of the site, and there is a risk of ground contamination due to that use and adjacent historic landfill use, there is no evidence that the degree of such contamination would be insurmountable. Furthermore, contamination risk associated with the previous use of the adjacent Dubford development site has been addressed by the redevelopment of that site. Had the recommendation been one of approval, a condition could have been imposed requiring that a risk assessment is undertaken prior to any construction works and that any mitigation measures are implemented prior to occupation, in accordance with the expectations of ALDP policy R2.

Pedestrian Access / Connectivity

Notwithstanding that ACC Roads Service have no objection to the development, reliance on Shielhill Road for pedestrian and cycle connectivity would not be an attractive solution given the absence of footpaths, the unrestricted high speed nature of that road, its rural nature, and its use by HGV vehicles (e.g. associated with the nearby Walker transport depot and workshop on Shielhill Road). The change in levels at the east edge of that road between the site and the Dubford housing site is such that a 2m wide footpath could not be provided within the existing verge and extensive engineering works on adjacent land outwith the site would be required.

The Safe Routes to School Assessment identifies a proposed route to both primary and secondary schools via the proposed remote footpath connection to the existing Dubford Development. A stepped path is proposed outwith the site, to its east that would connect to the footpath within the adjacent Scotstown Moor open space. The inclusion of steps is not ideal and generally should be avoided as it would not be suitable for disabled (wheelchair) use and would be limiting for use by cyclists. Resolving this issue would require this footpath connection to be redesigned or potentially rerouted.

Given the remote location of the site in relation to supporting facilities (e.g. schools, shops, community facilities) and lack of adopted path linkage it is likely that occupants may choose to use car transport to access supporting facilities. However, given that the site is allocated as an opportunity site for residential development in the ALDP, it would be unreasonable to refuse the application on the basis of the tension with the expectations of NPF4 policies 13 and 15 ALDP policy T2. Had the recommendation been one of approval, a suspensive condition could have been imposed requiring the detailing and provision of an appropriate path link outwith (east of) the site to provide suitable connection with the adjacent Dubford development in accordance with the expectations of the OP6 designation.

Vehicle Access / Parking

ACC Roads Service have no objection to the location and design of the road access and consider that suitable visibility and turning would be provided for safe vehicle access / egress. It is noted that the development would result in adjustment of an existing vehicle access onto Shielhill Road and due to removal of the existing industrial use, reduction in heavy goods vehicle traffic on Shielhill Road. An appropriate level of parking could be provided on site in accordance with ALDP policy T3.

Refuse Storage

Whilst the proposed use would generate waste, waste storage and uplift would be by wheelie bins. There would be adequate space for provision of waste and recycling bins within the external areas of the site and no physical measures (e.g. bin store) or condition is needed in this instance to ensure bin storage. No further information is therefore reasonably required, notwithstanding the tension with NPF4 policy 12 part (c) and ALDP policy R5 which require submission of details of waste storage, management and collection arrangements.

Amenity / Noise

Occupants of the development would enjoy large internal floorspace and access to generous garden ground in accordance with the expectations of ALDP policy D2 and related APG regarding amenity and space standards and food growing. Whilst there would be limited open space on site, occupants would have access to adjacent informal greenspace within the adjacent LNCS. Had the recommendation been one of approval, enhancement of greenspace with the area to the south of the site controlled by the applicant could have been secured by use of condition in accordance with the expectations of NPF4 policy 20 and ALDP policy NE2.

The submitted noise assessment demonstrates that occupants of the houses would not be adversely affected by exposure to noise and that mitigation measures could be implemented in accordance with the intent of NPF4 policy 23 and ALDP policy WB3. Notwithstanding that the location of the proposed acoustic fencing is not accepted on design grounds, had the recommendation been one of approval, a condition could have been imposed requiring implementation of on-site noise attenuation measures.

Other Technical Matters

No heat network zone is identified in the ALDP, such that there is no direct conflict with NPF4 policy 19. Whilst no connection to the existing district heating network is proposed, there is no such network in the immediate vicinity. Policy R8 states that heat networks are encouraged and supported. Such heating systems are desired in terms of sustainable design. However, as guidance referred to in policy R8 (i.e. Heat Networks and Energy Mapping APG) has yet to be published, the weight which can be afforded to that policy is limited. It would not therefore be reasonable to refuse the development on the basis that no connection to a heat network is proposed.

Affordable Housing / Developer Obligations

Whilst no social rented or affordable housing is proposed, as the development is below the policy threshold whereby provision of affordable housing and mitigation of development impact on supporting social infrastructure is required, there is no conflict with NPF3 policy 18 and ALDP policies H5 and I1.

Economic Impact

As the proposal would result in the loss of commercial / business premises, it may result in some limited adverse longer term economic impact which may conflict with wider economic development objectives, but this is not a significant factor given that the site is allocated for residential development in the ALDP and the site is vacant / unoccupied and thus currently has no associated employment. There is no known shortfall in employment or housing land supplies within the Aberdeen area, as evidenced by the ELA and draft HLA. There would be limited short term employment creation during the construction works, but this would not be significant relative to the scale of the local economy and does not warrant approval. There would appear to be no net economic benefit.

DECISION

Refuse

REASON FOR DECISION

01. Ecology Impact

Due to the presence of protected species on and adjacent to the site, the nature of development and extent of groundworks / excavation, in the absence of a suitable survey and acceptable mitigation details or measures to avoid disturbance to protected species resulting from the development, the proposal is anticipated to have direct adverse effects on a Protected Species. Thus it has not been demonstrated that the development would accord with Policy 4 (Natural Places) part f) within National Planning Framework 4 (NPF4) and Policy NE3 (Our Natural Heritage) within the Aberdeen Local Development Plan 2023 (ALDP).

02. Design / Overdevelopment

As the proposed development would not relate well to the semi-rural context and its poor relationship to the public road, by reason of the proximity and orientation of the proposed detached buildings, the arrangement, positions and sizes of the houses, the prominence of proposed fencing and the location of the private gardens for Plots 1 and 4 next to Shielhill Road, it conflicts with the design quality aspirations of NPF4 Policy 14 (Design, Quality and Place) and ALDP Policies D1 (Quality Placemaking) and D4 (Landscape).



Marischal College Planning & Sustainable Development Business Hub 4, Ground Floor North Broad Street Aberdeen AB10 1AB Tel: 01224 523 470 Fax: 01224 636 181 Email: pi@aberdeencity.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100638384-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

- ☐ Application for planning permission (including changes of use and surface mineral working).
- ☐ Application for planning permission in principle.
- ☐ Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- ☐ Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Demolition of former workshop and office buildings and erection of 4 dwellinghouses and associated infrastructure.

Is this a temporary permission? * ☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place? ☒ Yes ☐ No
(Answer 'No' if there is no change of use.) *

Has the work already been started and/or completed? *

☒ No ☐ Yes – Started ☐ Yes - Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application) ☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	Rachael Walker Architects Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Rachael	Building Name:	Mill of Braco Croft
Last Name: *	Walker	Building Number:	
Telephone Number: *	01467 681516	Address 1 (Street): *	Pitcaple
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Inverurie
Fax Number:		Country: *	Aberdeenshire, Scotland
		Postcode: *	AB51 5JA
Email Address: *	rachael@rwalkerarchitects.com		

Is the applicant an individual or an organisation/corporate entity? *

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Other	You must enter a Building Name or Number, or both: *	
Other Title:	Executors	Building Name:	31-33
First Name: *	John	Building Number:	
Last Name: *	Langler	Address 1 (Street): *	Union Grove
Company/Organisation	Brodies	Address 2:	
Telephone Number: *		Town/City: *	Aberdeen
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	AB10 6SD
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Aberdeen City Council

Full postal address of the site (including postcode where available):

Address 1:

SCOTSTOWN MOOR BASE

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB23 8NN

Please identify/describe the location of the site or sites

Northing

812698

Easting

393509

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☒ Yes ☐ No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

☒ Meeting ☐ Telephone ☐ Letter ☐ Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (max 500 characters)

Pre-app enquiry concluded a low density development of more typical rural form would relate to the sites setting.

Title:

Mr

Other title:

First Name:

Robert

Last Name:

Forbes

Correspondence Reference
Number:

200901/PREAPP

Date (dd/mm/yyyy):

01/10/2020

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Site Area

Please state the site area:

0.61

Please state the measurement type used:

☒ Hectares (ha) ☐ Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

Workshop and offices

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

☐ Yes ☒ No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? *

☐ Yes ☒ No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

10

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *

14

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

☒ Yes ☐ No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *

☐ Yes – connecting to public drainage network

☒ No – proposing to make private drainage arrangements

☐ Not Applicable – only arrangements for water supply required

As you have indicated that you are proposing to make private drainage arrangements, please provide further details.

What private arrangements are you proposing? *

☐ New/Altered septic tank.

☒ Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).

☐ Other private drainage arrangement (such as chemical toilets or composting toilets).

Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: *

Refer to Fairhurst Drainage Impact Assessment Report.

Do your proposals make provision for sustainable drainage of surface water?? *
(e.g. SUDS arrangements) *

≤ Yes **T** No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

T Yes

≤ No, using a private water supply

≤ No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? *

≤ Yes ≤ No **T** Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? *

≤ Yes ≤ No **T** Don't Know

Trees

Are there any trees on or adjacent to the application site? *

≤ Yes **T** No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? *

T Yes ≤ No

If Yes or No, please provide further details: * (Max 500 characters)

Areas of hard standing in Utility Rooms and Garages provide space for collection of waste and recycling.

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

T Yes ≤ No

How many units do you propose in total? *	<div style="border: 1px solid black; width: 50px; height: 20px; margin: 0 auto; line-height: 20px;">4</div>	Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.
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All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? * ≤ Yes ☒ No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 * ≤ Yes ≤ No ☒ Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? * ≤ Yes ☒ No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? * ☒ Yes ≤ No

Is any of the land part of an agricultural holding? * ≤ Yes ☒ No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Rachael Walker

On behalf of: Executors John Langler

Date: 07/08/2023

☐ Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

☐ Yes ☐ No ☐ Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

☐ Yes ☐ No ☐ Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

☐ Yes ☐ No ☐ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

☐ Yes ☐ No ☐ Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

☐ Yes ☐ No ☐ Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

☐ Yes ☐ No ☐ Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- ☐ Site Layout Plan or Block plan.
☐ Elevations.
☐ Floor plans.
☐ Cross sections.
☐ Roof plan.
☐ Master Plan/Framework Plan.
☐ Landscape plan.
☐ Photographs and/or photomontages.
☐ Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *	<input type="checkbox"/> Yes <input type="checkbox"/> N/A
A Design Statement or Design and Access Statement. *	<input type="checkbox"/> Yes <input type="checkbox"/> N/A
A Flood Risk Assessment. *	<input type="checkbox"/> Yes <input type="checkbox"/> N/A
A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *	<input type="checkbox"/> Yes <input type="checkbox"/> N/A
Drainage/SUDS layout. *	<input type="checkbox"/> Yes <input type="checkbox"/> N/A
A Transport Assessment or Travel Plan	<input type="checkbox"/> Yes <input type="checkbox"/> N/A
Contaminated Land Assessment. *	<input type="checkbox"/> Yes <input type="checkbox"/> N/A
Habitat Survey. *	<input type="checkbox"/> Yes <input type="checkbox"/> N/A
A Processing Agreement. *	<input type="checkbox"/> Yes <input type="checkbox"/> N/A

Other Statements (please specify). (Max 500 characters)

Contamination Report to follow.

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mrs Rachael Walker

Declaration Date: 07/08/2023

Payment Details

Pay Direct

Created: 07/08/2023 11:57



DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Rachael Walker
Rachael Walker Architects Ltd
Mill Of Braco Croft
Pitcaple
Inverurie
Aberdeenshire
AB51 5JA

on behalf of **Executors John Langler**

Aberdeen City Council in exercise of its powers under the above mentioned Act hereby **refuses planning permission** for the development specified below and shown in the plans and drawings listed.

Application Reference Number	230969/DPP
Address of Development	Scotstown Moor Base Shielhill Road Aberdeen AB23 8NN
Description of Development	Redevelopment of vacant industrial site, including erection of 4 detached houses, associated garaging / car parking, pedestrian access paths, infrastructure and open space
Date of Decision	13 February 2025

DETAILS OF ANY VARIATION MADE TO THE APPLICATION

In agreement with the applicant, the following variations were made to the application under section 32A of the 1997 act –

- Revised site layout / access, revised plot boundaries, pedestrian and drainage connections.

REASON FOR DECISION

The reasons on which the Council has based this decision are as follows –

01. Ecology Impact

Due to the presence of protected species on and adjacent to the site, the nature of development and extent of groundworks / excavation, in the absence of a suitable survey and acceptable mitigation details or measures to avoid disturbance to protected species resulting from the development, the proposal is anticipated to have direct adverse effects on a Protected Species. Thus it has not been demonstrated that the development would accord with Policy 4 (Natural Places) part f) within National Planning Framework 4 (NPF4) and Policy NE3 (Our Natural Heritage) within the Aberdeen Local Development Plan 2023 (ALDP).

02. Design / Overdevelopment

As the proposed development would not relate well to the semi-rural context and its poor relationship to the public road, by reason of the proximity and orientation of the proposed detached buildings, the arrangement, positions and sizes of the houses, the prominence of proposed fencing and the location of the private gardens for Plots 1 and 4 next to Shielhill Road, it conflicts with the design quality aspirations of NPF4 Policy 14 (Design, Quality and Place) and ALDP Policies D1 (Quality Placemaking) and D4 (Landscape).



A full evaluation and account of the processing of the application is contained in the report of handling, which is available by entering the application reference number at <https://publicaccess.aberdeencity.gov.uk/>.

PLANS AND DRAWINGS

114 - P-01	Location Plan
114 - P-02- REV. D	Site Layout (Proposed)
114 - P-03 A	Elevations and Floor Plans
114 - P-04 A	Elevations and Floor Plans
114 - P-05 A	Elevations and Floor Plans
114 - P-06	Elevations and Floor Plans

Signed on behalf of the planning authority

Daniel Lewis

Daniel Lewis

Development Management Manager

IMPORTANT INFORMATION RELATED TO THIS DECISION

RIGHT OF APPEAL

If the applicant is aggrieved by the decision of the planning authority –

- a) to refuse planning permission;
- b) to refuse approval, consent or agreement required by a condition imposed on a grant of planning permission;
- c) to grant planning permission or any approval, consent or agreement subject to conditions,

the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. A review request must be made using the 'Notice of Review' form available from <https://www.eplanning.scot/>.

SERVICE OF PURCHASE NOTICE

If permission to develop land is refused and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development that would be permitted, the owners of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

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Aberdeen City Council – Development Management Team Consultation Request

Case Officer: Robert Forbes	To: ACC - Contaminated Land Team
E-mail: rforbes@aberdeencity.gov.uk	Date Sent: 15 August 2023
Tel.: 01224 067942	Respond by: 5 September 2023

Application Type: Detailed Planning Permission
Application Address: Scotstown Moor Base Shielhill Road Aberdeen AB23 8NN
Proposal Description: Redevelopment of vacant industrial site, including erection of 4 detached houses, associated garaging / car parking, pedestrian access paths, infrastructure and open space
Application Reference: 230969/DPP
Consultation Reference: DC/ACC/RZFWW2BZ01B00

To view the plans and supporting documentation associated with the application please [follow this link](#).

In the case of pre-application enquires please login at <https://publicaccess.aberdeencity.gov.uk> and in 'Consultation Search' enter the consultation reference (shown above) into the 'Letter Reference' field and then click 'Search'.

Unless agreed with the case officer, should no response be received by the respond by date specified above it will be assumed your service has no comments to make.

Should further information be required, please let the case officer know as soon as possible in order for the information to be requested to allow timeous determination of the application.

Response

Please select one of the following.

No observations/comments.	
Would make the following comments (please specify below).	X
Would recommend the following conditions are included with any grant of consent.	
Would recommend the following comments are taken into consideration in the determination of the application.	
Object to the application (please specify reasons below).	

COMMENTS

This Service notes the above proposal and would comment as follows:

The development site has a history of industrial use and there is the potential for associated land contamination. Historical landfilling has also taken place in the vicinity of the site. We would recommend that a contaminated land risk assessment is carried out prior to development to ensure that the site is suitable for any new use. The following condition is suggested:

Part A

No development shall take place unless it is carried out in full accordance with a scheme to address any significant risks from contamination on the site that has been approved in writing by the planning authority.

The scheme shall follow the procedures outlined in "Planning Advice Note 33 Development of Contaminated Land" and shall be conducted by a suitably qualified person in accordance with best practice as detailed in "BS10175 Investigation of Potentially Contaminated Sites - Code of Practice" and other best practice guidance and shall include:

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

Part 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 consent for a variation.

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

unless the planning authority has given written consent for a variation.

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

Responding Officer: Neil Stirling

Date: 01/09/23

Email: nstirling@aberdeencity.gov.uk

Ext: 3211

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MEMO

Strategic Place Planning

Commissioning

Business Hub 4, Ground Floor North, Marischal College



To	Development Management, Strategic Place Planning		
From	Jack Penman, Engineer, Roads Development Management		
E-mail	JPenman@aberdeencity.gov.uk	Date	21/08/23
		Our Ref.	DPP-230969
		Your Ref.	

Planning Application No. DPP-230969

I have considered the above planning application have the following observations:

1. Development Proposal

- 1.1. I note this proposal is for the redevelopment of vacant industrial site, including erection of 4 detached houses, associated garaging / car parking, pedestrian access paths, infrastructure and open space at Scotstown Moor Base, Shielhill Road, Aberdeen, AB23 8NN.
- 1.2. This site is in the outer city boundary and is not in a controlled parking zone.

2. Walking and Cycling

- 2.1. There are no footways fronting the site and access for pedestrians into the site would be through a footpath linking into the adjacent development. This development has good standard footways.
- 2.2. Cycling to and around the site would be on carriageway.
- 2.3. Can the applicant comment on the footpath. Are these steps, corduroy paving?



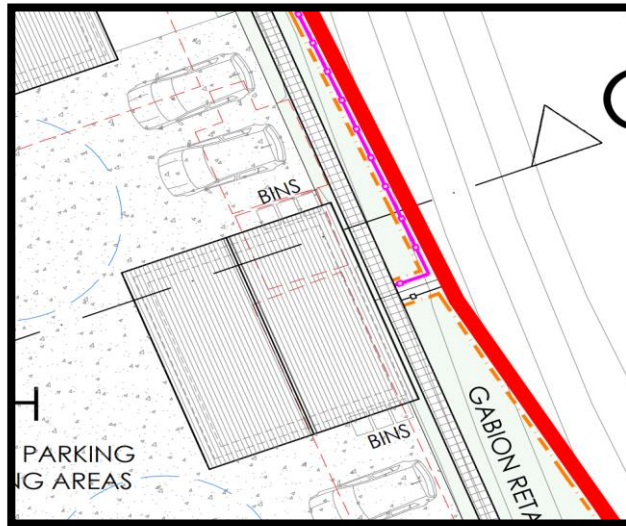
- 2.4. The aforementioned footpaths could also be used to access the site by cyclists should they not involve steps.

3. Public Transport

- 3.1. The nearest public transport stops are at Shielhill Avenue, which is approximately 900m from the site. It is not unusual for sites that are closer to the edge of the city boundary to be even more remote from public transport.
- 3.2. The services to the stop appear to be 2 every hour throughout most of the day.

4. Parking

- 4.1. ACC parking guidelines for residential dwellings (4 or more bedrooms) is 3 allocated spaces.
- 4.2. I note the applicant has stated that there will be 14 parking spaces on the site. Which is 2 more than our guidelines.
- 4.3. It should be noted that all garages will only be counted as one parking space, provided that they meet the above minimum sizes.
- 4.4. I would note there only appears to be 12 dedicated spaces on the site then, which is in line with our guidelines. I would also note there appears to be adequate room to accommodate more parking for guests etc.
- 4.5. As the parking for the for some plots appears to be on the carriageway, effectively parking bays, the applicant should confirm that they meet ACC standards. Parking bays should generally be 2.5m x 5m with a 6m aisle width between bays. It does appear the space exceeds this, but confirmation is required.
- 4.6. For the spaces enclosed in the site (plots 3 and 4) these would be classed as a driveway. Driveways in new houses must have a minimum length of 6m. Double driveways must be at least 5m in width. The gradient of a driveway should generally not exceed 1:20.
- 4.7. The minimum acceptable external size of a new single garage is 6.0m x 3.0m, with a minimum internal size no less than 5.7m x 2.7m. The minimum effective entry width is 2.25m with a height of 1.98m. The acceptable size of a double garage is 6m x 6m external, with a minimum internal size no less than 5.7m x 5.7m (this is a local variation). For plots 1 and 2 they are to have a shared garage. The dimensions are acceptable. For plots 3 and 4 the dimensions for the double garages slightly exceed the above standards which is not a concern to Roads.
- 4.8. Access to the shared garage appears to be impeded by the bin storage location. Can the applicant comment on this?



4.9. The Scottish Government has committed to the almost complete decarbonisation of road transport by 2050. One way of achieving this is through encouraging and facilitating the uptake of electric vehicles (EVs). All new developments will therefore be required to install appropriate EV charging infrastructure. This can take the form of: Active provision – fully wired and connected ‘ready to use’ charge points; and Passive provision – provision of the underlying infrastructure (e.g. power supply and cabling) to enable installation and activation of a charge point in the future. or residential developments, one charge point (passive provision) is the minimum required for each unit where spaces are private and off-street. Charge points should be connected to the domestic electricity supply. The applicant should be made aware that from 5th June 2023 EV charging comes under the remit of building standards and thus they should satisfy themselves they are adhering to the requirements of the guidelines around this. This will likely require the provision of more EV infrastructure than the applicant is proposing. Any EV infrastructure should be designed to current best practices; PAS 1899-2022 - Electric vehicles - Accessible charging – specification ,BS 7671, IET ‘Code of Practice: Electric Vehicle Charging Equipment Installation’, BS EN 61851 – ‘Electric vehicle conductive charging system’. Confirmation of EV infrastructure should be provided.

4.10. By providing a garage for each property there is adequate cycle parking.

5. Development Vehicular Access / Construction Consent

5.1. I note the proposal is to retain the existing access to the site. This access has a layby section, likely to aid larger industrial vehicles entering the site. Such a junction design is not appropriate for a small residential development.

5.2. The applicant should redesign this to a priority junction. This should be designed to ACC standards to include appropriate visibility splays and radii. This will require a Section 56 Roads Construction Consent (RCC). I would urge the applicant to contact Colin Burnet cburnet@aberdeencity.gov.uk at the earliest opportunity to discuss this further.

5.3. An updated plan of this access with visibility splays etc. should be provided for Roads to review.

5.4. No water would be permitted to discharge from the site onto the public road. This may require the installation of gullies at the access junction. It is noted the current access seems prone to ponding and is another reason for requesting more suitable junction.

6. Internal Layout

6.1. The proposed internal layout and accesses would not be considered for adoption. The internal access road appears to be of suitable width and design to accommodate vehicles entering the site.

6.2. For completeness a swept path analysis drawing of a Fire Service vehicle accessing all sections of the site is required.

7. Waste Management Plan

7.1. I note there is a bin storage area near the junction to the site where properties are to place their bins on collection day. Can the applicant provide on a separate drawing a swept path analysis of a waste vehicle entering and exiting the site. A 250mm buffer should be provided between all objects (kerbs etc.) to account for variability in driver ability.

8. Drainage Impact Assessment

8.1. I note the applicant has provided a DIA.

8.2. The proposal for the building and roof area is for “surface water run-off from each of the building roof areas will drain via downpipes, new gravity drains around the building and stone filled filter trenches to the cellular storage tank. The cellular storage will discharge at a restricted rate via an outlet control manhole and private surface water sewer, discharging to the existing ditch to the west”. I note the mitigation measures outweigh the pollution indices, which is acceptable.

8.3. The proposal for the Roads and car parking area is for “Surface water run-off from each driveway will shed to porous surfacing, which will drain via the stone trench below to the cellular storage tank. The cellular storage will discharge at a restricted rate via an outlet control manhole and private surface water sewer, discharging to the existing ditch to the west”. I note the mitigation measures outweigh the pollution indices, which is acceptable.

9. Conclusion

9.1. There are outstanding issues with this proposal. I will be in a position to provide further comment on receipt of a response to the issues above.

Jack Penman
Engineer

Aberdeen City Council,
Marischal College,
Broad Street,
Aberdeen.
AB10 1AB

Did you know you
can access our
services online at
aberdeencity.gov.uk

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MEMO

Strategic Place Planning

Commissioning

Business Hub 4, Ground Floor North, Marischal College



To	Development Management, Strategic Place Planning		
From	Michael Cowie, Engineer, Roads Development Management		
E-mail	MiCowie@aberdeencity.gov.uk	Date	02/07/2024
		Our Ref.	DPP-230969
		Your Ref.	

Planning Application No. DPP-230969

I have considered the above planning application have the following observations:

1. Development Proposal

- 1.1. I note this proposal is for the redevelopment of vacant industrial site, including erection of 4 detached houses, associated garaging / car parking, pedestrian access paths, infrastructure and open space at Scotstown Moor Base, Shielhill Road, Aberdeen, AB23 8NN.
- 1.2. This site is in the outer city boundary and is not in a controlled parking zone.
- 1.3. It is note this is the second iteration of Roads Development Management comments following updated submissions by the applicant. Therefore, the following shall reflect some of those previous comments made by my colleague Jack Penman and updated comments based on those updated proposals and submissions.

2. Walking and Cycling

- 2.1. It is noted the proposed provision for new pedestrian footpaths along the western boundary of the site, either side of the sites vehicular access, which shall provide pedestrian connectivity into the adjacent development and tie-in with the existing footpath along the southern side of Shielhill Road. Such existing development has existing infrastructure to provide pedestrian links to the nearest public transport provision, local playparks and the residential community.
- 2.2. Such provision shall also form part of the sites proposed 'safe routes to school' (SRTS) link by tying into that of Shielhill Development which already has an acceptable and approved route to Greenbrae Primary School and Oldmachar Academy.
- 2.3. Cycling to and around the site would be on carriageway.

3. Public Transport

- 3.1. The nearest public transport provision and bus stops is located within the adjacent Shielhill Development with the provision located on the Shielhill Avenue the central through route of the site, which is approximately 900m from the site. It is not unusual for sites that are closer to the edge of the city boundary to be even more remote from public transport.
- 3.2. The services to the stop appear to be 2 every hour throughout most of the day.

4. Parking

- 4.1. ACC parking guidelines for residential dwellings (4 or more bedrooms) is 3 allocated spaces. As such it is confirmed that each proposed property provides adequate provision in the form of driveway, associated parking bays and associated garage.
- 4.2. For the spaces enclosed in the site (plots 3 and 4) these would be classed as a driveway. Driveways in new houses must have a minimum length of 6m. Double driveways must be at least 5m in width. The gradient of a driveway should generally not exceed 1:20.
- 4.3. The minimum acceptable external size of a new single garage is 6.0m x 3.0m, with a minimum internal size no less than 5.7m x 2.7m. The minimum effective entry width is 2.25m with a height of 1.98m. The acceptable size of a double garage is 6m x 6m external, with a minimum internal size no less than 5.7m x 5.7m (this is a local variation). For plots 1 and 2 they are to have a shared garage. The dimensions are acceptable. For plots 3 and 4 the dimensions for the double garages slightly exceed the above standards which is not a concern to Roads.
- 4.4. Given the Scottish Government has commitment to the almost complete decarbonisation of road transport by 2050. One way of achieving this is through encouraging and facilitating the uptake of electric vehicles (EVs). All new developments will therefore be required to install appropriate EV charging infrastructure. This can take the form of: Active provision – fully wired and connected ‘ready to use’ charge points; and Passive provision – provision of the underlying infrastructure (e.g. power supply and cabling) to enable installation and activation of a charge point in the future. or residential developments, one charge point (passive provision) is the minimum required for each unit where spaces are private and off-street. Charge points should be connected to the domestic electricity supply. The applicant should be made aware that from 5th June 2023 EV charging comes under the remit of building standards and thus they should satisfy themselves they are adhering to the requirements of the guidelines around this. This will likely require the provision of more EV infrastructure than the applicant is proposing. Any EV infrastructure should be designed to current best practices; PAS 1899-2022

- Electric vehicles - Accessible charging – specification ,BS 7671, IET ‘Code of Practice: Electric Vehicle Charging Equipment Installation’, BS EN 61851 – ‘Electric vehicle conductive charging system’. Confirmation of EV infrastructure should be provided.

5. Development Vehicular Access / Construction Consent

- 5.1. I note the proposal is to retain the existing vehicular access to the site. As existing this access has a layby section, likely to aid larger industrial vehicles entering the site, it is now proposed to alter this access to remove such lay-by as per previous comments.
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- 6.1. The proposed internal layout and accesses would not be considered for adoption but is confirmed to be of suitable width and design to accommodate vehicles accessing the site. This is further evidenced by the submission of swept path analysis (SPA) for both fire service and refuse vehicles, the former does have some small overhang but as this is unadopted would be acceptable and be worst case scenario.

7. Waste Management Plan

- 7.1. I note there is a bin storage area near the junction to the site where properties are to place their bins on collection day. As per the comment above (6.1) the applicant has provided SPA of a refuse vehicle accessing and servicing the site which is deemed acceptable.

8. Drainage Impact Assessment

- 8.1. I note the applicant has provided a DIA for the site which was then updated as part of the latest submission and updated layout.
- 8.2. The proposal for the building and roof area is for “surface water run-off from each of the building roof areas will drain via downpipes, new gravity drains around the building and stone filled filter trenches to the cellular storage tank. The cellular storage will discharge at a restricted rate via an outlet control manhole and private surface water sewer, discharging to the existing ditch to the west”. I note the mitigation measures outweigh the pollution indices, which is acceptable.

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9. Conclusion

9.1. It is confirmed that Roads Development Management have no further observations in regard to this application and therefore have no objections.

Michael Cowie
Engineer
Roads Development Management

MEMO

Strategic Place Planning

Commissioning

Business Hub 4, Ground Floor North, Marischal College



To	Development Management, Strategic Place Planning		
From	Michael Cowie, Engineer, Roads Development Management		
E-mail	MiCowie@aberdeencity.gov.uk	Date	02/07/2024
		Our Ref.	DPP-230969
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9. Conclusion

9.1. It is confirmed that Roads Development Management have no further observations in regard to this application and therefore have no objections.

Michael Cowie
Engineer
Roads Development Management

Proposal Description: Redevelopment of vacant industrial site, including erection of 4 detached houses, associated garaging / car parking, pedestrian access paths, infrastructure and open space

Application Reference: 230969/DPP

Consultation Reference: DC/ACC/RZFWUQBZ01B00

Please select one of the following

No observations/comments.	
Would make the following comments (please specify below).	
Would recommend the following conditions are included with any grant of consent.	Y
Would recommend the following comments are taken into consideration in the determination of the application.	Y
Object to the application (please specify reasons below).	

COMMENTS

Waste Services response regarding application: 230969 Scotstown Moor Base, Shielhill Road

As I understand, the development will consist of **4 properties**.

I have consulted with colleagues across the waste operations team. I can confirm that Aberdeen City Council intend to provide the following services upon building completion.

Please note the information provided below by Waste Services is independent of the outcome of the planning application, which is being determined by the planning authority.

Each **new house** will each be provided with:

- **1 x 180 litre wheeled bin for general waste**
- **1 x 240 litre co-mingled recycling bin for recycling**
- **1 x 240litre wheeled bin for food and garden waste.**
- **1x kitchen caddy and caddy liners.**

The following costs will be charged to the developer:

- **Each 180l/ 240l bin costs £35.00**
- **Kitchen caddy and caddy liners £0.00**
- **A delivery of 10 or less bins will incur a £30 delivery fee.**

Specific concerns for houses:

It is pertinent to note that these services will be provided taking account of the following:

- Wheelie bins must be presented to **the agreed location only** on the collection day and must be removed as soon as possible. No containers should be permanently stored on the kerbside.
- The waste service will collect the bins from Shielhill Road, the site as proposed is not suitable for our vehicles, therefore we will not enter the site.

General points

- Developer to demonstrate the turning point will be sufficient for waste and recycling vehicles. Swept analysis to be provided by the developer.
- **No excess** should be stored out with the containment provided. This is fly tipping.
- Large item collections can be arranged by visiting www.aberdeencity.gov.uk
- Further information can be found in the Waste Supplementary Guidance available at: <https://www.aberdeencity.gov.uk/sites/default/files/2023-01/APG%20Waste%20Management%20Requirements.pdf>
- **Developers must contact Aberdeen City Council a minimum of ONE month before properties will be occupied** this is to ensure that bins are on site prior to residents moving into properties and to give enough time to register addresses on the CAG (Council Address Gazetteer) to allow for the development to be added to the refuse vehicle routes.
- A Purchase Order should be raised with Aberdeen City Council using the above details and we will provide further guidance for purchasing the bins.
- Bin purchases are VAT free. Please do not include VAT in your PO
- Please submit a PO only for the bins you require.

In the final stages of completion, a representative from Aberdeen City Council's Waste team will assess the site to ensure that all of our considerations have been implemented.

Should you have any further queries or wish to discuss these comments further, please do not hesitate to contact me.

Responding Officer: N Taylor

Date: 28/08/2023

Email: wasteplanning@aberdeencity.gov.uk

Please note: Unless agreed with the Case Officer, should no response be received by the expiry date specified above it will be assumed your Service has no comments to make.

Should further information be required, please let the Case Officer know as soon as possible in order for the information to be requested to allow timeous determination of the application.

Friday, 18 August 2023



Local Planner
Strategic Pace Planning
Aberdeen City Council
Aberdeen
AB10 1AB

Development Operations
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Stepps
Glasgow
G33 6FB

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk



Dear Customer,

Scotstown Moor Base, Shielhill Road, Aberdeen, AB23 8NN
Planning Ref: 230969/DPP
Our Ref: DSCAS-0092625-YBJ
Proposal: Redevelopment of vacant industrial site, including erection of 4 detached houses, associated garaging / car parking, pedestrian access paths, infrastructure and open space.

Please quote our reference in all future correspondence

Audit of Proposal

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced. Please read the following carefully as there may be further action required. Scottish Water would advise the following:

Water Capacity Assessment

Scottish Water has carried out a Capacity review and we can confirm the following:

- ▶ This proposed development will be fed from Invercannie Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity currently so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water via [our Customer Portal](#) or contact Development Operations.

Waste Water Capacity Assessment

- ▶ There is currently sufficient capacity for a foul only connection in the Nigg PFI Waste Water Treatment works to service your development. However, please note that

further investigations may be required to be carried out once a formal application has been submitted to us.

Please Note

- ▶ The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.
-

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
 - ▶ Site Investigation Services (UK) Ltd
 - ▶ Tel: 0333 123 1223
 - ▶ Email: sw@sisplan.co.uk
 - ▶ www.sisplan.co.uk
- ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.
- ▶ If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.

- ▶ Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
 - ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
 - ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).
-

Next Steps:

▶ All Proposed Developments

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

▶ Non Domestic/Commercial Property:

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk

▶ Trade Effluent Discharge from Non-Domestic Property:

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).

- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.
- ▶ The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 5kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at planningconsultations@scottishwater.co.uk.

Yours sincerely,

Ruth Kerr.

Development Services Analyst

PlanningConsultations@scottishwater.co.uk

Scottish Water Disclaimer:

"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."

Robert Forbes
Planning Department
Aberdeen City Council

Our Ref: 10165
Your Ref: 230969/DPP

By email only to: pi@aberdeencity.gov.uk

SEPA Email Contact:
planning.north@sepa.org.uk

24 August 2023

Dear Robert

Town and Country Planning (Scotland) Acts

**Redevelopment of vacant industrial site, including erection of 4 detached houses, associated garaging / car parking, pedestrian access paths, infrastructure and open space
Scotstown Moor Base Shielhill Road Aberdeen AB23 8NN**

Thank you for consulting SEPA on 15 August 2023 in relation to the above application.

Advice for the planning authority

In line with the advice in the [Transitional Arrangements for National Planning Framework 4 letter](#) issued on 8 February 2023 our position and advice given below is based on NPF4 policy.

We have **no objection** to this application on the grounds of flood risk however please note our advice provided below.

1. Flood risk

- 1.1 The site is not shown to be at risk of flooding from the Burn of Mundurno, based on the SEPA Future Flood Maps. You can view the SEPA Flood Maps and find out more about them at [Flood Maps | SEPA](#). In addition, we hold no records of historical flooding at this site (although our records may be incomplete).
- 1.2 From map information we hold and the topographic levels illustrated on the Location & Site Plan (Drawing No. P-01 Aug 23), the general direction of drainage in this area is in a south-east to north-west direction. A "C" class road runs along the western site boundary and to the west/north-west of this road there is an area at risk of flooding from the Burn of Mundurno. But this site is elevated above the ground to the north-west, as shown on the Location & Site Plan, it is elevated by at least 1m above the ground immediately to the west of the adjacent road. Therefore, unless the planning authority have additional flood information available, we consider the development currently avoids the area at flood risk and will not increase flood risk elsewhere, therefore under NPF4 the principle of development at this location is acceptable on flood risk grounds.



Chairman
Bob Downes

CEO
Nicole Paterson

Angus Smith Building
6 Parklands Avenue
Eurocentral
Holytown
North Lanarkshire
ML1 4WQ

Tel: 03000 99 66 99
www.sepa.org.uk

- 1.3 With regard to surface water drainage we consider water quantity aspects of surface water flooding to be under the remit of local authorities. The Flood Management Team or Roads / Engineering Team at Aberdeen City Council are likely to have greater local knowledge of the site and therefore, may be better placed to provide more detailed advice on this aspect.

2. Foul drainage

- 2.1 We understand the site is to be served by a new private sewage treatment plant. This will require authorisation from us under the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR). We recommend the applicant engage in pre-CAR application discussions with our Water Permitting Team (waterpermitting@sepa.org.uk) as soon as possible.
- 2.2 In line with our [SEPA triage framework: guidance for planning authorities and SEPA](#), we cannot guarantee whether consent for private foul drainage systems will be granted until the submission and determination of the relevant authorisation. We consider it to be at the applicant's commercial risk if planning permission is granted for a development/process which cannot gain authorisation from us, or if any significant changes required during the regulatory stage necessitate a further planning application or similar application and/or neighbour notification or advertising.

3. Other planning matters

- 3.1 For all other planning matters, please see our [triage framework and standing advice](#) which are available on our website: www.sepa.org.uk/environment/land/planning/.

Advice for the applicant

4. Regulatory advice

- 4.1 Details of regulatory requirements and good practice advice can be found on the [regulations section](#) of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the local compliance team at: gs@sepa.org.uk

If you have queries relating to this letter, please contact us at planning.north@sepa.org.uk including our reference number in the email subject.

Yours sincerely

Simon Watt
Senior Planning Officer
Planning Service

Ecopy to: rforbes@aberdeencity.gov.uk

Disclaimer: This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at this time. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning or similar application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application or similar application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. For planning applications, if you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found on our [website planning pages - www.sepa.org.uk/environment/land/planning/](http://www.sepa.org.uk/environment/land/planning/).

Good afternoon Robert,

230969/DPP | Redevelopment of vacant industrial site, including erection of 4 detached houses, associated garaging / car parking, pedestrian access paths, infrastructure and open space | Scotstown Moor Base Shielhill Road Aberdeen AB23 8NN

COMMENTS

Regarding the above application and supporting information submitted, an assessment by the Environmental Protection Section was carried out. The following areas have been evaluated and the associated comments are considered reasonable and proportionate given the current circumstances;

1. Noise Impact Assessment Review

The Noise Impact Assessment by Couper Acoustics (Ref:7377212314 - V2, Date: 8 September 2022, Revised 6 March 2023) associated with the proposed development has been reviewed. It along with the proposal of a closed window strategy for noise control is accepted.

In relation to noise this Service therefore accepts the report and the proposed development provided application of the critical noise controlling measures achieving at least an equivalent effect of those measures contained within the Section of the report entitled 'Mitigation' takes place, including the following.

- a) as advised in section 6.02 a noise barrier at least a height of 2 metre relative to the carriageway. It should be at least 15kgm² surface density and be positioned hard against the ground and free from any gaps or breaks. The location of the barrier should align with that shown in Figure 5.
- b) as advised in section 6.07 all plots to have Mechanical Ventilation Heat Recovery Systems (MVHR)
- c) as advised in section 6.14 a minimum glazing specification of RW+CTR 34dB the noise criteria applied to all windows of Living, Kitchen, and Dining Area of all plots
- d) as advised in section 6.22 a minimum glazing specification of RW+CTR 35dB the noise criteria should be applied to
all bedroom windows on every plot.

2. Noise from Construction Works

In order to protect amenity of the occupants of the neighbouring residences from noise produced as a result of demolition, site/ground preparation works and construction works, I recommend the following controls:

a) Operations creating noise which is audible at the site boundary should not occur outside the hours of 07:00 to 19:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

I trust this information is of use.

Kind regards

Mark Nicholl - Environmental Health Officer Aberdeen City Council | Protective Services
| Operations 3rd Floor South | Marischal College | Broad St| Aberdeen | AB10 1AB

Direct Dial: 01224 522596

Tel: 0300 0200 292

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Environmental Policy team response - planning application, masterplan, and development framework consultations

PROPOSAL AND CONSULTEE DETAILS

	Enter details in this column
Application description	Scotstown Moor Base, Shielhill Road, Aberdeen, AB23 8NN Redevelopment of vacant industrial site, including erection of 4 detached houses, associated garaging / car parking, pedestrian access paths, infrastructure and open space
Application reference number	230969/DPP
Planning case officer	Robert Forbes
Date of request	15/08/2023
Date response required	12/09/2023
Date of response	06/10/2023
EP team (name of responder)	Guy Bergman
Other EP team members	Richard Brough Sue Cumming Choose an item. Choose an item. Choose an item. Choose an item.
Other Services consulted by EP	Choose an item. Other (specify):
Site Visited?	Choose an item.

POLICY AND GUIDANCE

Relevant policy and legislation	Use dropdowns	
Relevant LDP policies Choose an item. D4 Landscape D5 Landscape Design NE2 Green and Blue Infrastructure Choose an item. Choose an item.	Relevant Supplementary Guidance/Technical Advice Note Green Space Network and Open Space Landscape Choose an item. Choose an item. Choose an item. Choose an item. Choose an item. Choose an item. Choose an item. Choose an item. Choose an item. New APGs (do not use) Choose an item.	NPF4 Policies 20. Blue and green infrastructure 3. Biodiversity Choose an item. Choose an item. Choose an item. Choose an item. Choose an item. Choose an item. Choose an item. Choose an item. Choose an item. Choose an item.
Industry guidance references Choose an item. Choose an item. Choose an item. Choose an item. Choose an item. Choose an item. Other (specify);	Other Key References: Choose an item. Choose an item. Choose an item. Choose an item. Choose an item. Choose an item. Choose an item.	Development Frameworks / Masterplans: Choose an item.

COMMENTS

Topic	Comments (including compliance, non-compliance and reasoning, finish with initial in brackets)
Natural Heritage	<p>The site sits adjacent to a Local nature Conservation site which may increase the likelihood of the building on site being used by nesting birds or roosting bats. An ecologist should be employed to carry out a Preliminary Ecological Appraisal (PEA) of the site and extend off site to evaluate habitats, protected and notable species including the presence of non-native species where appropriate. This survey may identify further seasonally constraint surveys. To fully assess the proposal and impact on the Local Nature Conservation Site (LNCS), a Preliminary Ecological Appraisal should consider including a UKHAB or a Habitat Phase 1 assessment.</p> <p>Under NPF4, Policy 3 Biodiversity it is a requirement to submit an enhancement plan. Ideas for biodiversity enhancement could include native planting, dealing with non natives, and providing nest boxes within the development.</p>
Landscape	<p>ADLP Policy D5 – Landscape Design - Development proposals will be designed with an effective, functional and attractive landscape framework supported by clear design objectives. The proposed site plan is not sufficiently detailed in terms of Landscape Design.</p> <p>A detailed landscape plan is required to make an assessment of compliance with ADLP policies D4 Landscape and D5 landscape Design. NPF4 Policy 3 Biodiversity states: Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible. The proposed use of mixed native hedges referred to in the Design Statement is welcome, this should be included in the detailed landscape plan.</p> <p>The detailed landscape plan should include the following:</p> <p>Tree Planting</p> <ul style="list-style-type: none"> • precise location • species - full botanical name • planting size, root stock specification and provenance • planting distances and densities

	<ul style="list-style-type: none"> • tree staking/anchoring and tying details • tree planting pit detail • mulching details • tree protection (e.g. rabbit guards, deer fencing), if required <p>Shrub/Hedge Planting</p> <ul style="list-style-type: none"> • precise location of shrub beds • precise location, extent, and distribution of planting • species, numbers or densities and heights • grouping arrangements for single species • shrubs to be retained and removed • the arrangement and massing of separate groups of shrubs in each bed • species - full botanical name • planting size, root stock specification and provenance • planting distances or densities • mulching details • shrub protection (e.g. rabbit guards, deer fencing), if required <p>Grassed and wildflower areas</p> <ul style="list-style-type: none"> • precise location and extent of areas to be grassed. • precise location of areas of seeding, turf, wildflower plugs or other method of re-vegetating. <p>Green walls and roofs</p> <ul style="list-style-type: none"> • precise location of green walls and roofs should be shown together with design details and species to be used. <p>Other habitats and SUDs features</p> <ul style="list-style-type: none"> • location of proposed habitats and SUDs features such swales and retention ponds. • SUDs planting details including: • species - full botanical name. • planting size, root stock specification and provenance. • planting distances or densities. • protection and fencing if required. <p>Hard landscape elements</p>
--	---

	<p>The following details shall be given for hard landscape elements - e.g. hard surfacing, drainage, boundary features, gates, water features, structures, seating, lighting, signs, litter bins, planters etc.</p> <ul style="list-style-type: none"> • precise location and extent of feature • description of materials/colours. • elevations and sections where appropriate for boundary walls/fences, gates, structures, water features, drainage etc. • use of sustainable and locally sourced materials. • manufacturers' information regarding appearance and method of installation for such items as seats, litter bins, lighting, planters etc. <p>Maintenance and management</p> <p>A schedule of maintenance will be required to ensure successful establishment and long-term management of soft and hard landscaping to demonstrate that a high standard of landscaping can be achieved. The details to be provided shall include:</p>
Trees	There are no existing trees within the site, new tree planting should be shown as part of a detailed landscape plan.
Open Space	<p>A detailed landscape plan should be provided to fully assess the proposal and details provided of how the proposal will support ALDP Policy NE2: Blue and Green Infrastructure and NPF4 Policy 20: Blue and Green infrastructure.</p> <p>The south western area of the proposed development area incorporates areas of Green Space / Green Space Network and forms part of the Scotstown LNR. Proposals should seek to maintain or enhance the existing Green Space Network and improve the connectivity of these spaces to better integrate the site into its surroundings and the existing landscape.</p> <p>Development proposals that result in fragmentation or net loss of existing blue and green infrastructure will only be supported where it can be demonstrated that the proposal would not result in or exacerbate a deficit in blue or green infrastructure provision, and the overall integrity of the network will be maintained.</p> <p>A proposed footpath which connects to the existing path network to the east of the site would be welcomed to improve the accessibility for residents to the existing path network and Open Space.</p> <p>Developments should aim to provide high quality, well connected and meaningful green space areas and future detailed plans should provide the specifications of well-connected and meaningful green infrastructure therefore supporting ALDP Policy NE2: Blue and Green and NPF4 Policy 20: Blue and Green infrastructure which aims to protect</p>

	<p>and enhance blue and green infrastructure and their networks and provide benefits to communities from accessible, high quality blue, green and civic spaces.</p> <p>Development proposals that include new or enhanced blue and/or green infrastructure should provide effective management and maintenance plans covering the funding arrangements for their long-term delivery and upkeep, and the party or parties responsible for these.</p>
Outdoor Access	
Climate change mitigation and adaptation measures	
Other	

ACTION POINTS (clear bullet points only)

<p>Natural Heritage</p> <ol style="list-style-type: none"> 1. Submit results of a PEA of the site for review. 2. Submit details of how the site will be enhanced for biodiversity.
<p>Landscape</p> <ol style="list-style-type: none"> 3. A detailed landscape plan is required.
<p>Trees</p> <ol style="list-style-type: none"> 4. New tree planting should be shown on the detailed landscape plan.
<p>Open Space</p> <ol style="list-style-type: none"> 5. A detailed landscape plan should be provided to fully assess the proposal.
<p>Outdoor Access</p> <ol style="list-style-type: none"> 6.
<p>Climate change mitigation and adaptation measures</p> <ol style="list-style-type: none"> 7.
<p>Other</p> <ol style="list-style-type: none"> 8.

Friday, 05 July 2024



Local Planner
Strategic Pace Planning
Aberdeen City Council
Aberdeen
AB10 1AB

Development Operations
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Stepps
Glasgow
G33 6FB

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk



Dear Customer,

Scotstown Moor Base, Shielhill Road, Aberdeen, AB23 8NN
Planning Ref: 230969/DPP
Our Ref: DSCAS-0113043-K66
Proposal: Redevelopment of vacant industrial site, including erection of 4 detached houses, associated garaging / car parking, pedestrian access paths, infrastructure and open space.

Please quote our reference in all future correspondence

Audit of Proposal

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced. Please read the following carefully as there may be further action required. Scottish Water would advise the following:

Water Capacity Assessment

Scottish Water has carried out a Capacity review and we can confirm the following:

- ▶ This proposed development will be fed from Invercannie Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity currently so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water via [our Customer Portal](#) or contact Development Operations.

Waste Water Capacity Assessment

- ▶ There is currently sufficient capacity for a foul only connection in the Nigg PFI Waste Water Treatment works to service your development. However, please note that

further investigations may be required to be carried out once a formal application has been submitted to us.

Please Note

- ▶ The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.
-

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
 - ▶ Site Investigation Services (UK) Ltd
 - ▶ Tel: 0333 123 1223
 - ▶ Email: sw@sisplan.co.uk
 - ▶ www.sisplan.co.uk
- ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.
- ▶ If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.

- ▶ Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
 - ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
 - ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).
-

Next Steps:

▶ All Proposed Developments

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

▶ Non Domestic/Commercial Property:

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk

▶ Trade Effluent Discharge from Non-Domestic Property:

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).

- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.
- ▶ The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 5kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at planningconsultations@scottishwater.co.uk.

Yours sincerely,

Ruth Kerr.

Development Services Analyst

developmentoperations@scottishwater.co.uk

Scottish Water Disclaimer:

"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."

Robert Forbes
Planning Department
Aberdeen City Council

Our Ref: 10165
Your Ref: 230969/DPP

By email only to: pi@aberdeencity.gov.uk

SEPA Email Contact:
planning.north@sepa.org.uk

24 August 2023

Dear Robert

Town and Country Planning (Scotland) Acts

**Redevelopment of vacant industrial site, including erection of 4 detached houses, associated garaging / car parking, pedestrian access paths, infrastructure and open space
Scotstown Moor Base Shielhill Road Aberdeen AB23 8NN**

Thank you for consulting SEPA on 15 August 2023 in relation to the above application.

Advice for the planning authority

In line with the advice in the [Transitional Arrangements for National Planning Framework 4 letter](#) issued on 8 February 2023 our position and advice given below is based on NPF4 policy.

We have **no objection** to this application on the grounds of flood risk however please note our advice provided below.

1. Flood risk

- 1.1 The site is not shown to be at risk of flooding from the Burn of Mundurno, based on the SEPA Future Flood Maps. You can view the SEPA Flood Maps and find out more about them at [Flood Maps | SEPA](#). In addition, we hold no records of historical flooding at this site (although our records may be incomplete).
- 1.2 From map information we hold and the topographic levels illustrated on the Location & Site Plan (Drawing No. P-01 Aug 23), the general direction of drainage in this area is in a south-east to north-west direction. A "C" class road runs along the western site boundary and to the west/north-west of this road there is an area at risk of flooding from the Burn of Mundurno. But this site is elevated above the ground to the north-west, as shown on the Location & Site Plan, it is elevated by at least 1m above the ground immediately to the west of the adjacent road. Therefore, unless the planning authority have additional flood information available, we consider the development currently avoids the area at flood risk and will not increase flood risk elsewhere, therefore under NPF4 the principle of development at this location is acceptable on flood risk grounds.



Chairman
Bob Downes

CEO
Nicole Paterson

Angus Smith Building
6 Parklands Avenue
Eurocentral
Holytown
North Lanarkshire
ML1 4WQ

Tel: 03000 99 66 99
www.sepa.org.uk

- 1.3 With regard to surface water drainage we consider water quantity aspects of surface water flooding to be under the remit of local authorities. The Flood Management Team or Roads / Engineering Team at Aberdeen City Council are likely to have greater local knowledge of the site and therefore, may be better placed to provide more detailed advice on this aspect.

2. Foul drainage

- 2.1 We understand the site is to be served by a new private sewage treatment plant. This will require authorisation from us under the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR). We recommend the applicant engage in pre-CAR application discussions with our Water Permitting Team (waterpermitting@sepa.org.uk) as soon as possible.
- 2.2 In line with our [SEPA triage framework: guidance for planning authorities and SEPA](#), we cannot guarantee whether consent for private foul drainage systems will be granted until the submission and determination of the relevant authorisation. We consider it to be at the applicant's commercial risk if planning permission is granted for a development/process which cannot gain authorisation from us, or if any significant changes required during the regulatory stage necessitate a further planning application or similar application and/or neighbour notification or advertising.

3. Other planning matters

- 3.1 For all other planning matters, please see our [triage framework and standing advice](#) which are available on our website: www.sepa.org.uk/environment/land/planning/.

Advice for the applicant

4. Regulatory advice

- 4.1 Details of regulatory requirements and good practice advice can be found on the [regulations section](#) of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the local compliance team at: gs@sepa.org.uk

If you have queries relating to this letter, please contact us at planning.north@sepa.org.uk including our reference number in the email subject.

Yours sincerely

Simon Watt
Senior Planning Officer
Planning Service

Ecopy to: rforbes@aberdeencity.gov.uk

Disclaimer: This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at this time. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning or similar application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application or similar application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. For planning applications, if you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found on our [website planning pages - www.sepa.org.uk/environment/land/planning/](http://www.sepa.org.uk/environment/land/planning/).

Aberdeen City Housing Land Audit 2024

Aberdeen City Planning Committee Business																																				
Site Ref A/DY/R/026	Location Carden School	Main Developer Aberdeen City Council	Status Allocated	Type B																																
Year Ent.	2020	Total Capacity	20	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+																		
		Remaining Capacity	20	Constrained	20	0	0	0	0	0	0	0	0	0	0	0	0	0																		
ALDP Code	OP15	10 Year Deliverable Supply	0	Constraints	Ownership																															
Site Ref A/DY/R/024	Location Burnside Drive	Main Developer Energy Dawn Ltd / S2 Asset Management Ltd	Status Allocated	Type B																																
Year Ent.	2018	Total Capacity	37	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+																		
		Remaining Capacity	37	Constrained	37	0	0	0	0	0	0	0	0	0	0	0	0	0																		
ALDP Code		10 Year Deliverable Supply	0	Constraints	Land Use																															
Site Ref A/DY/R/031	Location Cordyce School	Main Developer David Wilson Homes North Scotland	Status Allocated	Type B																																
Year Ent.	2023	Total Capacity	91	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+																		
		Remaining Capacity	91	Constrained	0	0	0	26	37	24	4	0	0	0	0	0	0	0																		
ALDP Code	OP14	10 Year Deliverable Supply	91	Constraints																																
<div>Dyce Academy</div>																																				
																			Total Capacity	148	Post 10 Year Deliverable Supply	0														
																			Remaining Capacity	148	Constrained	57														
10 Year Deliverable Supply																																				
Site Ref A/OM/R/069	Location Balgownie Centre	Main Developer North East Scotland College	Status Allocated	Type B																																
Year Ent.	2012	Total Capacity	171	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+																		
		Remaining Capacity	171	Constrained	171	0	0	0	0	0	0	0	0	0	0	0	0	0																		
ALDP Code	OP5	10 Year Deliverable Supply	0	Constraints	Ownership																															
Site Ref A/OM/R/075	Location Former AECC, Bridge of Don	Main Developer Aberdeen City Council	Status Planning Permission in Principle	Type B																																
Year Ent.	2020	Total Capacity	498	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+																		
		Remaining Capacity	498	Constrained	498	0	0	0	0	0	0	0	0	0	0	0	0	0																		
ALDP Code	OP13	10 Year Deliverable Supply	0	Constraints	Ownership																															
Site Ref A/OM/R/076	Location Aberdeen College Gordon Centre	Main Developer Unknown	Status Allocated	Type G																																
Year Ent.	2020	Total Capacity	171	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+																		
		Remaining Capacity	171	Constrained	171	0	0	0	0	0	0	0	0	0	0	0	0	0																		
ALDP Code	OP7	10 Year Deliverable Supply	0	Constraints	Land Use																															
Site Ref A/DY/R/028	Location Cloverhill, Bridge of Don	Main Developer Bancoon / ACC	Status Under Construction	Type G																																
Year Ent.	2021	Total Capacity	536	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+																		
		Remaining Capacity	368	Constrained	0	0	168	94	171	103	0	0	0	0	0	0	0	0																		
ALDP Code	OP2	10 Year Deliverable Supply	368	Constraints																																

Aberdeen City Housing Land Audit 2024

Aberdeen City Housing Land Audit 2024																			
Site Ref A/BD/R/001	Location 24 Ellon Road	Main Developer KW Contractors Ltd	Status Detailed Planning Permission	Type B															
Year Ent.	2023	Total Capacity	6	Post 10 Year Deliverable Supply	0	1 Jan '23 - 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+	
		Remaining Capacity	6	Constrained	0	0	0	6	0	0	0	0	0	0	0	0	0	0	0
ALDP Code		10 Year Deliverable Supply	6	Constraints															
Site Ref A/BD/R/002	Location Silverburn House, Claymore Drive	Main Developer Cala Homes (North) Ltd	Status Planning Permission in Principle	Type B															
Year Ent.	2023	Total Capacity	53	Post 10 Year Deliverable Supply	0	1 Jan '23 - 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+	
		Remaining Capacity	53	Constrained	0	0	0	0	0	27	26	0	0	0	0	0	0	0	0
ALDP Code		OP12	10 Year Deliverable Supply	53	Constraints														
Site Ref A/BD/R/003	Location Balgownie Area 4	Main Developer Unknown	Status Allocated	Type G															
Year Ent.	2023	Total Capacity	15	Post 10 Year Deliverable Supply	0	1 Jan '23 - 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+	
		Remaining Capacity	15	Constrained	0	0	0	0	0	0	15	0	0	0	0	0	0	0	0
ALDP Code		OP11	10 Year Deliverable Supply	15	Constraints														
<div>Bridge of Don Academy</div> <div>Total Capacity1450Post 10 Year Deliverable Supply0</div> <div>Remaining Capacity1282Constrained840</div> <div>10 Year Deliverable Supply442</div>																			
Site Ref A/OM/R/066	Location East Woodcroft North	Main Developer Aberdeen City Council	Status Allocated	Type G															
Year Ent.	2012	Total Capacity	60	Post 10 Year Deliverable Supply	0	1 Jan '23 - 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+	
		Remaining Capacity	60	Constrained	60	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ALDP Code		OP8	10 Year Deliverable Supply	0	ConstraintsOwnership														
Site Ref A/OM/R/067	Location Grandhome	Main Developer Grandhome Trust, CALA, Malcolm Allan, AJC Homes	Status Under Construction	Type G															
Year Ent.	2012	Total Capacity	4700	Post 10 Year Deliverable Supply	3140	1 Jan '23 - 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+	
		Remaining Capacity	4300	Constrained	0	0	64	120	100	100	120	120	120	120	120	120	120	120	3140
ALDP Code		OP9	10 Year Deliverable Supply	1160	Constraints														
Site Ref A/DY/R/027	Location South of Shielhill Road	Main Developer Chingmere Ltd.	Status Detailed Planning Permission	Type G															
Year Ent.	2020	Total Capacity	99	Post 10 Year Deliverable Supply	0	1 Jan '23 - 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+	
		Remaining Capacity	99	Constrained	99	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ALDP Code		OP10	10 Year Deliverable Supply	0	ConstraintsOwnership														
Site Ref A/OM/R/077	Location Leuchlands Road	Main Developer Mrs Ruth Reid	Status Detailed Planning Permission	Type G															
Year Ent.	2023	Total Capacity	7	Post 10 Year Deliverable Supply	0	1 Jan '23 - 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+	
		Remaining Capacity	7	Constrained	0	0	0	0	0	0	7	0	0	0	0	0	0	0	0
ALDP Code		10 Year Deliverable Supply	7	Constraints															

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Site Ref A/OM/R/078	Location WTR Site at Dubford	Main Developer Unknown	Status Allocated	Type B															
Year Ent.	2023	Total Capacity	20	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+	
		Remaining Capacity	20	Constrained	0	0	0	0	0	0	10	10	0	0	0	0	0	0	
ALDP Code	OP6	10 Year Deliverable Supply	20	Constraints															
Site Ref A/OM/R/079	Location North Denmore	Main Developer Unknown	Status Allocated	Type G															
Year Ent.	2023	Total Capacity	30	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+	
		Remaining Capacity	30	Constrained	0	0	0	0	0	0	15	15	0	0	0	0	0	0	
ALDP Code	OP4	10 Year Deliverable Supply	30	Constraints															
<div>Oldmachar Academy</div> <div>Total Capacity4916Post 10 Year Deliverable Supply3140</div> <div>Remaining Capacity4516Constrained159</div> <div>10 Year Deliverable Supply1217</div>																			
Site Ref A/NE/R/057	Location Craibstone South A	Main Developer Cala Homes (North) Ltd	Status Under Construction	Type G															
Year Ent.	2012	Total Capacity	700	Post 10 Year Deliverable Supply	488	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+	
		Remaining Capacity	536	Constrained	0	4	15	16	24	8	0	0	0	0	0	0	0	0	488
ALDP Code	OP20	10 Year Deliverable Supply	48	Constraints															
Site Ref A/NE/R/057b	Location Craibstone South B	Main Developer Cala Homes (North) Ltd	Status Allocated	Type G															
Year Ent.	2014	Total Capacity	300	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+	
		Remaining Capacity	300	Constrained	300	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ALDP Code	OP20	10 Year Deliverable Supply	0	Constraints	Land Use														
Site Ref A/NE/R/058	Location Rowett South	Main Developer University of Aberdeen, Bancon & Barratt Homes	Status Under Construction	Type G															
Year Ent.	2012	Total Capacity	1700	Post 10 Year Deliverable Supply	781	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+	
		Remaining Capacity	1301	Constrained	0	6	46	49	54	56	31	55	55	55	55	55	55	55	781
ALDP Code	OP21	10 Year Deliverable Supply	520	Constraints															
Site Ref A/NE/R/059	Location Greenferns Landward	Main Developer Aberdeen City Council	Status Allocated	Type G															
Year Ent.	2012	Total Capacity	1000	Post 10 Year Deliverable Supply	100	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+	
		Remaining Capacity	1000	Constrained	0	0	0	0	0	0	0	150	150	150	150	150	150	150	100
ALDP Code	OP22	10 Year Deliverable Supply	900	Constraints															
Site Ref A/DY/R/028b	Location 13 - 15 Land at Auchmill Road	Main Developer Cater Homes Ltd	Status Detailed Planning Permission	Type B															
Year Ent.	2022	Total Capacity	17	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+	
		Remaining Capacity	17	Constrained	0	0	0	0	8	9	0	0	0	0	0	0	0	0	0
ALDP Code		10 Year Deliverable Supply	17	Constraints															

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Site Ref A/DY/R/029b	Location Stoneywood Park	Main Developer CoCity	Status Detailed Planning Permission	Type B															
Year Ent.	2022	Total Capacity	50	Post 10 Year Deliverable Supply	0	1 Jan '23 - 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+	
		Remaining Capacity	50	Constrained	50	0	0	0	0	0	0	0	0	0	0	0	0	0	
ALDP Code		10 Year Deliverable Supply	0	Constraints	Ownership														

Site Ref A/NE/R/062	Location Davidsons Papermill	Main Developer Barratt Homes	Status Under Construction	Type B															
Year Ent.	2012	Total Capacity	900	Post 10 Year Deliverable Supply	0	1 Jan '23 - 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+	
		Remaining Capacity	346	Constrained	0	9	56	51	51	49	53	48	54	40	0	0	0	0	
ALDP Code	OP16	10 Year Deliverable Supply	346	Constraints															

Site Ref A/BU/R/001	Location Old Skene Road	Main Developer Unknown	Status Allocated	Type G															
Year Ent.	2023	Total Capacity	14	Post 10 Year Deliverable Supply	0	1 Jan '23 - 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+	
		Remaining Capacity	14	Constrained	0	0	0	0	0	7	7	0	0	0	0	0	0	0	
ALDP Code	OP26	10 Year Deliverable Supply	14	Constraints															

Site Ref A/BU/R/002	Location Bucksburn Primary School	Main Developer Unknown	Status Allocated	Type B															
Year Ent.	2023	Total Capacity	52	Post 10 Year Deliverable Supply	0	1 Jan '23 - 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+	
		Remaining Capacity	52	Constrained	0	0	0	0	0	15	37	0	0	0	0	0	0	0	
ALDP Code	OP17	10 Year Deliverable Supply	52	Constraints															
<u>Bucksburn Academy</u>																			
Total Capacity 4733 Post 10 Year Deliverable Supply 1369																			
Remaining Capacity 3616 Constrained 350																			
<u>10 Year Deliverable Supply 1897</u>																			

Site Ref A/AC/R/568	Location Greenferns	Main Developer Aberdeen City Council	Status Allocated	Type G															
Year Ent.	2009	Total Capacity	120	Post 10 Year Deliverable Supply	0	1 Jan '23 - 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+	
		Remaining Capacity	120	Constrained	0	0	0	0	0	0	120	0	0	0	0	0	0	0	
ALDP Code	OP28	10 Year Deliverable Supply	120	Constraints															

Site Ref A/AC/R/605	Location Greenferns	Main Developer Aberdeen City Council	Status Allocated	Type G															
Year Ent.	2012	Total Capacity	1350	Post 10 Year Deliverable Supply	450	1 Jan '23 - 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+	
		Remaining Capacity	1350	Constrained	0	0	0	0	0	0	150	150	150	150	150	150	150	450	
ALDP Code	OP33	10 Year Deliverable Supply	900	Constraints															

Site Ref	Location	Main Developer	Status	Type														
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A/NO/R/001	Granitehill	Aberdeen City Council	Allocated	B														
Year Ent.	2023	Total Capacity	300	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	300	Constrained	300	0	0	0	0	0	0	0	0	0	0	0	0	0
ALDP Code	OP66	10 Year Deliverable Supply	0	Constraints	Ownership													
Site Ref A/NO/R/002	Location Haudagain Triangle	Main Developer Unknown	Status Allocated	Type B														
Year Ent.	2023	Total Capacity	300	Post 10 Year Deliverable Supply	150	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	300	Constrained	0	0	0	0	0	0	0	0	30	30	30	30	30	150
ALDP Code	OP65	10 Year Deliverable Supply	150	Constraints														
Northfield Academy																		
		Total Capacity	2070	Post 10 Year Deliverable Supply	600													
		Remaining Capacity	2070	Constrained	300													
		10 Year Deliverable Supply	1170															
Site Ref A/AC/R/565	Location 1 Western Road	Main Developer Caversham Management Ltd	Status Detailed Planning Permission	Type B														
Year Ent.	2009	Total Capacity	22	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	22	Constrained	22	0	0	0	0	0	0	0	0	0	0	0	0	0
ALDP Code	OP68	10 Year Deliverable Supply	0	Constraints	Ownership													
Site Ref A/AC/R/589	Location Pittodrie Stadium	Main Developer Aberdeen Football Club	Status Allocated	Type B														
Year Ent.	2012	Total Capacity	350	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	350	Constrained	350	0	0	0	0	0	0	0	0	0	0	0	0	0
ALDP Code	OP87	10 Year Deliverable Supply	0	Constraints	Land Use													
Site Ref A/AC/R/610	Location Woodside	Main Developer CALA Homes (North) Ltd	Status Under Construction	Type G														
Year Ent.	2012	Total Capacity	400	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	250	Constrained	0	27	68	200	50	0	0	0	0	0	0	0	0	0
ALDP Code	OP25	10 Year Deliverable Supply	250	Constraints														
Site Ref A/AC/R/632	Location 9 Pittodrie Place	Main Developer Grampian Leisure, Mr Paul & John Dawson	Status Detailed Planning Permission	Type B														
Year Ent.	2016	Total Capacity	10	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	10	Constrained	10	0	0	0	0	0	0	0	0	0	0	0	0	0
ALDP Code		10 Year Deliverable Supply	0	Constraints	Ownership													
Site Ref A/AC/R/656	Location Aberdon Care Home	Main Developer Aberdeen City Council	Status Allocated	Type B														
Year Ent.	2019	Total Capacity	40	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	40	Constrained	0	0	0	40	0	0	0	0	0	0	0	0	0	0
ALDP Code	OP72	10 Year Deliverable Supply	40	Constraints														
Site Ref A/AC/R/667	Location Tilivdrone Primary School	Main Developer Aberdeen City Council	Status Allocated	Type B														

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Year Ent.	2020	Total Capacity	158	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	158	Constrained	158	0	0	0	0	0	0	0	0	0	0	0	0	0
ALDP Code	OP94	10 Year Deliverable Supply	0	Constraints	Land Use													
Site Ref A/A/C/R/670	Location Dunbar Halls of Residence	Main Developer Unknown	Status Allocated	Type B														
Year Ent.	2020	Total Capacity	123	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	123	Constrained	123	0	0	0	0	0	0	0	0	0	0	0	0	0
ALDP Code	OP82	10 Year Deliverable Supply	0	Constraints	Ownership													
Site Ref A/A/C/R/672	Location Woodside Congregational Church	Main Developer Unknown	Status Allocated	Type B														
Year Ent.	2020	Total Capacity	5	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	5	Constrained	5	0	0	0	0	0	0	0	0	0	0	0	0	0
ALDP Code	OP101	10 Year Deliverable Supply	0	Constraints	Land Use													
Site Ref A/A/C/R/673	Location Froghall Terrace	Main Developer Claymore Homes	Status Allocated	Type B														
Year Ent.	2020	Total Capacity	128	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	128	Constrained	128	0	0	0	0	0	0	0	0	0	0	0	0	0
ALDP Code	OP116	10 Year Deliverable Supply	0	Constraints	Infrastructure													
Site Ref A/SM/R/001	Location 152 Don Street	Main Developer Unknown	Status Allocated	Type B														
Year Ent.	2023	Total Capacity	50	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	50	Constrained	50	0	0	0	0	0	0	0	0	0	0	0	0	0
ALDP Code	OP69	10 Year Deliverable Supply	0	Constraints	Ownership													
Site Ref A/SM/R/002	Location Balgownie Machine Centre	Main Developer Unknown	Status Allocated	Type B														
Year Ent.	2023	Total Capacity	15	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	15	Constrained	15	0	0	0	0	0	0	0	0	0	0	0	0	0
ALDP Code	OP73	10 Year Deliverable Supply	0	Constraints	Land Use													
Site Ref A/SM/R/003	Location St Peter's Nursery	Main Developer Unknown	Status Allocated	Type B														
Year Ent.	2023	Total Capacity	7	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	7	Constrained	0	0	0	0	0	0	7	0	0	0	0	0	0	0
ALDP Code	OP92	10 Year Deliverable Supply	7	Constraints														
<div><div>St. Machar Academy</div><div>Total Capacity1308</div><div>Remaining Capacity1158</div><div>10 Year Deliverable Supply297</div></div> <div>Post 10 Year Deliverable Supply0</div> <div>Constrained861</div>																		
Site Ref A/PC/R/070	Location Countesswells	Main Developer CHAP/Kirkwood/Barratt/SMH	Status Under Construction	Type G														

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Year Ent.	2012	Total Capacity	3000	Post 10 Year Deliverable Supply	1564	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	2296	Constrained	0	15	47	56	51	100	75	75	75	75	75	75	75	1564
ALDP Code	OP38	10 Year Deliverable Supply	732	Constraints														
Site Ref A/AC/R/518a	Location Keppelestone, Queens Road	Main Developer Stewart Milne Homes	Status Detailed Planning Permission	Type B														
Year Ent.	2005	Total Capacity	9	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	9	Constrained	9	0	0	0	0	0	0	0	0	0	0	0	0	0
ALDP Code		10 Year Deliverable Supply	0	Constraints	Marketability													
Site Ref A/AC/R/504	Location Pinewood/Hazeldene	Main Developer Dandara	Status Under Construction	Type G														
Year Ent.	2008	Total Capacity	379	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	116	Constrained	0	5	28	30	30	30	26	0	0	0	0	0	0	0
ALDP Code		10 Year Deliverable Supply	116	Constraints														
Site Ref A/AC/R/639	Location Summerhill Academy	Main Developer Aberdeen City Council	Status Under Construction	Type B														
Year Ent.	2018	Total Capacity	369	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	58	Constrained	0	43	140	58	0	0	0	0	0	0	0	0	0	0
ALDP Code	OP93	10 Year Deliverable Supply	58	Constraints														
Site Ref A/AC/R/665	Location Greenfern Infant School	Main Developer Aberdeen City Council	Status Allocated	Type B														
Year Ent.	2020	Total Capacity	68	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	68	Constrained	68	0	0	0	0	0	0	0	0	0	0	0	0	0
ALDP Code	OP27	10 Year Deliverable Supply	0	Constraints	Ownership													
Site Ref A/AC/R/666	Location Braeside Infant School	Main Developer Aberdeen City Council	Status Detailed Planning Permission	Type B														
Year Ent.	2020	Total Capacity	30	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	30	Constrained	0	0	0	30	0	0	0	0	0	0	0	0	0	0
ALDP Code	OP39	10 Year Deliverable Supply	30	Constraints														
Site Ref A/NE/R/061	Location Maidencraig	Main Developer Bancon Homes Ltd	Status Under Construction	Type G														
Year Ent.	2012	Total Capacity	825	Post 10 Year Deliverable Supply	316	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	592	Constrained	0	6	21	24	48	36	24	24	24	24	24	24	24	316
ALDP Code	OP31 and OP32	10 Year Deliverable Supply	276	Constraints														
Site Ref A/NE/R/066	Location Skene Road, Maidencraig	Main Developer Unknown	Status Allocated	Type B														
Year Ent.	2020	Total Capacity	15	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	15	Constrained	15	0	0	0	0	0	0	0	0	0	0	0	0	0
ALDP Code	OP111	10 Year Deliverable Supply	0	Constraints	Ownership													

Section 9 - Planning applications																		
Site Ref A/NE/R/067	Location Summerfield House, Eday Road	Main Developer Unknown	Status Allocated	Type B														
Year Ent.	2023	Total Capacity	99	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	99	Constrained	99	0	0	0	0	0	0	0	0	0	0	0	0	0
ALDP Code	OP35	10 Year Deliverable Supply	0	Constraints	Ownership													
Site Ref A/NE/R/068	Location Woodend Hospital	Main Developer Unknown	Status Allocated	Type B														
Year Ent.	2023	Total Capacity	213	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	213	Constrained	213	0	0	0	0	0	0	0	0	0	0	0	0	0
ALDP Code	OP37	10 Year Deliverable Supply	0	Constraints	Ownership													
Site Ref A/NE/R/069	Location Treetops Hotel, Springfield Road	Main Developer Malcolm Allan Housebuilders Ltd	Status Detailed Planning Permission	Type B														
Year Ent.	2024	Total Capacity	77	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	77	Constrained	0	0	0	22	22	33	0	0	0	0	0	0	0	0
ALDP Code		10 Year Deliverable Supply	77	Constraints														
<div><u>Hazlehead Academy</u></div> <div>Total Capacity5084Post 10 Year Deliverable Supply1880</div> <div>Remaining Capacity3573Constrained404</div> <div>10 Year Deliverable Supply1289</div>																		
Site Ref A/AC/R/547	Location 45-57 Holland Street	Main Developer Claymore Homes	Status Allocated	Type B														
Year Ent.	2008	Total Capacity	21	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	21	Constrained	21	0	0	0	0	0	0	0	0	0	0	0	0	0
ALDP Code		10 Year Deliverable Supply	0	Constraints	Infrastructure													
Site Ref A/AC/R/578	Location Broadford Works, Maberly St	Main Developer Ferness Investment Holdings Ltd	Status Planning Permission in Principle	Type B														
Year Ent.	2010	Total Capacity	460	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	460	Constrained	460	0	0	0	0	0	0	0	0	0	0	0	0	0
ALDP Code	OP74	10 Year Deliverable Supply	0	Constraints	Marketability													
Site Ref A/AC/R/588	Location Nazareth House, 34 Claremont House	Main Developer Bancon Homes Ltd	Status Under Construction	Type B														
Year Ent.	2012	Total Capacity	92	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	7	Constrained	0	3	14	7	0	0	0	0	0	0	0	0	0	0
ALDP Code		10 Year Deliverable Supply	7	Constraints														
Site Ref A/AC/R/618	Location Cornhill Hospital	Main Developer Barratt Homes	Status Under Construction	Type B														
Year Ent.	2013	Total Capacity	331	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	136	Constrained	78	1	18	30	23	5	0	0	0	0	0	0	0	0
ALDP Code	OP77	10 Year Deliverable Supply	58	Constraints	Ownership													
Site Ref	Location	Main Developer	Status	Type														

A/AC/R/635		Leadside Road	Forbes Homes Ltd	Detailed Planning Permission	B														
Year Ent.	2017		Total Capacity	11	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
			Remaining Capacity	11	Constrained	0	0	0	0	11	0	0	0	0	0	0	0	0	0
ALDP Code			10 Year Deliverable Supply	11	Constraints														
Site Ref A/AC/R/646		Location 32-36 Fraser Place	Main Developer Deefield Ltd	Status Allocated	Type B														
Year Ent.	2018		Total Capacity	12	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
			Remaining Capacity	12	Constrained	12	0	0	0	0	0	0	0	0	0	0	0	0	0
ALDP Code			10 Year Deliverable Supply	0	Constraints Marketability														
Site Ref A/AC/R/652		Location 6 Golden Square	Main Developer West Coast Estates Ltd	Status Detailed Planning Permission	Type B														
Year Ent.	2019		Total Capacity	13	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
			Remaining Capacity	13	Constrained	13	0	0	0	0	0	0	0	0	0	0	0	0	0
ALDP Code			10 Year Deliverable Supply	0	Constraints Marketability														
Site Ref A/AC/R/654		Location Woolmanhill Hospital, Skene Street	Main Developer CAF Properties Ltd & NHS Grampian	Status Detailed Planning Permission	Type B														
Year Ent.	2019		Total Capacity	42	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
			Remaining Capacity	42	Constrained	42	0	0	0	0	0	0	0	0	0	0	0	0	0
ALDP Code		OP70	10 Year Deliverable Supply	0	Constraints Marketability														
Site Ref A/AC/R/661		Location 1-9 King Street	Main Developer DIVA Property Investments Ltd / Challenge Fishing Company Limited	Status Detailed Planning Permission	Type B														
Year Ent.	2020		Total Capacity	13	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
			Remaining Capacity	13	Constrained	13	0	0	0	0	0	0	0	0	0	0	0	0	0
ALDP Code			10 Year Deliverable Supply	0	Constraints Marketability														
Site Ref A/DY/R/675		Location 1 Mounthooly Way	Main Developer West Coast Estates Ltd.	Status Detailed Planning Permission	Type B														
Year Ent.	2020		Total Capacity	6	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
			Remaining Capacity	6	Constrained	0	0	0	6	0	0	0	0	0	0	0	0	0	0
ALDP Code			10 Year Deliverable Supply	6	Constraints														
Site Ref A/DY/R/677		Location 156 Union Street	Main Developer First Flat Ltd.	Status Detailed Planning Permission	Type B														
Year Ent.	2020		Total Capacity	7	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
			Remaining Capacity	7	Constrained	7	0	0	0	0	0	0	0	0	0	0	0	0	0
ALDP Code			10 Year Deliverable Supply	0	Constraints Ownership														
Site Ref A/DY/R/679		Location 54 Gallowgate	Main Developer Telereal Trillium	Status Planning Permission in Principle	Type B														
Year Ent.	2022		Total Capacity	140	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
			Remaining Capacity	140	Constrained	0	0	0	0	0	70	70	0	0	0	0	0	0	0
ALDP Code			10 Year Deliverable Supply	140	Constraints														
Site Ref A/DY/R/680		Location Mav Baird Avenue	Main Developer CALA Homes (North) Ltd / NHS	Status Under Construction	Type B														

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Year Ent.	2022	Total Capacity	32	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	4	Constrained	0	7	1	4	0	0	0	0	0	0	0	0	0	0
ALDP Code		10 Year Deliverable Supply	4	Constraints														
Site Ref A/AG/R/001	Location 22 King's Gate	Main Developer CALA Homes (North) Ltd	Status Under Construction	Type B														
Year Ent.	2023	Total Capacity	35	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	26	Constrained	0	0	9	26	0	0	0	0	0	0	0	0	0	0
ALDP Code		10 Year Deliverable Supply	26	Constraints														
Site Ref A/AG/R/003	Location 9-13 Albert Street	Main Developer Hornbuckle Mitchell Trustees Ltd	Status Detailed Planning Permission	Type B														
Year Ent.	2023	Total Capacity	11	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	11	Constrained	0	0	0	0	11	0	0	0	0	0	0	0	0	0
ALDP Code		10 Year Deliverable Supply	11	Constraints														
Site Ref A/AG/R/004	Location 15 Maberly Street	Main Developer Aberdeen Capital Investment Ltd	Status Detailed Planning Permission	Type B														
Year Ent.	2023	Total Capacity	17	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	17	Constrained	0	0	0	0	17	0	0	0	0	0	0	0	0	0
ALDP Code		10 Year Deliverable Supply	17	Constraints														
Site Ref A/AG/R/005	Location 8 Ruby Place	Main Developer Mandale Homes	Status Detailed Planning Permission	Type B														
Year Ent.	2023	Total Capacity	59	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	59	Constrained	0	0	0	0	0	29	30	0	0	0	0	0	0	0
ALDP Code		10 Year Deliverable Supply	59	Constraints														
Site Ref A/AG/R/006	Location City Point 11 Chapel Street	Main Developer Knight Property Group	Status Detailed Planning Permission	Type B														
Year Ent.	2023	Total Capacity	23	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	23	Constrained	0	0	0	0	0	23	0	0	0	0	0	0	0	0
ALDP Code		10 Year Deliverable Supply	23	Constraints														
Site Ref A/AG/R/007	Location Raeden (Eastern Part)	Main Developer Unknown	Status Allocated	Type B														
Year Ent.	2023	Total Capacity	80	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	80	Constrained	80	0	0	0	0	0	0	0	0	0	0	0	0	0
ALDP Code		OP76	10 Year Deliverable Supply	0	Ownership													
Site Ref A/AG/R/008	Location VSA Gallowgate	Main Developer Unknown	Status Allocated	Type B														
Year Ent.	2023	Total Capacity	8	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	8	Constrained	0	0	0	0	0	0	0	0	8	0	0	0	0	0
ALDP Code		OP98	10 Year Deliverable Supply	8	Constraints													
Site Ref	Location	Main Developer	Status	Type														

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A/AG/R/009	30-26 Holburn Street & 6-14 Union Grove	Skene Investments (Aberdeen) Ltd	Detailed Planning Permission	B														
Year Ent.	2024	Total Capacity	35	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	35	Constrained	0	0	0	0	35	0	0	0	0	0	0	0	0	0
ALDP Code		10 Year Deliverable Supply	35															
Site Ref A/AG/R/010	Location Denburn House, 20-25 Union Terrace	Main Developer Mandale Homes	Status Detailed Planning Permission	Type B														
Year Ent.	2024	Total Capacity	72	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	72	Constrained	0	0	0	0	72	0	0	0	0	0	0	0	0	0
ALDP Code		10 Year Deliverable Supply	72															
Site Ref A/AG/R/011	Location Aberdeen Grammar School Former Pupils Club, 86 Queen's Road	Main Developer Diamond Property Developments Ltd	Status Detailed Planning Permission	Type B														
Year Ent.	2024	Total Capacity	6	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	6	Constrained	0	0	0	6	0	0	0	0	0	0	0	0	0	0
ALDP Code		10 Year Deliverable Supply	6															
<div><div>Aberdeen Grammar</div><div>Total Capacity1526</div><div>Remaining Capacity1209</div><div>10 Year Deliverable Supply483</div><div>Post 10 Year Deliverable Supply0</div><div>Constrained726</div></div>																		
Site Ref A/AC/R/612	Location 1-5 Salisbury Terrace	Main Developer Drumrossie Land Dev Co	Status Detailed Planning Permission	Type B														
Year Ent.	2013	Total Capacity	6	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	6	Constrained	6	0	0	0	0	0	0	0	0	0	0	0	0	0
ALDP Code		10 Year Deliverable Supply	0	Constraints	Marketability													
Site Ref A/AC/R/662	Location 2-4 Bridge Street	Main Developer J&S Halpern	Status Detailed Planning Permission	Type B														
Year Ent.	2020	Total Capacity	12	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	12	Constrained	12	0	0	0	0	0	0	0	0	0	0	0	0	0
ALDP Code		10 Year Deliverable Supply	0	Constraints	Marketability													
Site Ref A/AC/R/671	Location Water Lane	Main Developer Unknown	Status Allocated	Type B														
Year Ent.	2020	Total Capacity	12	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	12	Constrained	12	0	0	0	0	0	0	0	0	0	0	0	0	0
ALDP Code		10 Year Deliverable Supply	0	Constraints	Ownership													
Site Ref A/DY/R/674	Location 173 Union Street	Main Developer Nice Point Ltd.	Status Detailed Planning Permission	Type B														
Year Ent.	2020	Total Capacity	17	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	17	Constrained	0	0	0	17	0	0	0	0	0	0	0	0	0	0
ALDP Code		10 Year Deliverable Supply	17	Constraints														

Aberdeen City Planning Committee - Planning Applications																		
Site Ref A/D/Y/R/678	Location 181 Union Street	Main Developer Sava Estates	Status Detailed Planning Permission	Type B														
Year Ent.	2020	Total Capacity	17	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	17	Constrained	17	0	0	0	0	0	0	0	0	0	0	0	0	0
ALDP Code		10 Year Deliverable Supply	0	Constraints	Ownership													
Site Ref A/D/Y/R/682	Location Unit 2 Union Glen	Main Developer Warehouse 13 Ltd	Status Detailed Planning Permission	Type B														
Year Ent.	2022	Total Capacity	33	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	33	Constrained	33	0	0	0	0	0	0	0	0	0	0	0	0	0
ALDP Code		10 Year Deliverable Supply	0	Constraints	Land Use													
Site Ref A/D/Y/R/683	Location 73-75 Dee Street	Main Developer Fitzgerald Associates	Status Detailed Planning Permission	Type B														
Year Ent.	2022	Total Capacity	10	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	10	Constrained	0	0	0	5	5	0	0	0	0	0	0	0	0	0
ALDP Code		10 Year Deliverable Supply	10	Constraints														
Site Ref A/PC/R/085	Location Kaimhill Outdoor Centre	Main Developer Aberdeen City Council	Status Detailed Planning Permssion	Type B														
Year Ent.	2022	Total Capacity	35	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	35	Constrained	0	0	0	35	0	0	0	0	0	0	0	0	0	0
ALDP Code		OP89	10 Year Deliverable Supply	35	Constraints													
Site Ref A/H/A/R/002	Location 469 Union Street	Main Developer MC Leisure Ltd	Status Detailed Planning Permssion	Type B														
Year Ent.	2023	Total Capacity	5	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	5	Constrained	0	0	0	0	5	0	0	0	0	0	0	0	0	0
ALDP Code			10 Year Deliverable Supply	5	Constraints													
Site Ref A/H/A/R/003	Location 1-2 Bon-Accord Crescent	Main Developer City Restoration Project Ltd	Status Detailed Planning Permssion	Type B														
Year Ent.	2023	Total Capacity	7	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	7	Constrained	0	0	0	7	0	0	0	0	0	0	0	0	0	0
ALDP Code			10 Year Deliverable Supply	7	Constraints													
Site Ref A/H/A/R/004	Location 139 Hardgate	Main Developer Assurance Homes Ltd	Status Detailed Planning Permssion	Type B														
Year Ent.	2023	Total Capacity	10	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	10	Constrained	0	0	0	10	0	0	0	0	0	0	0	0	0	0
ALDP Code			10 Year Deliverable Supply	10	Constraints													
Site Ref A/H/A/R/005	Location 181 Union Street	Main Developer Cater Group	Status Detailed Planning Permssion	Type B														
Year Ent.	2023	Total Capacity	15	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	15	Constrained	0	0	0	15	0	0	0	0	0	0	0	0	0	0
ALDP Code			10 Year Deliverable Supply	15	Constraints													
Site Ref A/H/A/R/006	Location Urquhart Building, City Hospital	Main Developer Unknown	Status Allocated	Type B														

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Harlaw Academy																			
Year Ent.	2023	Total Capacity	25	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+	
		Remaining Capacity	25	Constrained	25	0	0	0	0	0	0	0	0	0	0	0	0	0	
ALDP Code	OP83	10 Year Deliverable Supply	0	Constraints	Ownership														
Site Ref A/HA/R/007	Location Frederick Street	Main Developer Unknown	Status Allocated	Type B															
Year Ent.	2023	Total Capacity	10	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+	
		Remaining Capacity	10	Constrained	0	0	0	0	0	0	0	0	10	0	0	0	0	0	
ALDP Code	OP78	10 Year Deliverable Supply	10	Constraints															
Site Ref A/HA/R/008	Location 259-263 Union Street	Main Developer Unknown	Status Detailed Planning Permission	Type B															
Year Ent.	2024	Total Capacity	11	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+	
		Remaining Capacity	11	Constrained	0	0	0	0	11	0	0	0	0	0	0	0	0	0	
ALDP Code		10 Year Deliverable Supply	11	Constraints															
Site Ref A/HA/R/009	Location 77-79 Bon Accord Street	Main Developer Cater Group	Status Detailed Planning Permission	Type B															
Year Ent.	2024	Total Capacity	8	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+	
		Remaining Capacity	8	Constrained	0	0	0	0	8	0	0	0	0	0	0	0	0	0	
ALDP Code		10 Year Deliverable Supply	8	Constraints															
Site Ref A/HA/R/010	Location Accommodation Assessment Unit, 165-167 Crown Street	Main Developer Cater Group	Status Detailed Planning Permission	Type B															
Year Ent.	2024	Total Capacity	8	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+	
		Remaining Capacity	8	Constrained	0	0	0	0	8	0	0	0	0	0	0	0	0	0	
ALDP Code		10 Year Deliverable Supply	8	Constraints															
Harlaw Academy																			
Total Capacity									241	Post 10 Year Deliverable Supply									0
Remaining Capacity									241	Constrained									105
10 Year Deliverable Supply									136										
Site Ref A/AC/R/640	Location Kincorth Academy	Main Developer Aberdeen City Council	Status Allocated	Type B															
Year Ent.	2018	Total Capacity	212	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+	
		Remaining Capacity	212	Constrained	0	0	0	0	70	70	72	0	0	0	0	0	0	0	
ALDP Code	OP105	10 Year Deliverable Supply	212	Constraints															
Site Ref A/AC/R/655	Location Craighill Primary School	Main Developer Aberdeen City Council	Status Allocated	Type B															
Year Ent.	2019	Total Capacity	99	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+	
		Remaining Capacity	99	Constrained	0	0	0	0	99	0	0	0	0	0	0	0	0	0	
ALDP Code	OP57	10 Year Deliverable Supply	99	Constraints															
Site Ref A/AC/R/668	Location Torrv Nursery School	Main Developer Aberdeen City Council	Status Allocated	Type B															

Aberdeen City Housing Land Audit 2024

Year Ent.	2020	Total Capacity	40	Post 10 Year Deliverable Supply	0	1 Jan '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	40	Constrained	0	31 Mar '23	0	0	0	0	40	0	0	0	0	0	0	0
ALDP Code	OP103	10 Year Deliverable Supply	40	Constraints														
Site Ref A/AC/R/669	Location Victoria Road Primary School	Main Developer	Grampian Housing Association and Torry Development Trust	Status	Allocated	Type	B											
Year Ent.	2020	Total Capacity	58	Post 10 Year Deliverable Supply	0	1 Jan '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	58	Constrained	0	31 Mar '23	0	0	0	0	58	0	0	0	0	0	0	0
ALDP Code	OP97	10 Year Deliverable Supply	58	Constraints														
Site Ref A/NG/R/010a	Location Wellington Road, Cove Bay	Main Developer	Stewart Milne Homes / Kirkwood Homes / Barratt & David Wilson Homes / Milestone Developments	Status	Under Construction	Type	G											
Year Ent.	Pre 2000	Total Capacity	567	Post 10 Year Deliverable Supply	0	1 Jan '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	94	Constrained	43	31 Mar '23	0	32	30	21	0	0	0	0	0	0	0	0
ALDP Code		10 Year Deliverable Supply	51	Constraints	Ownership													
Site Ref A/NG/R/027	Location Stationfields, Cove Bay	Main Developer	Stewart Milne Homes	Status	Under Construction	Type	G											
Year Ent.	2009	Total Capacity	167	Post 10 Year Deliverable Supply	0	1 Jan '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	57	Constrained	0	31 Mar '23	10	82	57	0	0	0	0	0	0	0	0	0
ALDP Code	OP58	10 Year Deliverable Supply	57	Constraints														
Site Ref A/NG/R/029	Location Loirston	Main Developer	Muir Group/Aberdeen City Council/Churchill Homes	Status	Under Construction	Type	G											
Year Ent.	2012	Total Capacity	1600	Post 10 Year Deliverable Supply	704	1 Jan '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	1374	Constrained	0	31 Mar '23	5	6	20	25	50	50	75	75	75	100	100	100
ALDP Code	OP59	10 Year Deliverable Supply	670	Constraints														
Site Ref A/LA/R/001	Location Royal Devenick Park	Main Developer	Unknown	Status	Allocated	Type	G											
Year Ent.	2023	Total Capacity	150	Post 10 Year Deliverable Supply	150	1 Jan '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	150	Constrained	0	31 Mar '23	0	0	0	0	0	0	0	0	0	0	0	0
ALDP Code	OP46	10 Year Deliverable Supply	0	Constraints														
<div><div>Lochside Academy</div><div>Total Capacity2893</div><div>Remaining Capacity2084</div><div>10 Year Deliverable Supply1187</div></div>																		
Site Ref A/PC/R/059	Location Tor-Na-Dee, Milltimber	Main Developer	Chap	Status	Under Construction	Type	B											
Year Ent.	2007	Total Capacity	102	Post 10 Year Deliverable Supply	0	1 Jan '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	26	Constrained	0	31 Mar '23	0	0	0	0	13	13	0	0	0	0	0	0
ALDP Code		10 Year Deliverable Supply	26	Constraints														

Aberdeen City Planning Committee - Planning Applications																		
Site Ref	Location	Main Developer	Status	Type														
A/PC/R/061c	Friarsfield	Cala Homes (North) Ltd	Under Construction	G														
Year Ent.	2009	Total Capacity	301	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	25	Constrained	0	4	28	23	2	0	0	0	0	0	0	0	0	0
ALDP Code	OP41	10 Year Deliverable Supply	25	Constraints														
Site Ref	Location	Main Developer	Status	Type														
A/PC/R/072	Edgehill House, North Deeside Road	True Deal Securities Ltd	Allocated	G														
Year Ent.	2012	Total Capacity	5	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	5	Constrained	5	0	0	0	0	0	0	0	0	0	0	0	0	0
ALDP Code	OP47	10 Year Deliverable Supply	0	Constraints	Ownership													
Site Ref	Location	Main Developer	Status	Type														
A/PC/R/073	Oldfold	Cala Homes (North) Ltd	Under Construction	G														
Year Ent.	2012	Total Capacity	550	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	276	Constrained	0	8	42	35	35	35	35	35	35	35	31	0	0	0
ALDP Code	OP48	10 Year Deliverable Supply	276	Constraints														
Site Ref	Location	Main Developer	Status	Type														
A/PC/R/074	Peterculter Burn	Gordon Investment Corporation Ltd	Allocated	G														
Year Ent.	2012	Total Capacity	19	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	19	Constrained	19	0	0	0	0	0	0	0	0	0	0	0	0	0
ALDP Code	OP51	10 Year Deliverable Supply	0	Constraints	Ownership													
Site Ref	Location	Main Developer	Status	Type														
A/PC/R/078	Milltimber South	Bancon Homes	Planning Permission in Principle	G														
Year Ent.	2018	Total Capacity	80	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	80	Constrained	0	0	0	0	24	24	24	8	0	0	0	0	0	0
ALDP Code	OP114	10 Year Deliverable Supply	80	Constraints														
Site Ref	Location	Main Developer	Status	Type														
A/PC/R/079	West of Contlaw Road, Milltimber	Malcolm Allan Homes	Under Construction	G														
Year Ent.	2019	Total Capacity	30	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	21	Constrained	0	0	9	10	11	0	0	0	0	0	0	0	0	0
ALDP Code	OP112	10 Year Deliverable Supply	21	Constraints														
Site Ref	Location	Main Developer	Status	Type														
A/PC/R/080	Culter House Road, Milltimber	AJC Homes Ltd	Under Construction	G														
Year Ent.	2019	Total Capacity	11	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	9	Constrained	0	2	0	4	4	1	0	0	0	0	0	0	0	0
ALDP Code	OP113	10 Year Deliverable Supply	9	Constraints														
Site Ref	Location	Main Developer	Status	Type														
A/PC/R/081	Milltimber Primary School	Aberdeen City Council	Allocated	B														
Year Ent.	2020	Total Capacity	102	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	102	Constrained	102	0	0	0	0	0	0	0	0	0	0	0	0	0
ALDP Code	OP43	10 Year Deliverable Supply	0	Constraints	Ownership													
Site Ref	Location	Main Developer	Status	Type														

Aberdeen City Housing Land Audit 2024

A/PC/R/082	Cults Pumping Station	Unknown	Allocated	B																
Year Ent.	2020	Total Capacity	38	Post 10 Year Deliverable Supply	0	1 Jan '23 - 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+		
		Remaining Capacity	38	Constrained	38	0	0	0	0	0	0	0	0	0	0	0	0	0		
ALDP Code	OP40	10 Year Deliverable Supply	0	Constraints	Ownership															
Site Ref A/PC/R/083	Location Malcolm Road	Main Developer Unknown	Status Allocated	Type B																
Year Ent.	2020	Total Capacity	8	Post 10 Year Deliverable Supply	0	1 Jan '23 - 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+		
		Remaining Capacity	8	Constrained	8	0	0	0	0	0	0	0	0	0	0	0	0	0		
ALDP Code	OP52	10 Year Deliverable Supply	0	Constraints	Ownership															
Site Ref A/PC/R/084	Location Woodend, Peterculter	Main Developer Unknown	Status Allocated	Type B																
Year Ent.	2020	Total Capacity	19	Post 10 Year Deliverable Supply	4	1 Jan '23 - 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+		
		Remaining Capacity	19	Constrained	0	0	0	0	1	2	2	2	2	2	2	2	2	4		
ALDP Code	OP109	10 Year Deliverable Supply	15	Constraints																
Site Ref A/PC/R/086	Location Craigton, Peterculter	Main Developer Unknown	Status Allocated	Type G																
Year Ent.	2023	Total Capacity	10	Post 10 Year Deliverable Supply	0	1 Jan '23 - 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+		
		Remaining Capacity	10	Constrained	10	0	0	0	0	0	0	0	0	0	0	0	0	0		
ALDP Code	OP54	10 Year Deliverable Supply	0	Constraints	Ownership															
<u>Cults Academy</u>																				
		Total Capacity	1275		Post 10 Year Deliverable Supply	4														
		Remaining Capacity	638		Constrained	182														
		10 Year Deliverable Supply	452																	

Grand Total			
Total Capacity	25,644	Post 10 Year Deliverable Supply	7,847
Remaining Capacity (1st April)	20,535	Constrained	4,027
10 Year Deliverable Supply	8,661		

Delivery Totals			
2023/24 Brownfield	528	2023/24 Greenfield	748
Total Remaining Brownfield	4986	Total Remaining Greenfield	15549

Policy List for 230969/DPP

Development Plan

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.

- 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 8 (Green Belts)
- Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings)
- 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 20 (Blue and Green Infrastructure)
- Policy 22 (Flood Risk and Water Management)
- Policy 23 (Health and Safety)

Aberdeen Local Development Plan 2023

The ALDP identifies the main part of the site as an opportunity for residential development (OP6: WTR Site at Dubford):

“Brownfield opportunity for residential development that should look to integrate with the neighbouring development at Dubford. A flood risk assessment will be required. Ecological surveys to assess the presence of and effects on protected habitats and species will be required.”

The southern edge of the application site extends onto adjacent land to the south which is designated as green space network and green belt, however no development is proposed within this part of the site.

The following ALDP policies are relevant –

- Policy H1 (Residential Areas)
- Policy D1 (Quality Placemaking)
- Policy D2 (Amenity)
- Policy D4 (Landscape)

Policy D5 (Landscape Design)
Policy NE1 (Green Belt)
Policy NE2 (Green and Blue Infrastructure)
Policy NE3 (Our Natural Heritage)
Policy NE4 (Our Water Environment)
Policy NE5 (Trees and Woodland)
Policy R2 (Degraded and Contaminated Land)
Policy R5 (Waste Management Requirements for New Developments)
Policy R6 (Low and Zero Carbon Buildings and Water Efficiency)
Policy R8 (Heat Networks)
Policy T2 (Sustainable Transport)
Policy T3 (Parking)
Policy WB3 (Noise)
Policy 23 (Health and Safety)
Policy I1 (Infrastructure Delivery and Planning Obligations)

Aberdeen Planning Guidance

- Dubford Development Framework 2012 (DDF)
- Noise
- Landscape
- Natural Heritage
- Open Space and Green Infrastructure
- Transport & Accessibility
- Amenity & Space Standards
- Materials
- Flooding, Drainage and Water Quality
- Trees and Woodlands
- Food Growing
- Outdoor Access
- Waste Management
- Resources for New Development

Other National Policy and Guidance

Creating Places (architecture and place policy statement)

Designing Places (design policy)

Designing Streets 2010 (design policy)

Naturescot Developing With Nature Guidance

<https://www.nature.scot/doc/developing-nature-guidance>

- Naturescot Standing Advice for Planning Consultations

- Biodiversity: draft planning guidance (November 2023)
- Local living and 20 minute neighbourhoods: planning guidance 2024

Other Material Considerations

- Aberdeen Employment Land Audit (ELA)
- Draft Housing Land Audit 2024 (HLA)

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Marischal College Planning & Sustainable Development Business Hub 4, Ground Floor North Broad Street Aberdeen AB10 1AB Tel: 01224 523 470 Fax: 01224 636 181 Email: pi@aberdeencity.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100708912-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Aurora Planning Limited"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Pippa"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="Robertson"/>	Building Number:	<input type="text" value="85"/>
Telephone Number: *	<input type="text" value="07985 703268"/>	Address 1 (Street): *	<input type="text" value="Cameron Street"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Stonehaven"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
		Postcode: *	<input type="text" value="AB39 2HF"/>
Email Address: *	<input type="text" value="pippa@auroraplanning.co.uk"/>		

Is the applicant an individual or an organisation/corporate entity? *

☐ Individual ☒ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Other	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	c/o agent
First Name: *		Building Number:	
Last Name: *		Address 1 (Street): *	c/o agent
Company/Organisation	Executors of John Langler	Address 2:	c/o agent
Telephone Number: *		Town/City: *	c/o agent
Extension Number:		Country: *	United Kingdom
Mobile Number:		Postcode: *	AB39 2HF
Fax Number:			
Email Address: *	info@auroraplanning.co.uk		

Site Address Details

Planning Authority:	Aberdeen City Council
Full postal address of the site (including postcode where available):	
Address 1:	SCOTSTOWN MOOR BASE
Address 2:	SHIELHILL ROAD
Address 3:	
Address 4:	
Address 5:	
Town/City/Settlement:	ABERDEEN
Post Code:	AB23 8NN

Please identify/describe the location of the site or sites

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Northing	812698	Easting	393509
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Redevelopment of vacant industrial site, including erection of 4 detached houses, associated garaging /car parking, pedestrian access paths, infrastructure and open space

Type of Application

What type of application did you submit to the planning authority? *

- ☒ Application for planning permission (including householder application but excluding application to work minerals).
- ☐ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? *

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please see separate Statement of Reasons.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

☐ Yes ☒ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Please see Appendix One to Statement of Reasons for Review.

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

230969/DPP

What date was the application submitted to the planning authority? *

10/08/2023

What date was the decision issued by the planning authority? *

13/02/2025

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

☒ Yes ☐ No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

☒ Yes ☐ No

Is it possible for the site to be accessed safely and without barriers to entry? *

☐ Yes ☒ No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? *

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

☒ Yes ☐ No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

☒ Yes ☐ No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Miss Pippa Robertson

Declaration Date: 05/05/2025

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**NOTICE OF REVIEW
UNDER
S.43a(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

in respect of

DECISION TO REFUSE PLANNING APPLICATION REFERENCE 230969/DPP

for

**REDEVELOPMENT OF VACANT INDUSTRIAL SITE, INCLUDING ERECTION OF 4 DETACHED
HOUSES, ASSOCIATED GARAGING / CAR PARKING, PEDESTRIAN ACCESS PATHS,
INFRASTRUCTURE AND OPEN SPACE**

at

**SCOTSTOWN MOOR BASE
SHIELHILL ROAD
ABERDEEN
AB23 8NN**

STATEMENT OF REASONS

1 Introduction

1.1 Planning application reference 230969/DPP, for the *“redevelopment of vacant industrial site, including erection of 4 detached houses, associated garaging / car parking, pedestrian access paths, infrastructure and open space”*, at Scotstown Moor Base, Shielhill Road, Aberdeen, was refused under delegated powers on 13 February 2025 [Document 21]. A Review of that decision is now sought for the reasons set out in this Statement, as read alongside the other documents submitted with this, a list of which is provided at Appendix One. In particular, this includes:

- a Design Statement [Document 8] which explains how the proposed development responds to the application site context, including details of the key features of the proposed layout and house design, and the design benefits of what is proposed;
- a Planning Statement [Document 9] which sets out the policy context against which the application requires to be assessed, demonstrating how this complies with all relevant policy requirements, including those of the Fourth National Planning Framework (NPF4) [Document 23], the Aberdeen Local Development Plan 2023 (ALDP) [Document 24], and associated Planning Guidance documents [Documents 25 - 28]; and
- a Supplementary Statement [Document 20] which responds to points raised by the planning service during its assessment of the application, demonstrating that these do not justify the application’s refusal, and that the application should instead be approved for the reasons given in the Supplementary Statement, read in conjunction with the Planning Statement.

1.2 The terms of those Statements are now incorporated herewith.

1.3 In summary, it is submitted that the proposed development complies with the Development Plan (comprising NPF4 and the ALDP) and is also supported by relevant material considerations, in that the proposed development:

- constitutes the sustainable re-use of a brownfield site as supported by Policy 9 (Brownfield, vacant and derelict land and empty buildings) of NPF4;
- delivers much needed new homes on an allocated site in accordance with Policy 16 (Quality homes) of NPF4 and Policy LR1 – Land Release Policy of the ALDP;

- has been designed to a high standard, demonstrating the 6 qualities of successful placemaking as required by Policy 14 (Design, quality and place) of NPF4 and Policy D1 - Quality Placemaking of the ALDP;
- complies with all other relevant Development Plan policies, namely Policies 13 (Sustainable transport), 15 (Local living and 20 minute neighbourhoods), 18 (Infrastructure first), 19 (Heating and cooling), and 22 (Flood risk and water management) of NPF4, and Policies WB1 - Healthy Developments, WB3 - Noise, D2 - Amenity, NE2 - Green & Blue Infrastructure, D4 - Landscape, D5 - Landscape Design, T2 - Sustainable Transport, T3 - Parking, R2 – Degraded and Contaminated Land, R5 - Waste Management Requirements for New Development, R6 - Low and Zero Carbon Buildings and Water Efficiency, NE4 - Our Water Environment, I1 - Infrastructure Delivery and Planning Obligations, and CI1 - Digital infrastructure of the ALDP, together with associated Planning Guidance documents; and
- is supported by relevant material planning considerations, most notably the Aberdeen City and Aberdeenshire Housing Land Audit 2024 (HLA) [Document 29], in which the site is identified as having capacity for 20 housing units.

1.4 With regards to the proposed development's merits, the Report of Handling for the application [Document 22] also makes it clear that:

- the ALDP identifies the main part of the site as an opportunity site for residential development, with all development to be located within this, and the principle of housing provision here is accepted;
- while the southern edge of the site extends onto land within the green space network and green belt, no development is proposed on this land;
- relevant planning history to be taken into account when assessing the application includes the granting of consent for major residential development within the Dubford Development Framework Area, directly to the east of the application site;
- redevelopment of the site offers potential for significant visual and landscape benefit by removing the existing visually incongruous industrial buildings and yard;
- the general height and materiality of the proposed buildings is considered to be appropriate; and
- there were no objections to the application from any members of the public or from any statutory consultees.

1.5 Where the Report of Handling does raise concerns with regards to the proposed development, these are addressed in detail in section 3 below, demonstrating how the application complies with the relevant policy requirements and is supported by other material planning considerations.

1.6 It should be noted that, since the application was determined, the site has ceased to be vacant. However, that does not alter the planning merits of the proposed development or how it should be assessed against the relevant Development Policies or other material considerations. And, as the application complies with the Development Plan and is supported by relevant material considerations, and no material considerations indicate otherwise, the Review should be allowed and the application approved.

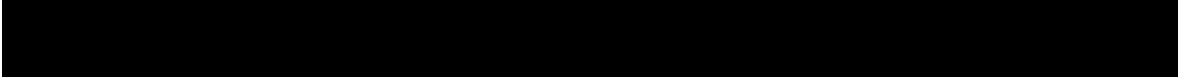
2 Policy context

2.1 In considering this Notice of Review, it must be remembered that the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise, with the adopted Development Plan in this case comprising NPF4 and the ALDP.

2.2 Taking this into account, full details of relevant provisions of both NPF4 and the ALDP are set out in the Planning Statement, as supplemented by the Supplementary Statement, which together demonstrate why the proposed development should be supported in terms of these. At the same time, consideration has also been given to relevant material considerations, with these supporting approval of the application for the reasons given in those Statements. Thus, it is submitted that the Review should be upheld and the application approved for the reasons given in those Statements.

2.3



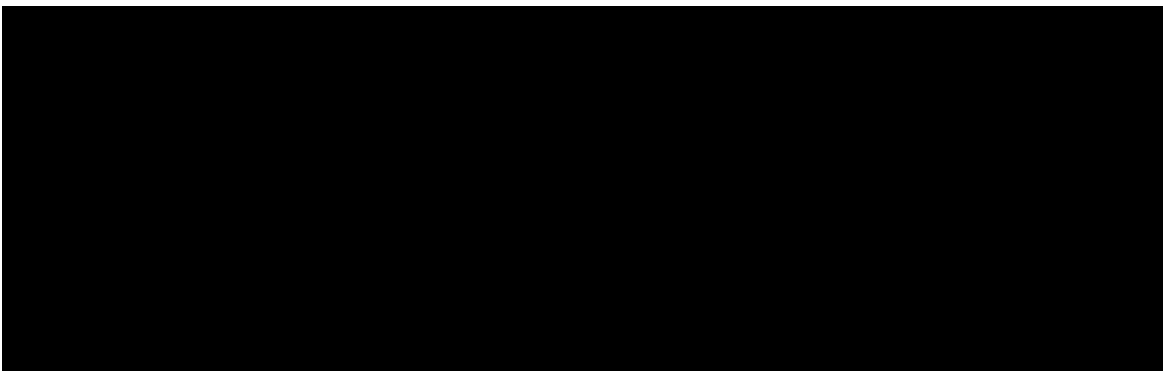
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- 2.4 Likewise, it is important to assess the potential visual impact of any proposed boundary treatments against the fallback position of the boundary treatment that would remain in the event of planning permission being refused – this being a double layer of chain link fence topped with barbed wire, measuring 2m high in total, with it also being possible to carry out alterations to this under permitted development rights subject only to there being no increase in the existing height.

3 Reasons for refusal

- 3.1 The reasons for refusal given in the Decision Notice are addressed in turn below.

(1) Due to the presence of protected species on and adjacent to the site, the nature of development and extent of groundworks / excavation, in the absence of a suitable survey and acceptable mitigation details or measures to avoid disturbance to protected species resulting from the development, the proposal is anticipated to have direct adverse effects on a Protected Species. Thus it has not been demonstrated that the development would accord with Policy 4 (Natural Places) part f) within National Planning Framework 4 (NPF4) and Policy NE3 (Our Natural Heritage) within the Aberdeen Local Development Plan 2023 (ALDP).

3.2



- the Report refers to survey competencies set out by the Chartered Institute of Ecology and Environmental Management (CIEEM), with this having been carried out by a CIEEM member;
- prior to carrying out a field survey, a desk study was undertaken, applying a standard search radius around the development site of 2km;
- while it is recognised that a buffer of 100m around the site is often applied, the area covered by the Ecological Report was informed by the surveyor's professional

experience, with this being consistent with what has typically been accepted by NatureScot elsewhere. In addition to which, it should be noted that neighbouring land was also surveyed as part of the planning process for the Dubford development to the east, [REDACTED]

- [REDACTED]

3.3 The Report also effectively incorporates a Species Protection Plan (see pages 13 and 14) so a separate species protection plan should not be required. However, if considered necessary, planning permission could be granted subject to a condition requiring a further survey to be carried out and the Species Protection Plan updated if any changes have taken place, with that to be submitted for approval prior to development commencing.

3.4 In light of the above, there is no justification for concluding that a suitable survey has not been provided, or for not accepting its conclusion that the proposed mitigation is appropriate, with that mitigation ensuring that the proposed development would not have any adverse impact on the identified protected specie [REDACTED]

3.5 It also needs to be remembered that all elements of built development/private garden areas would be located on previously developed land, with no development outwith the previously developed area, and:

- [REDACTED]
- [REDACTED]
- [REDACTED]

- as highlighted above, the existing buildings could be demolished under permitted development rights, i.e. without having to apply for planning permission for this, with there being no greater risk [REDACTED] being disturbed by the granting of this planning application than by demolition under permitted development rights (and indeed with the benefit of improved foraging); and

- [REDACTED] ns
g
d
e

3.6 Lastly in this context, it is important to remember the generally accepted principle that planning should not seek to replicate other regulatory controls. Thus, whereas the Report of Handling seeks to place weight on an absence of evidence of the necessary licence to carry out works which may affect a protected species having been obtained from NatureScot, this is not something that should have any bearing on the outcome of this application. Indeed, Aberdeen City Council's own Planning Guidance (APG Natural Heritage) [Document 25] expressly states that "*Licences are usually only issued after full planning permission has been granted so that there is no conflict with planning*". The question now is therefore purely whether the information provided demonstrates that the application complies with relevant policy requirements for the purposes of granting planning permission. And, for the reasons given in this Statement, it is submitted that it does, with the required licence to be sought in order to implement the consent once granted.

3.7 Specifically, the Ecological Report makes it clear that the overall ecological value of the site is currently low due to the substantial amount of hardstanding within this, confirms that [REDACTED] will be destroyed, and sets out measures to be implemented during construction to avoid [REDACTED] being disturbed in any way. Taking this into account, along with the points raised above, the proposed development would clearly comply with Policy 4 Natural Places of NPF4 and Policy NE3 – Our Natural Heritage of the ALDP, in that natural heritage assets have been appropriately assessed (in accordance with good practice guidelines), and the proposal will have no detrimental effect on any relevant sites, habitats, ecosystems or species. There is therefore no requirement for the proposed development to deliver social or economic benefits and no reason to apply the precautionary principle. Rather, as also confirmed in the Ecological Report, the proposed development will deliver natural heritage enhancements which should be welcomed and supported, with scope for the

submission of a comprehensive landscape plan to be conditioned to control the details of the proposed planting and ensure the delivery of this positive benefit for natural heritage accordingly.

(2) As the proposed development would not relate well to the semi-rural context and its poor relationship to the public road, by reason of the proximity and orientation of the proposed detached buildings, the arrangement, positions and sizes of the houses, the prominence of proposed fencing and the location of the private gardens for Plots 1 and 4 next to Shielhill Road, it conflicts with the design quality aspirations of NPF4 Policy 14 (Design, Quality and Place) and ALDP Policies D1 (Quality Placemaking) and D4 (Landscape).

- 3.8 With regards first to the specific concerns raised in respect of the relationship with the public road, it is important to note that there is no policy requirement for either houses or gardens to be any specific distance from such a road. Rather, the key test is whether an appropriate level of amenity would be provided to residents, which there would be in this case, as set out in the Planning Statement. In particular in the context of the relationship with the road, it has been demonstrated that acceptable noise levels would not be exceeded, and all residents would benefit from good levels of privacy within their houses and gardens. Indeed, the Report of Handling confirms that residents of the proposed houses would enjoy a good level of amenity in accordance with relevant policy requirements in this respect, subject only to the delivery of additional greenspace enhancements and on-site noise attenuation measures.
- 3.9 Related to which, consideration has also been given to concerns raised with regards to the landscape and visual impact of the proposed noise barrier. However, it is important to assess any potential impact of that against the fallback position of the boundary treatment that would remain in the event of planning permission being refused (any such fallback position being a material consideration to which due weight must be given, as set out above) – this being a double layer of chain link fence topped with barbed wire, which is very much industrial in nature and a lot less sympathetic to the surrounding landscape than the proposed noise barrier would be.
- 3.10 In contrast, and while it is envisaged that final details of the proposed noise barrier would be conditioned, this is expected to be a wooden fence, similar to fence type C approved in connection with development pursuant to planning consent reference P141506 to the east [Document 32]. Thus, the proposed fence would be appropriate to the area, as well as being more sympathetic to the surrounding landscape than the existing fence is, and should be considered acceptable as a result (subject to final details being conditioned).

3.11 Turning then to how the proposed development relates to the surrounding site context more generally, the Report of Handling indicates that reconfiguration of the layout to form a housing cluster of a more tightly grouped building layout and of reduced footprint would be preferred. However, as set out in the Supplementary Statement, this ignores the fact that the immediate site context is not a purely rural one, but rather is characterised by the site's proximity to the Dubford development to the east. Notably:

- as recognised in the Report of Handling for planning application reference P141506 [Document 33] (in terms of which planning permission was granted for the part of the Dubford development directly to the east of the development proposed now), the layout of that development is suburban in nature, with relatively generic housing types, which were considered appropriate in this context; and
- the development proposed in terms of this application has been designed to represent a continuation of the development to the east, but with a vernacular approach taken to the design of the proposed houses as set out in the Design Statement, and changes made during the course of the application to further integrate these into the surrounding area as set out in the Supplementary Statement, such that these represent a sensitive transition between the suburban development at Dubford and the wider countryside beyond.

3.12 It should also again be noted that all elements of the proposed development would be on previously developed land, all of which is included in the OP6 allocation. And, while the Report of Handling gives the HLA little weight, it is important to recognise that the site is not just identified as having capacity for 20 housing units in the HLA, but also within the ALDP, with OP6 described as a proposal for 20 homes, and a small brownfield opportunity that should look to integrate with the neighbouring development at Dubford (see Table 3 New Housing Allocations for 2030 – 32). In line with which, the proposed development has specifically been designed to integrate with development at Dubford as set out in the Planning and Design Statements. And taking this into account, along with the fact that the proposed development satisfies all relevant policy requirement in respect of access to greenspace (as also set out in the Planning Statement and acknowledged in the Report of Handling), there is no reason for the footprint of the proposed development to be reduced.

3.13 Rather, this should be considered a good use of the previously developed area, demonstrating the six qualities of successful places as set out in the Planning Statement, and thus supported by both Policy 14 (Design, Quality and Plance) of NPF and Policy D1 (Quality Placemaking) of the ALDP. In addition to which, the Report of

Handling expressly acknowledges that “*the redevelopment of the site offers potential for significant visual and landscape benefit*”, with there thus being no reason to conclude that this does not comply with Policy D4 (Landscape) of the ALDP either, with scope for the submission of a detailed landscaping plan to be conditioned as set out above.

- 3.14 In addition, although not directly cited in the reasons for refusal, it is recognised that the Report of Handling raises concerns about the location of the sewage pumping station within the private garden ground of the north most house. It should though be noted that any private property matters associated with access to this are not material planning considerations and, in design terms, this would be located at the very north end of the garden, where this narrows to a point beneath two trees (i.e. the part of the garden that is least likely to be used for any other purpose). Thus, this does not affect the usable garden space that residents of this house would enjoy, with the garden area that they would enjoy being of a generous size overall, providing a design solution that makes good use of the land available, and provides residents of this house a good level of amenity in doing so.
- 3.15 Lastly, and while it is recognised that each application needs to be assessed on its own merits, consideration should be given to how the Scottish Ministers have dealt with similar appeals for the redevelopment of brownfield sites where questions around the level of development that would be appropriate have arisen. In terms of which it should be noted that, when assessing such proposals against the relevant provisions of NPF4, there is recent precedent to the effect that more intensive use of a site represents an efficient use of land, with the direction of development to a brownfield site within the settlement boundary (as would also be the case in this instance) described as “*inevitably minimising environmental impact elsewhere*”. (See the decision on planning appeal reference PPA-270-2294, dated 7 March 2024 [Document 34] Paragraph 9). Taking this into account, there should likewise be support for more intensive use of the land here, in the interest of making efficient use of the site and minimising environmental impacts elsewhere, with this again leading to the conclusion that there is no good reason for the extent of development to be reduced. Rather, the proposed level of development should be considered the minimum appropriate for the site and supported on this basis, and on the basis that it complies with all relevant policy requirements, as set out above.

4 Conclusion

- 4.1 For the reasons given in this statement, it is clear that the reasons for which this application was refused under delegated powers are not justified and that the proposed development:

- constitutes the sustainable re-use of a brownfield site as supported by Policy 9 (Brownfield, vacant and derelict land and empty buildings) of NPF4;
- delivers much needed new homes on an allocated site in accordance with Policy 16 (Quality homes) of NPF4 and Policy LR1 – Land Release Policy of the ALDP;
- has been designed to a high standard, demonstrating the 6 qualities of successful placemaking as required by Policy 14 (Design, quality and place) of NPF4 and Policy D1 - Quality Placemaking of the ALDP;
- complies with all other relevant Development Plan policies, namely Policies 13 (Sustainable transport), 15 (Local living and 20 minute neighbourhoods), 18 (Infrastructure first), 19 (Heating and cooling), and 22 (Flood risk and water management) of NPF4, and Policies WB1 - Healthy Developments, WB3 - Noise, D2 - Amenity, NE2 - Green & Blue Infrastructure, D4 - Landscape, D5 - Landscape Design, T2 - Sustainable Transport, T3 - Parking, R2 – Degraded and Contaminated Land, R5 - Waste Management Requirements for New Development, R6 - Low and Zero Carbon Buildings and Water Efficiency, NE4 - Our Water Environment, I1 - Infrastructure Delivery and Planning Obligations, and CI1 - Digital infrastructure of the ALDP, together with associated Planning Guidance documents; and
- is supported by relevant material planning considerations, most notably the HLA, in which the site is identified as having capacity for 20 housing units.

4.2 As the application complies with the Development Plan and is supported by relevant material considerations, and no material considerations indicate otherwise, the Review should be allowed and the application approved.

Aurora Planning Limited

28 April 2025

Appendix One – List of documents

Application documents

- 1 Application form
- 2 Existing Site and Location plan
- 3 Proposed Site Plan and Site Sections
- 4 Proposed Site Plan in Wider Context
- 5 Proposed Floor Plans and Elevations – Plots 1 & 2
- 6 Proposed Floor Plans and Elevations – Plot 3
- 7 Proposed Floor Plans and Elevations – Plot 4
- 8 Design Statement
- 9 Planning Statement
- 10 Drainage Assessment
- 11 Noise Impact Assessment
- 12 Speed Survey Report
- 13 Swept Path – SFRS fire truck
- 14 Swept Path – Refuse vehicle
- 15 Safe Route to School Assessment
- 16 Arboricultural Assessment
- 17 Tree Survey Report
- 18 Tree Protection and Management Plan
- 19 Ecological Report
- 20 Supplementary Statement
- 21 Decision notice
- 22 Report of Handling

Policy documents

- 23 Fourth National Planning Framework (NPF4)
- 24 Aberdeen Local Development Plan 2023 (ALDP)
- 25 Aberdeen Planning Guidance 2023: Natural Heritage
- 26 Aberdeen Planning Guidance 2023: Open Space and Green Infrastructure
- 27 Aberdeen Planning Guidance 2023: Landscape
- 28 Aberdeen Planning Guidance 2023: Transport and Accessibility

Other documents

- 29 Aberdeen City and Aberdeenshire Housing Land Audit 2024 (HLA)
- 30 Mansell v Tonbridge and Malling BC ([2017] EWCA Civ 1314)
- 31 Scottish Badgers' Surveying for Badgers Good Practice Guidelines
- 32 Approved plan reference 513-A_S(2-)052 for planning consent reference P141506, showing details of fence type C approved for installation to the east pursuant to that
- 33 Report of Handling for planning application reference P141506
- 34 Decision on planning appeal reference PPA-270-2294



**PLANNING APPLICATION REFERENCE 230969/DPP
SUPPLEMENTARY STATEMENT**

1 Introduction

- 1.1 In the process of assessing planning application reference 230969/DPP (for the erection of 4 houses and associated infrastructure on the site of the former Walker Technical Resources facility at Scotstown Muir, Shielhill), the planning service has raised potential concerns about its compliance with a number of policy requirements, as communicated by email on 11 September 2023. This Statement responds to each point raised in turn (using the numbering/headings used in the email of 11 September 2023 for ease of reference).
- 1.2 The Statement is accompanied by:
- a revised version of the Proposed Site Plan and Sections (Dwg: P-02 Rev D);
 - revised floor plans and elevations (Dwgs: P-03 Rev A, P-04 Rev A, and P-05 Rev A);
 - a plan of the wider context of the Scotstown Moor path network (Dwg P-06);
 - a Safe Routes to Schools Assessment;
 - a Speed Survey Report;
 - swept path analysis drawings of (i) a Fire Service vehicle accessing all sections of the site, and (ii) a waste vehicle entering and exiting the site;
 - a revised Drainage Assessment (DA);
 - an Ecological Report; and
 - a Tree Report (including Arboricultural Assessment and Tree Protection Plans).
- 1.3 These documents have either been specifically requested by the case officer or have been submitted to demonstrate compliance with policy.
- 1.4 In addition, there are a number of references in this Statement to the Planning and Design Statements originally submitted with the application, and this Statement should be read together with those.
- 1.5 In light of the responses below, it is considered that all points raised by the planning service have been addressed, and there is no reason for the application to be refused. Rather, for the reasons given below and in the Planning Statement, it is clear that the proposed development complies with the Development Plan as a whole (with the Development Plan comprising the Aberdeen Local Development Plan 2023 (ALDP) and the Fourth National Planning Framework (NPF4)), and the application should thus be approved.



2 Principle of development (in terms of the extent of the application site boundary)

- 2.1 It is accepted by the planning service that the principle of housing on the main part of the application site complies with the OP6 designation of the site in the ALDP. At the same time, concerns have however been raised about the proposed development/associated garden ground extending onto unallocated land that forms part of both the green belt and the green space network. However, all elements of built development/private garden areas would be located on previously developed land within the OP6 allocation. And, insofar as the application site boundary extends beyond site OP6, any additional land is used solely for the planting of meadow grass around the proposed development, as shown on both the original proposed site plan, and the revised version of this submitted now. The revised proposed site plan has though been marked up to show clear delineation between proposed private garden areas (within site OP6) and proposed meadow grass areas, with the latter being public spaces dedicated to the enhancement of biodiversity, as also annotated on the revised proposed site plan.
- 2.2 Importantly in this regard, the proposed use of this land as public space for the delivery of biodiversity enhancements complies with the relevant policies in respect of both the green belt and the green space network, in terms of which it should be noted that:
- **Policy NE1 – Green belt** of the ALDP and **Policy 8 Green belts** of NPF4 both generally allow green belt land to be used for all types of horticulture, as well as for leisure or recreational uses compatible with an agricultural or natural setting, with agriculture defined in the Town and Country Planning (Scotland) Act 1997 as including the use of land as meadow land; and
 - **Policy NE2 – Green and blue infrastructure** of the ALDP makes it clear that the Council seeks not just to protect the city's green space network, but to enhance it, with this encompassing all elements of the network's value including, of particular relevance in this case, its biodiversity, recreational, and landscape and townscape values – all of which would be significantly enhanced as a result of what is proposed.
- 2.3 Taking this into account, along with the extent to which the proposed development accords with the OP6 allocation, and the benefits this delivers in terms of redeveloping a brownfield site (both as set out in the Planning Statement), the application should be considered acceptable in principle.



3 Pedestrian/cycle connectivity and other roads related matters

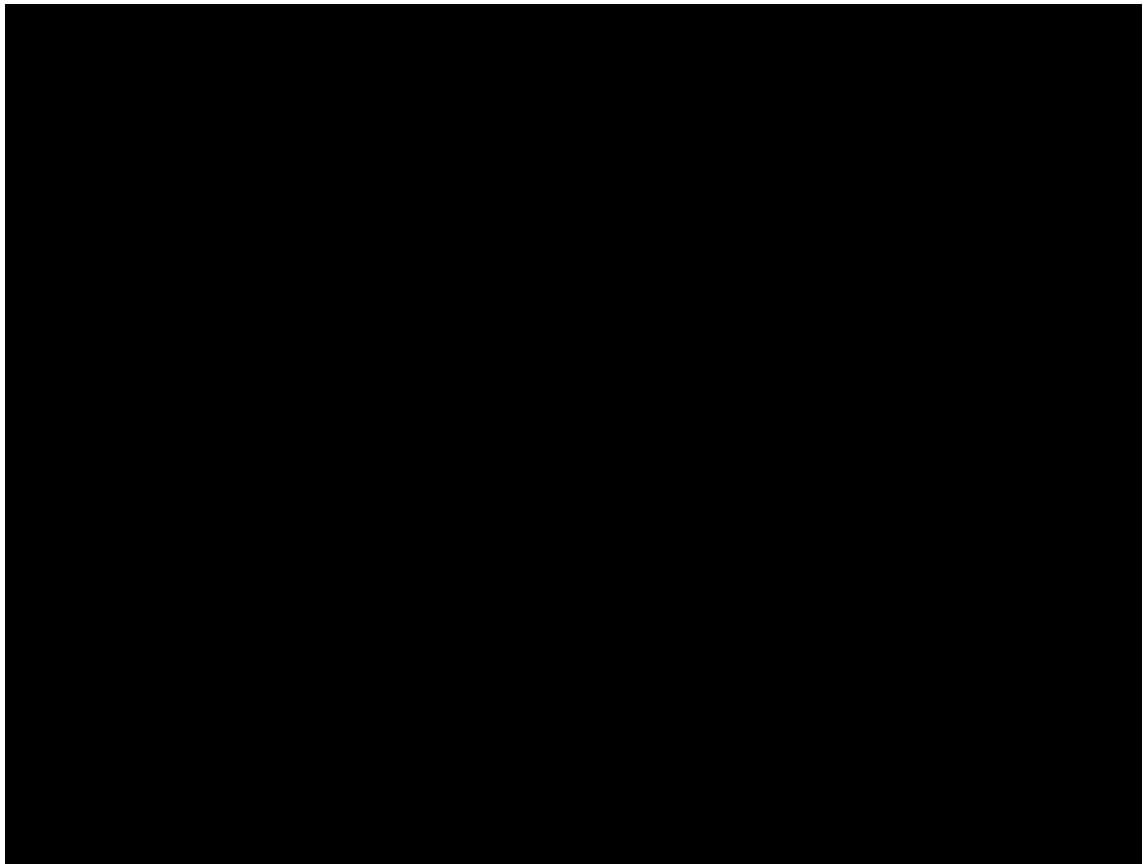
3.1 In the feedback received from the planning service, it is stated that no connectivity to the adopted public path network is proposed. The site layout does though provide links between the proposed development and the Scotia development to the east, and adopted paths within that.

3.2 Specifically, the proposed site plan originally submitted with the application showed both:

- a direct link from the south-eastern corner of the site to the existing path within the Scotia development directly to the east of this; and
- a link from the south-western corner of the site to the Scotstown Moor path network to the south, with this not only providing residents with access to the Moor for recreational purposes, but also providing an alternative walking/cycling route between the proposed development, the Scotia development to the east, and the wider area.

3.3

3.4



3.5 Related to this, as noted above, the documents submitted with this Statement include:

- **a plan showing the site in the wider context of the Scotstown Moor path network**
 - in terms of which it should be noted that the network of paths which can be accessed from the south-western corner of the site extend across the Moor, with these in turn tying into:
 - the more formal paths along the western and southern boundaries of the Dubford development to the east, and
 - core paths 14 and 16, which extend into the southern part of the Moor too, thus providing a link to the core path network as well.
- **a Safe Routes to School Assessment** – with regards to which it should be noted that:
 - Greenbrae Primary School is within a 20 minute walking distance of the site and can be accessed via the Dubford development to the east (within which there is a 20mph speed limit, 2m wide pavements, and dropped kerbs at all road crossings), with the route from the Dubford development to the school being as per the identified safe route to the school for children from there (which was clearly considered acceptable when that application was approved), and
 - Oldmacar Academy is within a 25 minute walking distance of the site and can also be accessed via the Dubford development to the east, with the remainder of the route being as per the identified safe route between the Dubford development and Forehill Primary School except that, rather than continuing all the way along Jesmond Drive, children can turn onto core path 13 part way along this, and use this to access the Academy.

3.6 It is thus clearly possible for pupils to access both schools conveniently and safely, with the routes used being the same as/very similar to those which were considered acceptable for children from the Dubford development, and there being no reason not to consider these to be equally acceptable now.

3.7 In addition, if there are any concerns about the materials to be used for either of the footpath links shown on the proposed site plan, planning permission could be granted subject to a condition requiring final details of proposed materials to be submitted and approved prior to development commencing.



3.8 It should also be noted that the Council's own assessment of the site at the time of deciding to include it in the ALDP highlights that the Perwinnes Moss Core Path leads to the site, with this also adjoining the Scotstown Moor Core Path located further to the south. Thus, the site was considered to score well in terms of the availability of direct footpath connections to community and recreation facilities and resources (see the Development Options Assessment document in the ALDP archive, and the assessment of the site in that), and there is no reason to reach a different conclusion now.

3.9 Lastly in this regard, it is recognised that a number of other connectivity/roads related comments are made in the consultee response from the Council's Roads Development Team (alongside parking related comments, which are addressed separately in section 7 below), in respect of which it should be noted that:

- while the proposed link from the eastern side of the site would include steps, step free access between the site and surrounding path network is provided via the link in the south-eastern corner of the site, which cyclists can use to access the surrounding core path network, the Dubford development to the east, and the wider area;
- whereas the Roads Development Team response refers to the nearest public transport stops being approximately 900m from the site, the nearest bus stop would in fact be significantly closer than this, within the Dubford development to the east, with the proposed houses being a similar distance from this as the northernmost houses in the Dubford development are. And, as the response confirms that it is not unusual for sites on the edge of the city boundary to be more than 900m from public transport, this significantly closer distance should be welcomed and supported;
- consideration has been given to the request to redesign the access – however, this should not be necessary as –
 - having carried out a speed survey, the 85th percentile speed is just 29.6mph for northbound vehicles, and 41.8mph for southbound vehicles, such that it is considered appropriate to provide visibility splays of 2.4m x 90m, and these can be provided without any redesign being carried out, as shown on the Proposed Site Plan & Sections (DWG: P-02 Rev D),
 - as set out in the context of points raised in respect of drainage below, no water would discharge from the site onto the public road, with no need to install additional drainage infrastructure in the vicinity of the junction, and



- while the layby is an existing feature, and there should thus be no need for this to be removed, this has been removed from the revised site plan; and
 - as noted above, the documents submitted with this Statement include swept path analysis drawings of (i) a Fire Service vehicle accessing all sections of the site, and (ii) a waste vehicle entering and exiting the site, with a 250mm buffer between all objects (kerbs etc.) to account for variability in driver ability.
- 3.10 All points relating to pedestrian/cycle connectivity and other roads related matters, as raised both by the Council's Roads Development Management Team and the case officer have thus been addressed in full, with the proposed development complying with all relevant access related policy requirements for the reasons set out in the Planning Statement, as read in conjunction with the above.

4 Foul drainage connectivity

- 4.1 As noted above, this Statement is accompanied by a revised DA, which addresses points raised in this respect. Specifically, the revised DA no longer proposes the use of a private foul drainage system, with the proposed development to now connect to the existing foul sewer within the Dubford development instead (and there thus also being no potential pollution risk associated with this).
- 4.2 In addition, whereas the response from the planning service refers to the use of existing surface water ditches to the west of the site, it should be noted that these do not form part of the foul drainage proposals, and so are not relevant in this context (with the use of these for surface water addressed separately in the context of points raised in respect of SUDS below).

5 Flood risk

- 5.1 In response to points raised in respect of the need to address flood risk, section 7 of the DA confirms that:
- the SEPA flood maps show that the site is not at risk of flooding from adjacent watercourses or overland flows; and
 - all surface water discharges, including the attenuation, will be managed within the site and limited to agreed discharge rates, with this including the 1 in 200 year rainfall event plus climate change.



- 5.2 At the same time, section 7 of the DA also highlights that the proposed redevelopment of the site allows for a proportion of the existing hardstanding to be replaced by soft landscaping, and for the incorporation of green roofs, as shown on the revised site plan and set out in more detail below, which should be welcomed in terms of increasing natural drainage and reducing flood risk as a result.

6 SUDS

6.1 Lastly with regards to drainage related matters, consideration has been given to points raised in respect of SUDS, in response to which it should be noted that there is no policy reason not to use below ground engineered solution for SUDS, as is proposed in this instance – in particular, whereas it is recognised that Policy 22 of NPF4 indicates that SUDS should for part of and integrate with proposed and existing blue-green infrastructure, this needs to be read in the context of the Plan as a whole, and applied in a way that is proportionate to the development proposed. In terms of which:

- there is only limited green infrastructure on the site at present (this being predominantly hard standing), and no blue infrastructure, such that integrating with existing infrastructure is not an option;
- taking into account the fact that the site is predominantly hard standing at present, the proposed development strongly aligns with paragraph c) iii of Policy 22 in that it would significantly reduce the area of impermeable surface across the site as a whole;
- in doing this, the proposed site layout incorporates significantly more green infrastructure than the site does at present, with this designed to integrate the site into the surrounding context through the planting of a combination shortgrass lawns and meadow grass areas, both of which would increase natural drainage, and represent nature-positive drainage solutions; and
- the proposed below ground engineered solution is then only required for proposed areas from which there would still be surface water run off (albeit this would be less than that associated with the site at present, given that the area of impermeable surface would be reduced as highlighted above), and integrates into the proposed green infrastructure by maximising the extent of land above ground that can be used for garden and green open space to integrate the site into the surrounding context, as also set out above.



- 6.2 It should also be noted that Policy 22 of NPF4 needs to be read alongside Policy NE4 Our Water Environment of the ALDP, which only requires SUDS to be retrofitted into redevelopment opportunities when appropriate to do so – i.e. there is no outright requirement for SUDS to be provided at all, and the fact that the proposed development incorporates any form of SUDS should be welcomed and supported.
- 6.3 The above notwithstanding, the revised proposed site plan incorporates a number of changes to further increase the use natural drainage across the site, and to provide further information in this respect, including:
- reducing the extent of hard standing required for the new internal circulation areas, allowing for more green infrastructure to be provided in its place;
 - confirming how much of internal circulation areas would need to be tarred and how much would be free draining gravel surface (the latter being all but the first 5m); and
 - incorporating additional natural drainage in the form of green roofs on flat roof areas.
- 6.4 It should also be noted that, with regards to the proposed discharge of surface water to ditches to the west of the site, this would be via the existing discharge point as set out in the DA, with no new development involved in this respect. However, whereas the majority of the site is currently impermeable, with this draining directly to the existing water environment via the existing drains/watercourses as set out in the DA, the proposed development would reduce the extent of impermeable hardstanding as set out above, thus also reducing the run-off from this, with the run-off that would be to discharge at a restricted rate, via a combination of porous paving (on the access road/driveways) and stone filter trenches, as also set out in the DA.
- 6.5 Taking the above into account, the proposed site layout represents a significant improvement on the status quo in natural drainage terms, with all new drainage infrastructure contained within the site, and the proposed SUDS arrangements designed to be appropriate to the site (including green infrastructure proposed for this), in accordance with Policy 22 of NPF4 and Policy NE4 of the ALDP.

7 Parking

- 7.1 With regards to parking provision, the consultee response from the Council's Roads Development Management Team confirms that garages meeting their standards will only be counted as one parking space, and concludes that:



“...there only appears to be 12 dedicated spaces on the site then, which is in line with our guidelines. I would also note there appears to be adequate room to accommodate more parking for guests etc.”

7.2 Thus, there is no basis for concluding that there is any overprovision of parking on the site, and no changes to the overall number of parking spaces provided on the site should be required.

7.3 However, consideration has been given to whether the proposed parking could be configured in a way that results in this being less dominant, and the revised proposed site plan includes a number of changes to achieve this accordingly. Specifically:

- parking in front of the garages for plots 1 and 2 has been relocated to reduce the extent of hardstanding in this area, with this replaced by additional soft landscaping; and
- the extent of hardstanding in front of the house on plot 4 has also been reduced, with additional soft landscaping introduced here as well.

7.4 With these changes incorporated, it is considered that the proposed parking provides a sensitive solution to delivering an appropriate number of parking spaces in convenient locations without being visually dominant, in accordance with all relevant policy requirements as set out in the Planning Statement.

7.5 In addition, in response to other parking related comments in the Council’s Roads Development Management Team response, it is noted that:

- all parking bays would meet ACC standards in terms of being 2.5m x 5m in size, and the garages all satisfy the requirement of having internal dimensions of no less than 5.7m x 2.7m;
- access to the shared garages would be from the south-west elevation, and would thus not be impeded by the bin store location;
- EV infrastructure will be provided in accordance with building standards requirements, and it is proposed that planning permission is granted subject to a condition requiring final details of that provision to be submitted prior to development commencing.



8 Ecological impact

- 8.1 As noted above, the documents submitted with this Statement include an Ecological Report by Astell Associates, the terms of which confirm that the overall ecological value of the site is currently low due to the substantial amount of hardstanding within this. [REDACTED] have been identified in the dense gorse scrubland in the south-east corner of the site, the layout shown on the revised proposed site plan ensures that these would not be affected by the proposed development, while the Report sets out a number of measures to be implemented during construction to avoid [REDACTED] being disturbed by this in any way.
- 8.2 With these measures in place, the proposed development would comply with **Policy NE3 – Our Natural Heritage** of the ALDP and **Policy 4 Natural Places** of NPF4, in that a full assessment of natural heritage assets has been carried out; and the proposal will have no detrimental effect on any relevant sites, habitats, ecosystems or species.
- 8.3 Indeed, the Ecological Report confirms that proposed enhancements to biodiversity will improve the foraging value of the area for [REDACTED] which should be welcomed and supported, with the proposed biodiversity enhancements also meaning that the application complies with **Policy 3 Biodiversity** and **Policy 1 Tackling the climate and nature crises** of NPF4.

9 Tree impact

- 9.1 As also noted above, the documents submitted with this Statement include a Tree Report, the terms of which confirm that:
- all identified trees on the site are young specimens growing within the escallonia hedgerow along the western edge of the site, with only 8 of these having a diameter of larger than 12cm;
 - of the 8 trees with a diameter of larger than 12cm, 3 were in poor condition, leaving only 5 in a good condition;
 - all of the trees with a diameter of less than 12cm (12 in total), these were either dead (6 trees) or poor quality (6 trees); and
 - none of the trees surveyed were identified as having bat roosting potential.



9.2 It should also be noted that the proposed site plan shows at least 20 trees being planted across the site as part of the proposed development, with it envisaged that full details of proposed species, planting schedule, and maintenance measures could be conditioned.

9.3 Thus, the proposed development would fully comply with **Policy NE5 – Trees and Woodland** of the ALDP and **Policy 6 Forestry woodland and trees** of NPF4, in that the proposed development would increase both the quantity and quality of living trees on the site, with:

- Policy NE5 allowing tree removal when replacement planting delivers an overall net gain, and encouraging proposals which increase tree cover, both of which this proposal does; and
- Policy 6 only precluding the loss of ancient or veteran trees and areas of woodland, and there being nothing in the Policy which would preclude the removal of the trees such as those proposed to be removed in this case, particularly when both the quantity and quality of living trees on the site would be increased as a result of the development, as highlighted above.

10 Design/layout

10.1 While the benefits of redeveloping the site are recognised, the planning service has indicated that a layout which is more reflective of a traditional rural steading or farmhouse cluster would be preferred. However, this ignores the fact that the immediate site context is not a purely rural one, but rather is characterised by the site's proximity to Dubford development to the east. Notably:

- as recognised in the Report of Handling for planning application reference P141506 (in terms of which planning permission was granted for that part of the Dubford development directly to the east of the development proposed in this case), the layout of the Dubford development is suburban in nature, with relatively generic housing types, which were considered appropriate in this context; and
- the development proposed in terms of this application has been designed to represent a continuation of the development to the east, but with a vernacular approach taken to the design of the proposed houses, as set out in the Design Statement, such that these represent a sensitive transition between the suburban development at Dubford and the wider countryside beyond.



- 10.2 Related to this, it should be noted that all the proposed new houses would be located on previously developed land, with land outwith the footprint of the existing buildings currently being hardstanding associated with those, and all of this being included in the OP6 allocation. Consequently, there is no reason for the footprint of the proposed new buildings to be contained within that of the existing ones, and the proposed development has been designed to make the most efficient use possible of the site as a whole, as well as representing a continuation of the development to the east in terms of its nature, density and layout, as highlighted above.
- 10.3 This notwithstanding, consideration has been given to changes that could be made to tie the proposed development more into the countryside to the west as well as existing development to the east, and this is reflected in the revised proposed site plan. Specifically, as also noted above:
- the layout has been revised to reduce the extent of the hard standing within the proposed development, allowing for the introduction of more soft landscaping; and
 - green roof elements have been introduced where appropriate, including on the bin store and on the flat roof elements of the houses on plots 1 and 2.
- 10.4 Combined, these changes give the site a more natural aspect overall, with the layout befitting of its location between the existing development to the east and the countryside beyond.
- 10.5 At the same time, consideration has also been given to concerns raised with regards to the landscape and visual impact of the proposed noise barrier. However, it is important to assess any potential impact of that against the fallback position of the boundary treatment that would remain in the event of planning permission being refused (any such fallback position being a material consideration to which due weight must be given, per the decision in *Mansell v Tonbridge and Malling Borough Council* ([2016] EWHC 2832 (Admin)) – this being a double layer of chain link fence topped with barbed wire, which is very much industrial in nature and a lot less sympathetic to the surrounding landscape than the proposed noise barrier would be.
- 10.6 In contrast, and while it is envisaged that final details of the proposed noise barrier would be conditioned, this is expected to be a wooden fence, similar to fence type C approved in connection with development pursuant to planning consent reference P141406 to the east. Thus, the proposed fence would be appropriate to the area, as well as being more sympathetic to the surrounding landscape than the existing fence is, and should be considered acceptable as a result (subject to final details being conditioned, as noted above).



11 Amenity

11.1

11.2

11.3

12 Levels/sections

12.1 While it is recognised that parts of the site are sloping, it should be noted that:

- sections have been included with the revised proposed site plan, showing that only limited cut and fill is required; and
- in response to specific queries raised about the useable extent of the garden of plot 3, the total garden area (excluding driveway) is 484m² and all on level at +52.5 AOD, with sloping land to the south of this being outwith the garden.



13 Construction impact

- 13.1 It is recognised that all development has some impact during construction and, if a Construction Method Statement is sought, the applicant would be happy for planning permission to be granted subject to a condition requiring this to be submitted and approved before development commences, as is standard practice.

14 Public open space provision

- 14.1 In terms of public open space provision, the revised plan clearly distinguishes between private and public spaces, as highlighted above, with it also having been confirmed that no private spaces would extend into land outwith the allocated site boundary.

15 Renewables/water efficiency

- 15.1 With regards to the details of proposed renewables/water efficiency measures to be provided, the applicant would be happy for this to be conditioned, as is also standard practice. In the meantime, though:
- the revised plans submitted with this Statement shows solar panels located on roofs where these would generally have a southerly or westerly orientation for optimum solar gains, along with the addition of water butts on all plots;
 - the incorporation of green roofs on flat roof areas reduces water run-off and provides natural water capture/efficient re-use for watering of those; and
 - the applicant would be happy for further measures such as rainwater butts to be identified and implemented through the submission and approval of a detailed scheme of proposed renewables/water efficiency measures in due course.

16 Conclusion

- 16.1 For the reasons given in this Statement, it is considered that all points raised in the Council's email of 11 September 2023 have been addressed, and there is no reason for the application to be refused. Rather, for the reasons given above and in the originally submitted Planning Statement, it is clear that the proposed development complies with the Development Plan as a whole, and the application should thus be approved.

Aurora Planning Limited
15 June 2024



Signed (authorised Officer(s)):

PHASE 3, DUBFORD, BRIDGE OF DON

PROPOSED RESIDENTIAL
DEVELOPMENT - PHASE 03 CONSISTING
OF 115 UNITS (71 HOUSES AND 44
APARTMENTS) AND ASSOCIATED
LANDSCAPING AND INFRASTRUCTURE
SERVICES

For: Scotia Homes Limited

Application Type : Detailed Planning
Permission
Application Ref. : P141506
Application Date : 09/10/2014
Advert : Can't notify
neighbour(s)
Advertised on : 11/12/2014
Officer : Robert Forbes
Creation Date : 7 October 2015
Ward: Bridge of Don (M Jaffrey/J Reynolds/S
Stuart/W Young)
Community Council: No response received

RECOMMENDATION: Approve subject to conditions and subject to modification of (addendum to) the existing s.75 legal obligation for the wider site to ensure that the required developer contributions, affordable housing and infrastructure works are delivered.

DESCRIPTION

This 6.9 hectare site is located at the northern edge of the built up area of Bridge of Don and comprises part of a wider development site. The site was previously used as arable farmland, for mineral extraction / infill and for industrial purposes. It has a moderate north-easterly aspect with the high point being at its south-west corner. There is a steep embankment up to the land to the west. The site drains towards Mundurno Burn, which flows east along the north boundary. Adjacent land extending to the south and east forms part of a wider housing development area, which is under construction. To the north of Shielhill Road lie redundant quarry workings with associated industrial / storage uses and a row of detached inter-war houses. The western boundary is formed by Perwinnes Moss, which is designated as a Local Nature Conservation Site. Scotstown Moor SSSI lies about 500m to the south-west.

PRE-APPLICATION CONSULTATION

The applicant has undertaken Development Framework and pre-application Public Consultation exercises prior to the submission of this application, and has

submitted an associated report in support of the application, in accordance with relevant regulations.

RELEVANT HISTORY

Outline planning permission for the residential development of the wider site, including community facilities and improvements to an area of adjoining green belt (ref A3/192) was submitted by Scotia and was refused at committee in 2003. A subsequent planning appeal was dismissed, following a public inquiry, in October 2004, as was a related claim for expenses against the Council. The reasons for dismissal included: contravention of structure and local plan policies; prematurity in light of pending local plan review; conflict with national policy regarding sustainable transport, including reducing the reliance on private cars; and potential adverse impact on the local and trunk road networks due to uncertainty regarding the proposed closure of Shielhill Road to vehicular traffic.

A request for a screening opinion under the EIA Regulations was submitted in 2011. The response from Aberdeen City Council was that a formal EIA was not required for the 550 dwelling development currently underway, of which the site forms a part.

Four other detailed planning applications for residential development on various parts of the wider site (ref. 120722, 121422, 121387 and 131614), which total 417 units, and for permission in principle for a total of 550 units (ref 120723) have been approved by the planning authority in 2013, subject to conditions and a legal obligation. The detailed permissions are currently being implemented. In addition, the land to the east, within the wider local plan opportunity site has been granted approval for 99 units, subject to a legal obligation, so that, in total, there is currently 516 consented dwellings.

A planning application (160648) to modify the existing legal agreement at the wider Dubford site to include the current planning application has been submitted and awaits determination.

PROPOSAL

Detailed planning permission is sought for the erection of 115 dwellings (71 houses and 44 flats), together with related engineering / infrastructure works and provision of associated open space and parking areas, as part of a phased development of the wider area. A variety of dwelling types and sizes are proposed. A total of 17 of the proposed units are identified as affordable. The application is supported by a suite of technical documents and related information including: flood risk assessment; and transport assessment.

Vehicle access to the site would in part be provided by development of adjacent land, under the applicant's control, in order to provide connections to Dubford Road and Shielhill Road. It is intended that the southern access from Dubford Road would only be used by buses and emergency services, in addition to

pedestrians and cyclists. New road accesses would be formed from Shielhill Road, to the north of the site. Off-site road works are proposed at nearby junctions, including at the B999, where it is proposed to divert Shielhill Road onto private land not under the applicant's or the Council's control. A segregated shared cycle / footpath, which would act as a 'safe route to school' from the development, would be provided through the adjacent development to the south and east. A segregated footway is proposed through a landscape area proposed along the site edges.

The extent of public open space is 3.4 hectares (48% of the site area). This would include a remote footpath / cycle way and SUDS area at the north boundary. The gross site density is 16.7 dwellings per hectare. Excluding the proposed open space areas, the density of development proposed is some 34 units per hectare. Public open space areas would be created along the fringes of the site (including a buffer strip with the existing business premises to the south west and along the LNCS edge) and along the proposed footpath / cycle route. An intervening landscaping strip would provide buffer planting and a shared cycleway/footpath parallel to Shielhill Road and the Burn of Mundurno.

The proposed dwellings are located at the north-west corner of the wider development framework area. The houses are a mix of detached, semi-detached and terraced types. They are a mix of 1 ½, 2 and 3 storey in height and of varying internal sizes. Private garden areas and parking is largely concentrated to the rear and in-curtilage. Detached garages are also proposed, partly accessed by rear lanes and partly frontage accessed via driveways. The flats are 3 storeys in height and generally located on corners in order to ensure strong built frontages. They are a mix of 1 and 2 bedroom sizes. Communal car parking, bin storage and amenity space would be provided for these units. Materials would be largely rendered walls, with some use of synthetic masonry, and concrete roof tiles.

Supporting Documents

All drawings and the supporting documents listed below relating to this application can be viewed on the Council's website at -

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref.=141506>

On accepting the disclaimer enter the application reference quoted on the first page of this report.

Transport Statement, Drainage Impact Assessment, Design and Access Statement, Planning Statement, Pre-application Consultation Report, Sustainability Statement, Design Statement, Flood Risk Assessment, Landscape and Visual Impact Assessment, Archaeological Assessment, Ecological Assessment, Contamination Remediation Strategy, Noise Impact Assessment.

CONSULTATIONS

Roads Development Management- No objection, subject to implementation of various road / access improvements, which are also required in relation to implementation of previous consented phases of the wider Dubford housing development. Advise that STF contribution is also required;

Environmental Health – No objection. Comment in relation to the need for noise mitigation measures due to proximity of industrial premises and for mitigation of contamination;

Developer Contributions Team - The development will require to provide an appropriate level of affordable housing on site, and contributions towards enhancement of: education; community facilities; sports and recreation facilities (outwith the site); libraries; health care facilities; and, improvement works and links to the Core Path network in the vicinity. These matters are to be included in a legal obligation via an addendum to the existing S75 agreement relative to P120722;

Communities, Housing and Infrastructure (Flooding) – No observations;

Education, Culture & Sport (Archaeology) – No objection;

Scottish Environment Protection Agency – Request that conditions be imposed in relation to flood risk and construction management;

Community Council – No response received;

Education, Culture and Sport (Educational Provision) – where 5 or more new residential units – Advise that, as the site is within the planned Dubford / Murcar development, the likely increase in school aged pupils has been taken account of. Rezoning of the area from Scotstown to Greenbrae primary school has taken place and a planned extension of the latter will cope with forecast additional pupils.

REPRESENTATIONS

One letter of objection has been received from a nearby resident. The objection relates to the matters of traffic impact on existing roads in the area and need for upgrading of lighting.

PLANNING POLICY

National Policy and Guidance

The key objective of the Scottish Government is sustainable economic growth. SPP (Scottish Planning Policy) as it relates to housing and transport is of particular relevance.

Aberdeen City and Shire Strategic Development Plan (ASSDP)

The ASSDP sets a target to increase the population of the city region to 480,000 by 2030. It identifies Aberdeen City as a key growth area and allocates a total of 16,500 housing units for the period 2007- 2016.

Aberdeen Local Development Plan 2012 (ALDP)

The site is zoned as Land Release policy LR1 within the ALDP. It is also identified within the Dubford and Murcar masterplan zone. Table 5 of the ALDP

and policy LR1 allocate the site within the phase 1 housing release (2007-2016) and states that housing development will be approved in principle. The ALDP also identifies the site as part of opportunity site 25 (OP25). OP25 allocates the wider site for some 550 residential units but notes a risk of flooding. ALDP appendix 4 identifies a possible requirement for contributions for additional secondary school capacity at Bridge of Don academy and the extension of medical / dental practices at Dubford.

Other policies of relevance include: I1, T2, D1, D2, D3, D6, H3, H4, H5, CF2, NE1, NE4, NE6, NE8, NE9, NE10, R6 and R7.

Proposed Aberdeen Local Development Plan

This zones the site as a residential area (H1). It maintains the opportunity site designation (OP10) for the wider area covered by the development framework, which anticipates development of 550 homes.

Supplementary Guidance

The site lies within the Dubford Development Framework which was approved by Committee in 2012 and confirms the suitability of the site, and adjacent land to the south and east, for residential and associated development.

EVALUATION

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) 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.

Principle of Development

The proposed residential development accords with the aspirations of the Strategic Development Plan, in particular its targets for housing provision.

The allocation was pursued through the 2012 local plan preparation process, with the site being identified for development by the Council and subsequently ratified by the reporter appointed by the Scottish Government. This process was supported by a process of community and pre-application consultation by the applicant, in the preparation of a development framework, and this has subsequently informed the development approach taken. The approval of PPP (Ref: 120723) sets the principle for development of 550 units at this wider location (excluding the land to the east where an additional 99 houses have approval). A more detailed assessment of the proposal in relation to the relevant planning policies is considered below.

Although the site has a history of refusal, including examination at a public inquiry in 2004, this predates the above factors. The local and regional planning policy context is therefore fundamentally different from that which existed at those

times. As regards the reporter's concerns regarding the sustainability of the site, in terms of compliance with Scottish Government policy regarding transport and impact on the road network, these issues are considered below.

Dubford Development Framework (DDF)

The proposal accords with the general aspirations of the DDF, an important material consideration in favour of the development. Both the local plan and development framework envisage a total of 550 units for the wider site. The scale, form and heights proposed are considered to accord with the wider design objectives and it has been demonstrated that adequate public open space would be provided in accordance with policy NE4. The location and extent of open space also accords with the development framework. The development layout/ form/ scale proposed is considered to respect the suburban nature of the existing built up area to the south, and so accords with policy D1. The proposal would act as a suitable low density edge adjacent to the nature conservation site to the north, and public roads and would allow scope for provision of mitigatory buffer landscaping along edges. Although the urban form is of suburban character, with traditional vernacular inspired house type designs used elsewhere locally by the developer (e.g. at Cove and Ellon), the standard of design is considered to be compatible with 'designing streets' and takes some account of 'designing places' and is thus considered acceptable in terms of policies D1 and D2. The proposed materials and finishes are compatible with those of adjacent phases of the wider development. The relatively generic housing types and non-traditional materials are considered acceptable, given the absence of conservation constraints in the area. Additionally the non-vernacular nature of the suburban housing developed to the south and the relatively contained nature of the site, off main approaches to the city, are positive considerations.

The net density of development proposed would accord with the minimum requirements in policy H3 (30 units per hectare) and suitable residential amenity / outdoor space would be provided (e.g. through provision of garden ground / amenity space and generous levels of public open space). There would be no adverse impact on the amenity of adjacent residents resulting from the scale or proximity of housing proposed and conditions can be used to ensure provision of additional buffer landscaping to ensure the landscape setting of the site is enhanced. The proposal is not therefore considered to represent overdevelopment.

Flood Risk

Formal consultation with SEPA and the Council's Flooding Unit has confirmed that flood risk is more an issue directly affecting land at the northern and eastern fringes of the wider site, rather than the application subjects. In this case it is not so significant that the development potential of the site for housing is compromised or that refusal is warranted. Conditions can be imposed to ensure

that the development takes account of this issue in accordance with sustainable development objectives and it is thus considered in accordance with policies NE6 and NE8. The proposed SUDS pond / basin adjacent to the Mundurno Burn, at the northern edge, is designed as part of the wider strategic landscaping and would provide landscape and wildlife benefits, in addition to reducing flood risk.

Landscape Setting

Clearly the scale and nature of development will result in landscape change. However, such change has already been established in principle, thus it is not necessary to revisit the principle of this issue. Although the development will be visible from adjacent roads, it would have limited visibility on main road approaches to the city from the north, being set low in the landscape relative to the existing housing to the south. Subject to implementation of suitable buffer planting / boundary treatment, the landscape impact is considered acceptable in terms of policy D6. In time the visual impact of the development will be further softened as the required tree planting / strategic landscaping matures.

Nature Conservation Impact

The site lies adjacent to 'Perwinnes Moss', a designated Local Nature Conservation Site (LNCS). The development would have no direct effect on this LNCS and its wider wildlife value could be supported/ enhanced by creation of buffer and additional planting within the application site. A condition is required to ensure native landscape planting. Furthermore, the creation of a footpath network within the site would improve public access to this important open space. Neither would there be direct effect on the SSSI at 'Scotstown Moor', as this lies some distance to the south-west and is bisected by Dubford Road. As the application site drains to the north and east, away from Scotstown Moor, its development would have no indirect impact on the hydrology of this SSSI's wetland habitat. The proposal is therefore considered to accord with policy NE8. Otherwise the existing TPO protected trees and former farm steading lie outwith the application site and are not directly impacted by the current proposal.

Transport / Roads

Provision of footpath and cycle links are required to adequately connect the development to the existing path network / developed areas, in order to discourage car use and ensure compliance with local plan policies D3, T2 and related SPP regarding transport. Such works include off-site interventions on land which is not under the control of the applicant, or the Council. This is a matter which is addressed by the existing legal obligation, associated to the PPIIP, which includes use of developer contributions to enhance the core path network.

It is intended that the site will be serviced by an extension of the existing bus route on Dubford Road northwards through the adjacent site, thereby ensuring that residents of the development would have access to a bus service within reasonable walking distance. Conditions are required in order to ensure

provision of suitable footpath connections from the site to the existing bus stop(s) and to provide a green travel plan. Notwithstanding the reporter's concerns regarding the adequacy of public transport connection to the site back in 2004, a financial contribution was not considered necessary to enable enhancement of the bus service to / from the site when PPiP was granted in 2013. It is therefore considered to be unreasonable to now impose such a burden in relation to development of part of that consented site.

The Council's roads engineers do not express objection regarding the likely traffic impact on the road network, subject to various mitigation measures, including: off site road works/ junction improvements (some on third party land) as set out in the Transport Assessment; and contribution to the Strategic Transport Fund. Some of these off-site measures have already been implemented and others can be addressed by either use of planning conditions or developer contributions / planning obligation. Road officers are satisfied regarding the proposed internal road layout and the proposed provision of street lighting.

Developer Obligations

The applicants have previously agreed comprehensive planning gain package for this site and the wider development, set out in a Section 75 Agreement. This includes: affordable housing provision (15% provision on site and a commuted sum equivalent to 10%, thus a total of 25%), in order to accord with policy H5; contribution to enhance education / community and sports / recreation facilities (outwith the site), libraries; and improvement works and links to the Core Path network in the vicinity.

Although the precise level of affordable housing proposed within this application is less than the 15% minimum figure agreed for the wider site (i.e. 11.3%), when assessed against the requirements of the wider site and the associated S.75, this will be balanced out by over provision elsewhere within the PPiP area. This arrangement is acceptable to the Council's housing service and planning gain advisor. It is not considered that the technical on-site shortfall would warrant refusal of the development given that the affordable housing delivery for the wider site is controlled by the s.75 obligation and the current application is simply a later phase of that wider development.

Although the ALDP indicates a possible requirement for contribution for enhancement of secondary school capacity, consultation with the Council's education service and developer obligations team has shown that this is not in fact required. However, a contribution is required in relation to enhancement of primary education facilities and this is addressed by the existing legal obligation for the wider development.

As the developer obligation matters are addressed in the legal obligation associated to the PPiP, it is not appropriate to revisit these issues. However, the

section 75 will require modification (an addendum) to cover the current application.

Proposed Aberdeen Local Development Plan

The Proposed ALDP was approved at the meeting of the Communities, Housing and Infrastructure Committee of 28 October 2014. It constitutes the Council's settled view as to what should be the content of the final adopted ALDP and is now a material consideration in the determination of planning applications, along with the adopted ALDP. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether:

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

The foregoing can only be assessed on a case by case basis. In relation to this particular application the plan has no substantive change in policy effect.

Conclusion

Subject to imposition of conditions to ensure that the site is appropriately developed, and that the development adheres to the existing legal obligation to ensure infrastructure provision, the proposal accords with the development plan. The other material considerations and traffic impact do not warrant refusal of the application.

RECOMMENDATION

Approve subject to conditions and subject to modification of (addendum to) the existing s.75 legal obligation for the wider site to ensure that the required developer contributions, affordable housing and infrastructure works are delivered.

REASONS FOR RECOMMENDATION

The principle of residential development on this site has been established by the adopted local plan policy and by the approved development framework. Subject to provision of required off site infrastructure and conditions to mitigate the impact of the development, there are no insurmountable policy constraints or material considerations that warrant refusal.

CONDITIONS

It is recommended that approval is given subject to the following conditions:-

- (1) No dwelling hereby approved shall be occupied unless a detailed scheme of site and plot boundary enclosures for the development has been submitted to

and approved in writing by the Planning Authority. No dwelling shall be occupied unless the said scheme has been implemented in accordance with an approved phasing plan, or unless otherwise agreed with the planning authority - in order to preserve the amenity of the neighbourhood and ensure provision of an appropriate buffer with the adjacent local nature conservation site.

(2) That no development shall take place unless a programme of works in relation to development, implementation and adoption of the site specific SUDS scheme of drainage works, as detailed in Cameron and Ross drawing 988, or such other scheme as may be approved by the planning authority, together with related drainage connections within the site, has been submitted to and approved in writing by the Planning Authority. Thereafter no part of the development hereby approved shall be occupied unless the drainage has been installed in complete accordance with the said SUDS scheme, as designed to meet the requirements of Sustainable Urban Drainage Systems - in order to safeguard water qualities in adjacent watercourses and to ensure that the development can be adequately drained.

(3) No dwellings hereby granted planning permission and located within the relevant development phase shall be occupied unless the areas of public open space as identified on Drawing No. 310 of the plans hereby approved (or such other drawing as may be subsequently approved) have been laid out in accordance with a phasing scheme which shall be submitted to and approved in writing by the Planning Authority. No dwelling shall be occupied unless a scheme detailing the manner in which the open space is to be managed and maintained has been submitted to and approved in writing by the planning authority and is subsequently implemented. Such scheme shall include provision for a play area comprising at least five items of play equipment and a safety surface - in order to preserve the amenity of the neighbourhood.

(4) No development pursuant to the planning permission hereby approved shall be carried out, other than formation of access roads and site compounds / preparatory works, unless a further detailed scheme of landscaping for the site has been submitted to and approved in writing for the purpose by the planning authority. This scheme shall include indications of all existing trees and landscape features on the land (e.g. the burn), and details of any to be retained, together with measures for their protection in the course of development, and the proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting - in the interests of the amenity of the area.

(5) That all planting, seeding and turfing comprised in the approved scheme of landscaping shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with

others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority - in the interests of the amenity of the area.

(6) That no development shall take place unless there has been submitted to and agreed in writing by the planning authority details of the proposed footpath links to the existing path network, including detailed specifications and routing of both the adoptable footpath / cycle routes to the east of the site and the informal paths to the south and west to connect with Scotstown Moor. Thereafter no part of the development shall be occupied unless the said path works have been implemented in full - in the interests of sustainable development and provision for pedestrians and cyclists.

(7) That no dwelling within the site shall be occupied unless a detailed Residential Travel Plan for the development has been submitted to, and approved in writing by, the planning authority, and evidence of its subsequent distribution to prospective occupants has been provided by the developer. This plan should outline / encourage sustainable measures to deter the use of the private car, in particular single occupant trips. - in order to encourage more sustainable forms of travel to / from the development.

(8) That none of the flatted units hereby granted planning permission shall be occupied unless a scheme detailing secure cycle storage provision on site has been submitted to, and approved in writing by the planning authority, and is thereafter implemented in full accordance with said scheme - in the interests of encouraging more sustainable modes of travel.

(9) That each dwelling hereby approved shall not be occupied unless provision has been made within the site for the related off-street parking of motor vehicles in complete accordance with Plan No.301 rev.B, or such other scheme as may be subsequently approved in writing by the planning authority - in the interests of road safety.

(10) The buildings hereby approved shall not be occupied unless a scheme detailing compliance with the Council's 'Low and Zero Carbon Buildings' supplementary guidance, including the relevant technical calculations, has been submitted to and approved in writing by the planning authority, and any recommended measures specified within that scheme for the reduction of carbon emissions have been implemented in full - to ensure that this development complies with requirements for reductions in carbon emissions specified in local plan policy R7 and the City Council's relevant published Supplementary Guidance document, 'Low and Zero Carbon Buildings'.

(11) No development, including any land raising, should take place within the functional flood plain, as shown in Figure 3.4 of the submitted Flood Risk

Assessment. No development shall take place unless a detailed plan showing ground levels and finished floor levels for each property in the development should have been submitted to and approved in writing by the planning authority, in order to confirm that the correct design flood levels have been taken into account across the site. Finished floor levels for all properties should be a minimum of 600mm above the design flood level as reported in the submitted Flood Risk Assessment. This flood level has been estimated at between 38.8mAOD and 49.4mAOD – in order to avoid creation of a flood risk to occupants and to ensure flood prevention;

(12) No development shall take place pursuant to this permission, including site preparation, unless a site specific construction environmental management plan (CEMP) has been submitted to and approved by the Planning Authority. This shall be implemented in full during construction. The CEMP must be site specific and detailed with an annotated site plan showing how identified watercourses will be fully protected during the construction phase. This should include details of construction SUDs, recognising that the site is not free-draining, to prevent siltation and discolouration to the nearby watercourses. Monitoring and maintenance plans, wet weather and emergency response plans should also be included – in order to prevent water pollution;

(13) The relevant dwellings shall not be occupied unless the requirements of option 2 of the Environmental Noise Assessment (para. 7.11) regarding glazing / ventilation have been implemented in full, in respect of each dwelling, and are thereafter maintained in situ.

(14) No building shall be occupied on site, unless the planning authority has given written consent for a variation, unless:

1. documented evidence of all ground works/ remedial works undertaken within the landfilled area are provided and agreed with the Planning Authority, as described in the Remediation Strategy,(Proposed Residential Development, March 2014, Fairhurst). Information should include details of materials identified, sorting and processing methods, waste transfer notes for materials removed from site and any chemical testing undertaken to assess suitability of materials for re-use on site;

2. a report specifically relating to the buildings has been submitted and approved in writing by the planning authority that verifies that remedial works to fully address contamination issues related to the buildings have been carried out as detailed in the Remediation Strategy (Proposed Residential Development, March 2014, Fairhurst). 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.

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

INFORMATIVES

1. In order to protect occupants of the neighbouring residences from any potential noise nuisance, demolition and building works should not occur:

- a) outwith the hours of 7am to 7pm on Monday to Friday;
- b) outwith the hours of 9am to 4pm Saturdays; and
- c) at any time on Sundays, except for works inaudible outwith the application site boundary.

If piling operations are to be carried out, agreement should be reached with this Service regarding hours of operation.

2. The developer may wish to use the Council's waste service. Contact-

Waste Aware Team


Kittybrewster Office

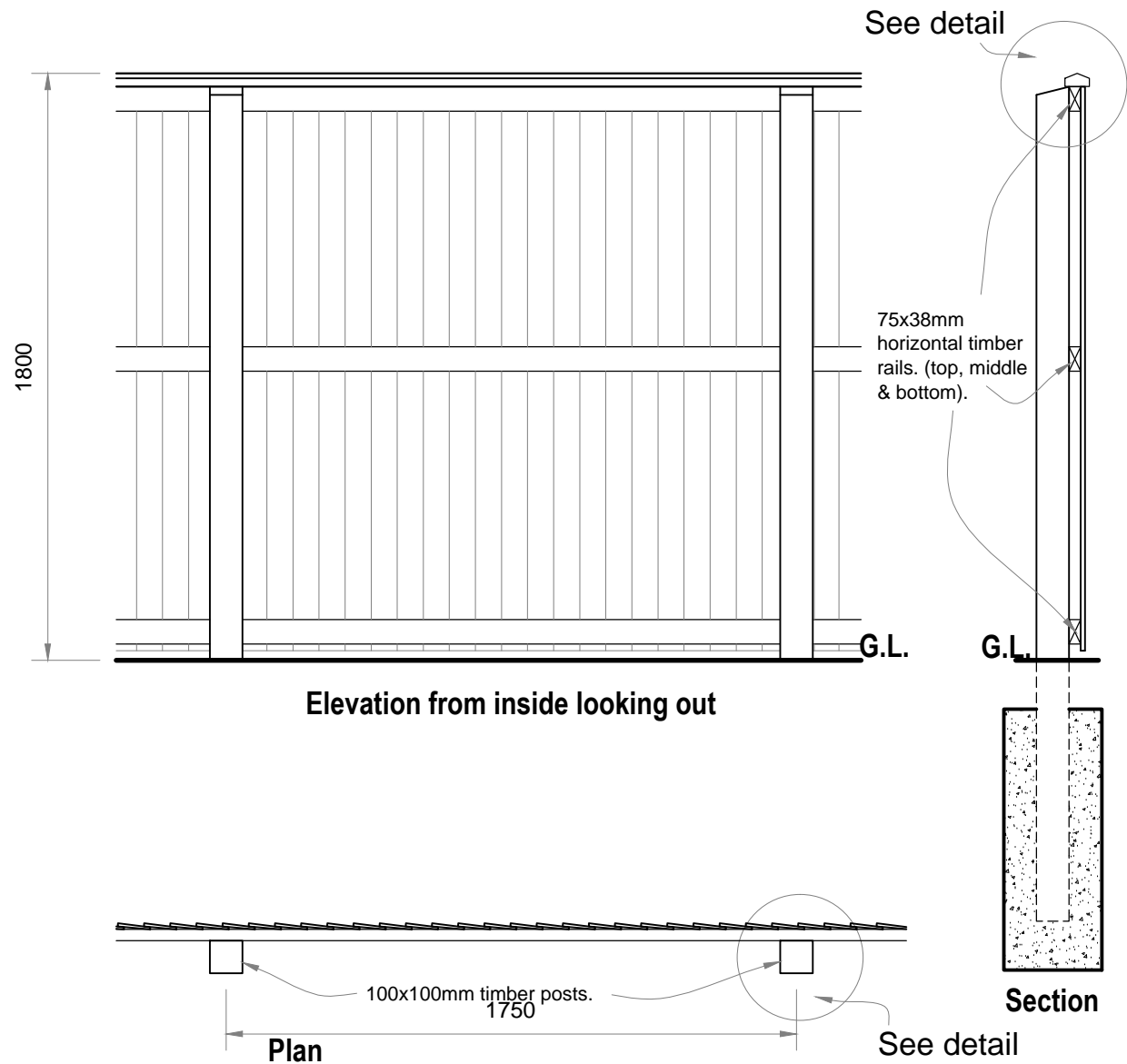
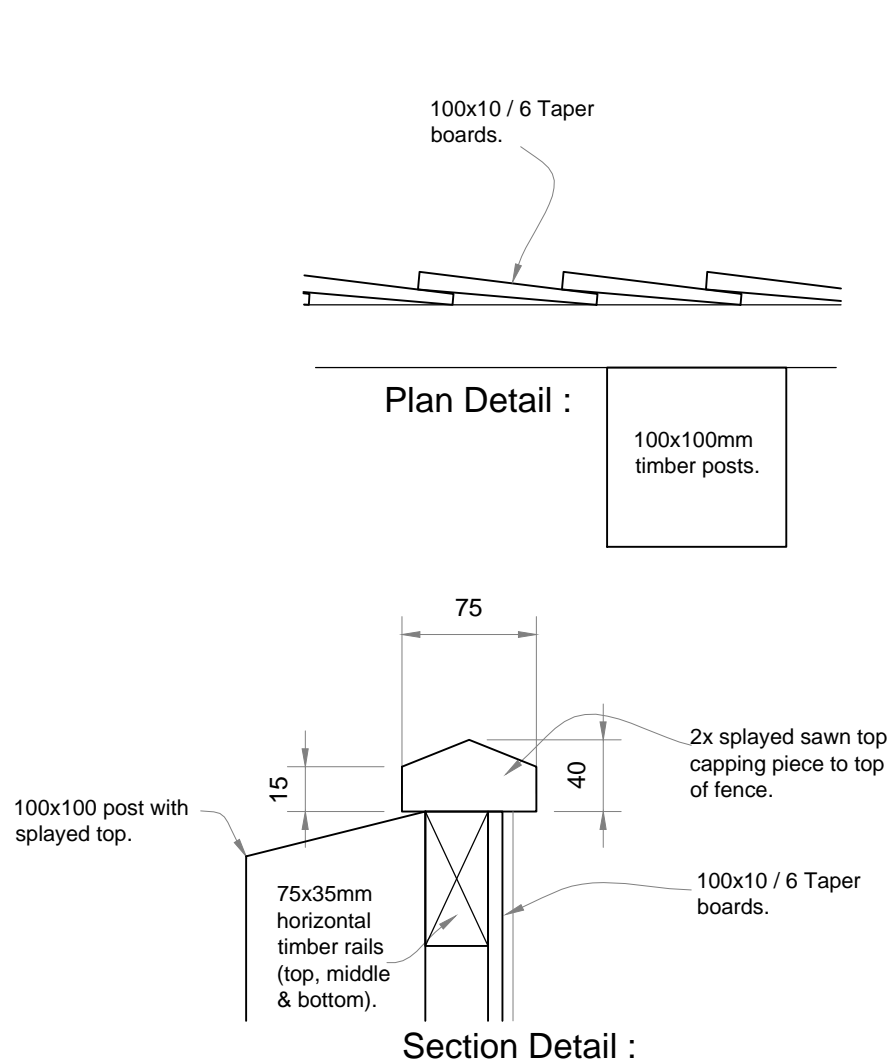
38 Powis Terrace

Aberdeen

AB25 3RF tel: 08456 08 09 19 Email: WasteAware@aberdeencity.gov.uk

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 SCOTIA	Scotia Homes Limited Balmacassie, Ellon, Aberdeenshire, AB41 8QR Tel: 01358 722441 Fax: 01358 723499 Email: info@scotia-homes.co.uk www.scotia-homes.co.uk	Project Title:		Proposed Residential Development At Dubford, Bridge Of Don, Aberdeen	
		Project Number:		513	
		Issued For:			
		Drawing Title:		Fence Type C Details	
		Drawn By:		s.d.	
Date:		March 2014			
Scale:		1:20 at A3		Rev:	
Disclaimer:		Do not scale from this drawing. All contractors must work only to figured dimensions shown all of which are to be checked on site. Copyright of this drawing subsists with Scotia Homes Ltd.			



Fence Type C.
1800mm Feature Fence No 1
Vertical ship lap with top rail.
(Note: Any gates within this style of fence, within walls or on front elevations are to made in this style.)

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Neutral Citation Number: [2017] EWCA Civ 1314

Case No: C1/2016/4488

IN THE COURT OF APPEAL (CIVIL DIVISION)
ON APPEAL FROM THE ADMINISTRATIVE COURT
PLANNING COURT
MR JUSTICE GARNHAM
[2016] EWHC 2832 (Admin)

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 8 September 2017

Before:

The Chancellor of the High Court
Lord Justice Lindblom
and
Lord Justice Hickinbottom

Between:

Michael Mansell

Appellant

- and -

Tonbridge and Malling Borough Council

Respondent

- and -

(1) Croudace Portland
(2) The East Malling Trust

Interested
Parties

Ms Annabel Graham Paul (instructed by **Richard Buxton Environmental and Public Law**)
for the **Appellant**

Mr Juan Lopez (instructed by **Tonbridge and Malling Borough Council Legal Services**)
for the **Respondent**

The interested parties did not appear and were not represented

Hearing date: 4 July 2017

**Judgment Approved by the court
for handing down
(subject to editorial corrections)**

Lord Justice Lindblom:

Introduction

1. Should the judge in the court below have quashed a local planning authority’s grant of planning permission for the redevelopment of the site of a large barn and a bungalow to provide four dwellings? That is what we must decide in this appeal. It is contended that the authority misdirected itself in considering a “fallback position” available to the landowner, and also that it misapplied the “presumption in favour of sustainable development” in the National Planning Policy Framework (“the NPPF”) – a question that can now be dealt with in the light of this court’s recent decision in *Barwood Strategic Land II LLP v East Staffordshire Borough Council* [2017] EWCA Civ 893.
2. The appellant, Mr Michael Mansell, appeals against the order of Garnham J., dated 10 November 2016, dismissing his claim for judicial review of the planning permission granted on 13 January 2016 by the respondent, Tonbridge and Malling Borough Council, for development proposed by the first interested party, Croudace Portland, on land owned by the second interested party, the East Malling Trust, at Rocks Farm, The Rocks Road, East Malling. The proposal was to demolish the barn and the bungalow on the land and to construct four detached dwellings, with garages and gardens. Mr Mansell lives in a neighbouring property, at 132-136 The Rocks Road – a grade II listed building. He was an objector.
3. It was common ground that the proposal was in conflict with the development plan. Rocks Farm is outside the village of East Malling to its south-east, within the “countryside” as designated in the Tonbridge and Malling Borough Core Strategy. The site of the proposed development extends to about 1.3 hectares. The barn, about 600 square metres in area, had once been used to store apples. The bungalow was lived in by a caretaker. The application for planning permission came before the council’s Area 3 Planning Committee on 7 January 2016. In his reports to committee the council’s planning officer recommended that planning permission be granted, and that recommendation was accepted by the committee. The officer guided the members on the “fallback position” that was said to arise, at least partly, through the “permitted development” rights for changes of use from the use of a building as an agricultural building to its use as a dwelling-house, under Class Q in Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (“the GPDO”).
4. Mr Mansell’s challenge to the planning permission attacked the officer’s approach to the “fallback position” and his assessment of the proposal on its planning merits. Garnham J. dismissed the claim for judicial review on all grounds. Permission to appeal was granted by McCombe L.J. on 21 February 2017.

The issues in the appeal

5. The appeal raises three main issues:
 - (1) whether the council correctly interpreted and lawfully applied the provisions of Class Q in the GPDO (ground 1 in the appellant’s notice);

- (2) whether the council was entitled to accept there was a real prospect of the fallback development being implemented (ground 2); and
- (3) whether the council misunderstood or misapplied the “presumption in favour of sustainable development” (ground 3).

Did the council correctly interpret and lawfully apply the provisions of Class Q?

6. When the council determined the application for planning permission the permitted development rights under Class Q were in these terms, so far is relevant here:

“Q. Permitted development

Development consisting of –

- (a) a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; and
- (b) building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.

Q.1 Development not permitted

Development is not permitted by Class Q if –

- ...
- (b) the cumulative floor space of the existing building or buildings changing use under Class Q within an established agricultural unit exceeds 450 square metres;
- (c) the cumulative number of separate dwellinghouses developed under Class Q within an established agricultural unit exceeds 3;
- ...
- (g) the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;
- (h) the development under Class Q (together with any previous development under Class Q) would result in a building or buildings having more than 450 square metres of floor space having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order;
-”

The permitted development rights under Class Q are subject to several “Conditions” in paragraph Q.2, none of them controversial here.

7. In section 6 of his main report to committee for its meeting on 7 January 2016 the officer dealt at length with the “Determining Issues”. In discussing those issues he considered the “fallback position” in paragraphs 6.14 to 6.19:

“6.14 In practical terms for this site, the new permitted development rights mean that the existing agricultural barn could be converted into three residential units. Some representations point out that only a proportion of the barn could be

converted in such a manner (up to 450sqm) but the remainder – a small proportion in terms of the overall footprint – could conceivably be left unconverted and the resultant impacts for the site in terms of the amount of residential activity would be essentially the same. The building could be physically adapted in certain ways that would allow for partial residential occupation and the extensive area of hardstanding which exists between the building and the northern boundary could be used for parking and turning facilities.

- 6.15 The existing bungalow within the site could be replaced in accordance with policy CP14 with a new residential building provided that it was not materially larger than the existing building. Such a scenario would, in effect, give rise to the site being occupied by a total of four residential units albeit of a different form and type to that proposed by this application. This provides a realistic fallback position in terms of how the site could be developed.
- 6.16 I appreciate that discussion concerning realistic ‘fallback’ positions is rather complicated but, in making an assessment of any application for development, we are bound to consider what the alternatives might be for a site: in terms of what could occur on the site without requiring any permission at all (historic use rights) or using permitted development rights for alternative forms of development.
- 6.17 In this instance a scheme confined to taking advantage of permitted development would, in my view, be to the detriment of the site as a whole in visual terms. Specifically, it would have to be developed in a contrived and piecemeal fashion in order to conform to the requirements of the permitted development rights, including the need to adhere to the restrictions on the floor space that can be converted using the permitted development rights.
- 6.18 I would also mention that should the applicant wish to convert the entire barn for residential purposes, above the permitted development thresholds, such a scheme (subject to detailed design) would wholly accord with adopted policy. Again, this provides a strong indicator as to how the site could be developed in an alternative way that would still retain the same degree of residential activity as proposed by the current application but in a more contrived manner and with a far more direct physical relationship with the nearest residential properties.
- 6.19 The current proposal therefore, in my view, offers an opportunity for a more comprehensive and coherent redevelopment of the site as opposed to a more piecemeal form of development that would arise should the applicant seek to undertake to implement permitted development rights.”
8. For Mr Mansell, Ms Annabel Graham Paul submitted to us, as she did to the judge, that the officer’s advice in those six paragraphs betrays a misunderstanding of the provisions of Class Q in the GPDO, in particular sub-paragraphs Q.1(b) and Q.1(h). She argued that the restriction to 450 square metres in sub-paragraph Q.1(b) applies to the total floor space of the agricultural building or buildings in question, not to the floor space actually “changing use”. Before the judge, though not in her submissions in this court, Ms Graham Paul sought to bolster that contention with a passage in an inspector’s decision letter

relating to a proposal for development on a site referred to by the judge as “Mannings Farm”. The inspector had observed that “[the] floor space of the existing building ... far exceeds the maximum permitted threshold, of 450 sq m, as set out in [sub-paragraph] Q.1(b)”, and that “the intention is to reduce the size of the building as part of the proposal but Q.1(b) clearly relates to existing floorspace and there is no provision in the GPDO for this to be assessed on any other basis”.

9. Garnham J. rejected Ms Graham Paul’s argument. In paragraph 30 of his judgment he said:

“30. In my judgment this construction of paragraph Q.1(b) fails because it disregards the definition section of the Order. The critical expression in subparagraph (b) is “*the existing building or buildings*”. Paragraph 2 of the Order defines “*building*” as “*any part of a building*”. Accordingly, the paragraph should be read as meaning “*the cumulative floor space of the existing building or any part of the building changing use ...*”. If that is right, it is self-evident that the limit on floor space relates only to that part of the building which is changing use.”

10. The judge found support for that conclusion in several inspectors’ decisions, one of them a decision on proposed development at Bennetts Lane, Binegar in Somerset. In correspondence in that case the Department for Communities and Local Government had pointed to the definition of a “building” in the “Interpretation” provisions in paragraph 2 of the GPDO. Because that definition included “any part of a building”, their view was that “in the case of a large agricultural building, part of it could change use ... and the rest remain in agricultural use” (paragraph 32 of the judgment). However, as was accepted on both sides in this appeal, the court must construe the provisions of the GPDO for itself, applying familiar principles of statutory interpretation.

11. In paragraph 34 of his judgment Garnham J. said this:

“34. Ms Graham Paul contends that that construction of subparagraph (b) means that it adds nothing to subparagraph (h). I can see the force of that submission and, as a matter of first principle, statutory provisions should be construed on the assumption that the draftsman was intending to add something substantive by each relevant provision. Nonetheless, giving the interpretation section its proper weight, I see no alternative to the conclusion that Class Q imposes a floor space limit on those parts of the buildings which will change use as a result of the development. In those circumstances, I reject the Claimant's challenge to the Officer's construction of the Class Q provisions in the 2015 Order.”

12. Ms Graham Paul submitted that this interpretation of the relevant provisions would render sub-paragraph Q.1(b) of Class Q redundant, because sub-paragraph Q.1(h) already limits the residential floor space resulting from the change of use under Class Q to a maximum of 450 square metres. The statutory provisions for permitted development rights in the GPDO ought to be interpreted consistently. The interpretation favoured by the judge, submitted Ms Graham Paul, depends on reading into sub-paragraph Q.1(b) the additional words “any part of a building” after the words “the existing building or buildings”, which, she said, is wholly unnecessary. Statutory provisions ought to be construed on the

assumption that the draftsman was intending to add something of substance in each provision. The judge's interpretation offends that principle, said Ms Graham Paul, because it would, in effect, subsume sub-paragraph Q.1(b) into sub-paragraph Q.1(h). Only her interpretation of sub-paragraph Q.1(b) would enable sub-paragraph Q.1(h) to add something of substance to the provisions of Class Q. And in principle, Ms Graham Paul argued, it makes good sense to prevent, without an express grant of planning permission, the partial conversion of large agricultural buildings to accommodate residential use, leaving other parts of the building either in active agricultural use or simply vacant.

13. Ms Graham Paul sought to reinforce these submissions by pointing to other provisions of the GPDO where similar wording is used: Class M, which provides permitted development rights for changes of use of buildings in retail or betting office or pay day loan shop use to Class C3 use, and states in sub-paragraph M.1(c) that development is not permitted if "the cumulative floor space of the existing building changing use under Class M exceeds 150 square metres"; and Class N, which provides permitted development rights for changes of use from specified sui generis uses, including use as an amusement arcade or centre, and use as a casino, to Class C3 use, and states in sub-paragraph N.1(b) that development is not permitted if "the cumulative floor space of the existing building changing use under Class N exceeds 150 square metres".
14. I cannot accept Ms Graham Paul's argument. I think the judge's understanding of Class Q was correct. The provisions of Class Q relating to the scope of permitted development rights should be given their literal meaning. When this is done, they make perfectly good sense in their statutory context and do not give rise to any duplication or redundancy.
15. The focus here is on the provisions as to development that is "not permitted" under paragraph Q.1, and in particular the provisions of sub-paragraphs Q.1(b) and Q.1(h). Sub-paragraph Q.1(b) establishes the "cumulative floor space of the existing building or buildings" that is "changing use under Class Q ...". The limit on such "cumulative floor space ..." is 450 square metres. This restriction is stated to be a restriction on the change of use, not on the size of the building or buildings in which the change of use occurs. Sub-paragraph Q.1(b) relates to a single act of development in which the building in question, or part of it, is "changing use". The floor space limit set by it relates not to the total floor space of the building or buildings concerned. It relates, as one would expect, to the permitted development rights themselves, which apply to the "cumulative" amount of floor space actually "changing use under Class Q". The use of the word "cumulative" in this context – as elsewhere in the GPDO – is perfectly clear. It connotes, in relevant circumstances, the adding together of separate elements of floor space within a building or buildings, or, again in relevant circumstances, a single element of floor space, which in either case must not exceed 450 square metres. The total floor space of the building or buildings concerned may itself be more than 450 square metres. But the cumulative amount of floor space whose use is permitted to be changed within that total floor space must not exceed 450 square metres.
16. This interpretation of sub-paragraph Q.1(b) avoids arbitrary consequences in the application of the permitted development rights under Class Q. It does not make the availability of those rights for a qualifying "agricultural building" depend on the total floor space of the building itself. It would not, therefore, create a situation in which the permitted development rights under Class Q would be available for a building whose total floor space was 450 square metres, but not for a building with a floor space of 451 square

metres or an area greater than that. If the consequence is that the permitted development rights, when fully used, would result in a building partly in use as a dwelling-house and partly still in agricultural use, that is an outcome contemplated by the GPDO. I see no difficulty in that.

17. Had the draftsman intended to confer permitted development rights under Class Q only to a building or buildings whose total floor space was not more than 450 square metres, the relevant provision would have been framed differently. There would have been no need to use the word “cumulative” or some other such word. The provision would simply have stated, for example, “the total floor space of the existing building or buildings within an established agricultural unit in which the change of use under Class Q is being undertaken does not exceed 450 square metres”. But that is not what sub-paragraph Q.1(b) says, or, in my view, what it means.
18. Nor can I see how an interpretation of sub-paragraph Q.1(b) in which the restriction of 450 square metres applies not to the floor space actually changing use but to the total floor space of the building or buildings in which the change of use is taking place can be reconciled with the definition of “building” in paragraph 2 of the GPDO as including “part of a building”. Unless one disapplies that part of the definition of a building to sub-paragraph Q.1(b), one must read that provision as meaning “the cumulative floor space of the existing building or buildings or part of a building changing use under Class Q ... exceeds 450 square metres” (my emphasis). That understanding of sub-paragraph Q.1(b) would not sit happily with the concept that the restriction of 450 square metres applies not to the floor space changing use but to the total floor space of the building itself.
19. My interpretation of sub-paragraph Q.1(b) does not leave sub-paragraph Q.1(h) redundant. Sub-paragraph Q.1(h) achieves a different purpose. It prevents, for example, a change of use as “permitted development” in an agricultural building of which part is already in Class C3 use, or an aggregation of successive changes of use through separate acts of development, that would result in more than 450 square metres of floor space in a building or buildings being in Class C3 use. Neither of those outcomes would necessarily be prevented by sub-paragraph Q.1(b).
20. Finally, there is nothing in the provisions of Class M and Class N, or in any other provision of the GPDO, to suggest a different understanding of Class Q. The provisions in sub-paragraphs M.1(c) and N.1(b) also contain the word “cumulative” in referring to the floor space “changing use”, not to the total floor space of the “existing building or buildings” in which the change of use is taking place. And in both Class M and Class N the draftsman has also included a provision – respectively in sub-paragraphs M.1(d) and N.1(c) – stating that “the development (together with any previous development under [the relevant class]) would result in more than 150 square metres of floor space in the building having changed use under [the relevant class]”. Although we are not deciding those questions, it seems to me that the same analysis would hold good for those provisions too.
21. In my view, therefore, the officer did not misrepresent the permitted development rights under Class Q in his advice to the committee on the “fallback position”. The provisions of Class Q were correctly interpreted and lawfully applied.

Was the council entitled to accept that there was a real prospect of the fallback development being implemented?

22. Garnham J. accepted that the council was entitled to conclude that there was a “realistic” fallback. In paragraphs 36 and 37 of his judgment he said:

“36. In paragraph 6.15 of the report the Officer concluded that the fall back position was “realistic”. In my judgment he was entitled so to conclude. The evidence establishes that there had been prior discussions between the Council and the Planning Agent acting for the East Malling Trust who owns the site. It was crystal clear from that contact that the Trust were intending, one way or another to develop the site. Alternative proposals had been advanced seeking the Council’s likely reaction to planning applications. It is in my view wholly unrealistic to imagine that were all such proposals to be turned down the owner of the site would not take advantage of the permitted development provided for by Class Q to the fullest extent possible.

37. It was not a precondition to the Council’s consideration of the fall back option that the interested party had made an application indicating an intention to take advantage of Class Q. There was no requirement that there be a formulated proposal to that effect. The officer was entitled to have regard to the planning history which was within his knowledge and the obvious preference of the Trust to make the most valuable use it could of the site.”

23. The judge accepted the submission of Mr Juan Lopez for the council that the committee did not have to ignore fallback development that included elements for which planning permission would be required and had not yet been granted. He noted that “[the] building could be converted, so as to provide dwelling houses limited in floor space to 450m² by the construction of internal walls without using the whole of the internal space of the barn” (paragraph 40). And he went on to say (in paragraph 41):

“41. In my judgment therefore, it would have been unrealistic to have concluded that, were the present application for permission to be rejected, the interested party would do nothing to develop this site. On the contrary it was plain that development was contemplated and that some development could have taken place pursuant to Class Q. The Council was entitled to have regard to the fact that there might be separate applications for permission in respect of some elements of the scheme and to advise that appropriate regard must be had to material planning considerations including the permitted development fall back position. Accordingly I reject the second element of the Claimant’s challenge on ground 1.”

24. Ms Graham Paul criticized the judge’s approach. She said it would enable permitted development rights under the GPDO to be relied on as a fallback even where there was no evidence that the landowner or developer would in fact resort to such development. The judge did not consider whether the council had satisfied itself that there was a “real prospect” of the fallback development being implemented (see the judgment of Sullivan L.J. in *Samuel Smith Old Brewery (Tadcaster) v Secretary of State for Communities and Local Government* [2009] J.P.L. 1326, at paragraph 21). The “real prospect”, submitted Ms Graham Paul, must relate to a particular fallback development contemplated by the

landowner or developer, not merely some general concept of development that might be possible on the site. Only a specific fallback makes it possible for a comparison to be made between the planning merits of the development proposed and the fallback development. The relevance of a fallback depends on there being a “finding of actually intended use as opposed to a mere legal or theoretical entitlement” (see the judgment of Mr Christopher Lockhart-Mummery Q.C., sitting as a deputy judge of the High Court, in *R. v Secretary of State for the Environment and Havering London Borough Council, ex parte P.F. Ahern (London) Ltd.* [1998] Env. L.R. 189, at p.196).

25. Ms Graham Paul said there was nothing before the council to show that either the East Malling Trust or Croudace Portland contemplated the site being developed in the way the officer described in his report. On the contrary, the conversion of the barn for residential use – as opposed to its demolition and replacement with new dwellings – seems to have been regarded as impracticable or uneconomic. The East Malling Trust’s planning consultant, Broadlands Planning Ltd., had submitted a “Planning Statement” to the council in December 2013, seeking the council’s advice before the submission of an application for planning permission. In that document two possible schemes for the site were referred to (at paragraph 26). Neither could have been achieved using permitted development rights. One involved the retention of the barn and its conversion to four dwelling-houses, the other a “wholesale redevelopment of the site”, perhaps with the replacement of the bungalow, to create five new dwellings. In a letter to Broadlands Planning Ltd. dated 30 January 2014 the council’s Senior Planning Officer, Ms Holland, said she was “not convinced that the proposal would result in the building being converted, but rather [that] large portions would be removed and a new building created”. And the East Malling Trust’s marketing agent, Smiths Gore, in a letter to potential developers dated 27 February 2014, suggested it was “unlikely that a developer would contemplate the conversion of the Apple Store”. There was, said Ms Graham Paul, no other contemporaneous evidence to lend substance to the fallback scheme to which the officer referred in his report, and no evidence of the council trying to find out what, if anything, was actually contemplated. The evidence did not demonstrate a “real prospect” – as opposed to a merely “theoretical” prospect – of such a development being carried out. The judge should have recognized that the fallback development referred to in the officer’s report was not a material consideration.
26. I cannot accept that argument. In my view the officer did not misunderstand any principle of law relating to a fallback development. His advice to the members was sound.
27. The status of a fallback development as a material consideration in a planning decision is not a novel concept. It is very familiar. Three things can be said about it:
 - (1) Here, as in other aspects of the law of planning, the court must resist a prescriptive or formulaic approach, and must keep in mind the scope for a lawful exercise of planning judgment by a decision-maker.
 - (2) The relevant law as to a “real prospect” of a fallback development being implemented was applied by this court in *Samuel Smith Old Brewery* (see, in particular, paragraphs 17 to 30 of Sullivan L.J.’s judgment, with which the Master of the Rolls and Toulson L.J. agreed; and the judgment of Supperstone J. in *R. (on the application of Kverndal) v London Borough of Hounslow Council* [2015] EWHC 3084 (Admin), at paragraphs 17 and 42 to 53). As

Sullivan L.J. said in his judgment in *Samuel Smith Old Brewery*, in this context a “real” prospect is the antithesis of one that is “merely theoretical” (paragraph 20). The basic principle is that “... for a prospect to be a real prospect, it does not have to be probable or likely: a possibility will suffice” (paragraph 21). Previous decisions at first instance, including *Ahern* and *Brentwood Borough Council v Secretary of State for the Environment* [1996] 72 P. & C.R. 61 must be read with care in the light of that statement of the law, and bearing in mind, as Sullivan L.J. emphasized, “... “fall back” cases tend to be very fact-specific” (ibid.). The role of planning judgment is vital. And “[it] is important ... not to constrain what is, or should be, in each case the exercise of a broad planning discretion, based on the individual circumstances of that case, by seeking to constrain appeal decisions within judicial formulations that are not enactments of general application but are themselves simply the judge’s response to the facts of the case before the court” (paragraph 22).

- (3) Therefore, when the court is considering whether a decision-maker has properly identified a “real prospect” of a fallback development being carried out should planning permission for the proposed development be refused, there is no rule of law that, in every case, the “real prospect” will depend, for example, on the site having been allocated for the alternative development in the development plan or planning permission having been granted for that development, or on there being a firm design for the alternative scheme, or on the landowner or developer having said precisely how he would make use of any permitted development rights available to him under the GPDO. In some cases that degree of clarity and commitment may be necessary; in others, not. This will always be a matter for the decision-maker’s planning judgment in the particular circumstances of the case in hand.
28. In this case, in the circumstances as they were when the application for planning permission went before the committee, it was plainly appropriate, indeed necessary, for the members to take into account the fallback available to the East Malling Trust as the owner of the land, including the permitted development rights arising under Class Q in the GPDO and the relevant provisions of the development plan, in particular policy CP14 of the core strategy. Not to have done so would have been a failure to have regard to a material consideration, and thus an error of law.
29. That the East Malling Trust was intent upon achieving the greatest possible value from the redevelopment of the site for housing had by then been made quite plain. The “Planning Statement” of December 2013 had referred to two alternative proposals for the redevelopment of the site (paragraph 26), pointing out that both “[the] redevelopment and replacement of [the] bungalow” and “[the] conversion of the existing storage and packing shed” were “permissible in principle” (paragraph 35). The firm intention of the East Malling Trust to go ahead with a residential development was entirely clear at that stage.
30. In my view it was, in the circumstances, entirely reasonable to assume that any relevant permitted development rights by which the East Malling Trust could achieve residential development value from the site would ultimately be relied upon if an application for planning permission for the construction of new dwellings were refused. That was a simple and obvious reality – whether explicitly stated by the East Malling Trust or not. It was accurately and quite properly reflected in the officer’s report to committee. It is

reinforced by evidence before the court – in the witness statement of Mr Humphrey, the council’s Director of Planning, Housing and Environmental Health, dated 18 March 2016 (in paragraphs 6 to 24), in the witness statement of Mr Wilkinson, the Land and Sales Manager of Croudace Portland, also dated 18 March 2016 (in paragraphs 4 to 7), in the first witness statement of Ms Flanagan, the Property and Commercial Director of the East Malling Trust, dated 17 March 2016 (in paragraphs 4 to 6), and in Ms Flanagan’s second witness statement, dated 17 June 2016 (in paragraphs 2 to 5).

31. As Ms Flanagan says (in paragraph 2 of her second witness statement):

“2. At paragraph 6 of my first witness statement, I state that there was no doubt that the Trust would consider alternatives to the preferred scheme. To further amplify, the Trust (as a charitable body) is tasked with obtaining best value upon the disposal of its assets. A number of alternative uses were considered for the site, including industrial uses. However the Board was aware that a residential scheme of some type would provide the best value for the application land, even were that to include a conversion of the existing agricultural building.”

Ms Flanagan goes on to refer to Smiths Gore’s letter of 27 February 2014 (in paragraphs 4 and 5):

“4. ... This letter ... states that at that time [Smith Gore’s] opinion was that it was unlikely that a scheme of conversion would be contemplated by any developer. However, this letter pre-dated the permitted development rights that subsequently came into effect in April 2014. By the time the planning application had formally been submitted, these permitted development rights were in effect.

5. Had no other scheme proven acceptable in planning terms, and if planning permission had been refused for the development the subject of the planning application, the Trust would have built out a “permitted development” scheme to the fullest extent possible in order to realise the highest value for the land, in order to thereafter seek disposal to a developer.”

32. That evidence is wholly unsurprising. And it confirms the East Malling Trust’s intentions as they were when the council made its decision to grant planning permission in January 2016, by which time the current provisions for “permitted development” under Class Q of the GPDO had come into effect. It states the East Malling Trust’s position as landowner at that stage – as opposed to the view expressed by an officer of the council, and an opinion by a marketing agent in a letter to developers, almost two years before. It is consistent with what was being said on behalf of the East Malling Trust in its dealings with the council from the outset – in effect, that the site was going to be redeveloped for housing even if this had to involve the conversion and change of use of the barn to residential use. It reflects the fiduciary duty of the trustees. And it bears out what the council’s officer said about the “fallback position” in his report to committee.

33. I do not see how it can be said that the officer’s assessment of the “fallback position”, which the committee adopted, offends any relevant principle in the case law – in particular the concept of a “real prospect” as explained by Sullivan L.J. in *Samuel Smith Old*

Brewery. It was, in my view, a faithful application of the principles in the authorities in the particular circumstances of this case. It also demonstrates common sense.

34. The officer did not simply consider the fallback in a general way, without regard to the facts. He considered it in specific terms, gauging the likelihood of its being brought about if the council were to reject the present proposal. In the end, of course, these were matters of fact and planning judgment for the committee. But the officer's advice in paragraphs 6.14 to 6.19 of his report was, I believe, impeccable. He was right to say, in paragraph 6.14, that the "new permitted development rights" – under Class Q in the GPDO – would enable the barn to be converted into three residential units; in the same paragraph, that the building "could be physically adapted in certain ways that would allow for partial residential occupation ..."; and, in paragraph 6.15, that the bungalow "could be replaced in accordance with policy CP14 with a new residential building provided that it was not materially larger than the existing building". He was also right to say, therefore, that the site could be developed for "four residential units albeit of a different form and type to that proposed by this application". All of this was factually correct, and represented what the council knew to be so. It did not overstate the position. It went no further than the least that could realistically be achieved by way of a fallback development – through the use of permitted development rights under Class Q and an application for planning permission complying with policy CP14.
35. The officer also guided the committee appropriately in what he said about the realism of the "fallback position". At the end of paragraph 6.15 of his report he said that the fallback development he had described was "a realistic fallback position in terms of how the site could be developed". He was well aware of the need to take into account only a fallback development that was truly "realistic", not merely "theoretical". He came back, in paragraph 6.16, to the question of "realistic 'fallback' positions", again reminding the members that this was what had to be considered. He went on to acknowledge, rightly, that the council had to consider what could be achieved "using permitted development rights for alternative forms of development". The context for this advice was that in his view, as he said in paragraph 6.15, he was dealing with "a realistic fallback position". He went on in paragraph 6.17 to consider what "would" happen if a scheme taking advantage of permitted development rights came forward. And in paragraph 6.18 his advice was that a redevelopment involving the conversion of "the entire barn for residential purposes, above the permitted development thresholds ... would wholly accord with adopted policy". That was a legally sound planning judgment. The same may also be said of the officer's conclusion in paragraph 6.19, where he compared the proposal before the committee with the "more piecemeal form of development that would arise should the applicant seek to undertake to implement permitted development rights".
36. In short, none of the advice given to the council's committee on the "fallback position" can, in the particular circumstances of this case, be criticized. It was, I think, unimpeachable.
37. In my view, therefore, the council was entitled to accept that there was a "real prospect" of the fallback development being implemented, and to give the weight it evidently did to that fallback as a material consideration. In doing so, it made no error of law.

Was the judge right to conclude that the council did not misunderstand or misapply the “presumption in favour of sustainable development” in the NPPF?

38. Paragraph 14 of the NPPF states:

“14. At the heart of [the NPPF] is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

...

For decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in [the NPPF] taken as a whole; or
 - specific policies in [the NPPF] indicate development should be restricted.”

39. In *Barwood v East Staffordshire Borough Council* this court stated its understanding of the policy for the “presumption in favour of sustainable development” in the NPPF, and how that presumption is intended to operate (see paragraphs 34 and 35 of my judgment). In doing so, it approved the relevant parts of the judgment of Holgate J. in *Trustees of the Barker Mill Estates v Secretary of State for Communities and Local Government* [2016] EWHC 3028 (Admin) (in particular paragraphs 126, 131, 136, and 140 to 143). Three simple points emerged (see paragraph 35 of my judgment). The first and second of those three points need not be set out again here. The third, however, is worth repeating – because it bears on the issue we are considering now. I shall emphasize the most important principle for our purposes here:

“ ...

- (3) When the section 38(6) duty is lawfully performed, a development which does not earn the “presumption in favour of sustainable development” – and does not, therefore, have the benefit of the “tilted balance” in its favour – may still merit the grant of planning permission. On the other hand, a development which does have the benefit of the “tilted balance” may still be found unacceptable, and planning permission for it refused This is the territory of planning judgment, where the court will not go except to apply the relevant principles of public law The “presumption in favour of sustainable development” is not irrebuttable. Thus, in a case where a proposal for the development of housing is in conflict with a local plan whose policies for the supply of housing are out of date, the decision-maker is left to judge, in the particular circumstances of the case in hand, how much weight should be given to that conflict. The absence of a five-year supply of housing land will not necessarily be conclusive in favour of the grant of planning permission. This is not a matter of law. It is a matter of planning judgment (see paragraphs 70 to

74 of the judgment in [*Crane v Secretary of State for Communities and Local Government* [2015] EWHC 425 (Admin)].”

40. The judgments in this court in *Barwood v East Staffordshire Borough Council* entirely supersede the corresponding parts of several judgments at first instance – including, most recently, *Reigate and Banstead Borough Council v Secretary of State for Communities and Local Government* [2017] EWHC 1562 (Admin). In those cases, judges in the Planning Court have offered various interpretations of NPPF policy for the “presumption in favour of sustainable development”, and have explained how, in their view, the presumption should work. There is no need for that to continue. After the decision of the Court of Appeal in *Barwood v East Staffordshire Borough Council*, it is no longer necessary, or appropriate, to cite to this court or to judges in the Planning Court any of the first instance judgments in which the meaning of the presumption has been considered.
41. The Planning Court – and this court too – must always be vigilant against excessive legalism infecting the planning system. A planning decision is not akin to an adjudication made by a court (see paragraph 50 of my judgment in *Barwood v East Staffordshire Borough Council*). The courts must keep in mind that the function of planning decision-making has been assigned by Parliament, not to judges, but – at local level – to elected councillors with the benefit of advice given to them by planning officers, most of whom are professional planners, and – on appeal – to the Secretary of State and his inspectors. They should remember too that the making of planning policy is not an end in itself, but a means to achieving reasonably predictable decision-making, consistent with the aims of the policy-maker. Though the interpretation of planning policy is, ultimately, a matter for the court, planning policies do not normally require intricate discussion of their meaning. A particular policy, or even a particular phrase or word in a policy, will sometimes provide planning lawyers with a “doctrinal controversy”. But even when the higher courts disagree as to the meaning of the words in dispute, and even when the policy-maker’s own understanding of the policy has not been accepted, the debate in which lawyers have engaged may turn out to have been in vain – because, when a planning decision has to be made, the effect of the relevant policies, taken together, may be exactly the same whichever construction is right (see paragraph 22 of my judgment in *Barwood v East Staffordshire Borough Council*). That of course may not always be so. One thing, however, is certain, and ought to be stressed. Planning officers and inspectors are entitled to expect that both national and local planning policy is as simply and clearly stated as it can be, and also – however well or badly a policy is expressed – that the court’s interpretation of it will be straightforward, without undue or elaborate exposition. Equally, they are entitled to expect – in every case – good sense and fairness in the court’s review of a planning decision, not the hypercritical approach the court is often urged to adopt.
42. The principles on which the court will act when criticism is made of a planning officer’s report to committee are well settled. To summarize the law as it stands:
 - (1) The essential principles are as stated by the Court of Appeal in *R. v Selby District Council, ex parte Oxton Farms* [1997] E.G.C.S. 60 (see, in particular, the judgment of Judge L.J., as he then was). They have since been confirmed several times by this court, notably by Sullivan L.J. in *R. (on the application of Siraj) v Kirklees Metropolitan Borough Council* [2010] EWCA Civ 1286, at paragraph 19, and applied in many cases at first instance (see, for example, the judgment of Hickinbottom J., as he then was, in *R. (on the application of*

Zurich Assurance Ltd., t/a Threadneedle Property Investments) v North Lincolnshire Council [2012] EWHC 3708 (Admin), at paragraph 15).

- (2) The principles are not complicated. Planning officers' reports to committee are not to be read with undue rigour, but with reasonable benevolence, and bearing in mind that they are written for councillors with local knowledge (see the judgment of Baroness Hale of Richmond in *R. (on the application of Morge) v Hampshire County Council* [2011] UKSC 2, at paragraph 36, and the judgment of Sullivan J., as he then was, in *R. v Mendip District Council, ex parte Fabre* (2000) 80 P. & C.R. 500, at p.509). Unless there is evidence to suggest otherwise, it may reasonably be assumed that, if the members followed the officer's recommendation, they did so on the basis of the advice that he or she gave (see the judgment of Lewison L.J. in *Palmer v Herefordshire Council* [2016] EWCA Civ 1061, at paragraph 7). The question for the court will always be whether, on a fair reading of the report as a whole, the officer has materially misled the members on a matter bearing upon their decision, and the error has gone uncorrected before the decision was made. Minor or inconsequential errors may be excused. It is only if the advice in the officer's report is such as to misdirect the members in a material way – so that, but for the flawed advice it was given, the committee's decision would or might have been different – that the court will be able to conclude that the decision itself was rendered unlawful by that advice.
- (3) Where the line is drawn between an officer's advice that is significantly or seriously misleading – misleading in a material way – and advice that is misleading but not significantly so will always depend on the context and circumstances in which the advice was given, and on the possible consequences of it. There will be cases in which a planning officer has inadvertently led a committee astray by making some significant error of fact (see, for example *R. (on the application of Loader) v Rother District Council* [2016] EWCA Civ 795), or has plainly misdirected the members as to the meaning of a relevant policy (see, for example, *Watermead Parish Council v Aylesbury Vale District Council* [2017] EWCA Civ 152). There will be others where the officer has simply failed to deal with a matter on which the committee ought to receive explicit advice if the local planning authority is to be seen to have performed its decision-making duties in accordance with the law (see, for example, *R. (on the application of Williams) v Powys County Council* [2017] EWCA Civ 427). But unless there is some distinct and material defect in the officer's advice, the court will not interfere.

43. Was the officer's advice to the members in this case flawed in that way? I do not think so.

44. In paragraph 6.1 of his report the officer said:

“6.1 As Members are aware, the Council in its role as Local Planning Authority is required to determine planning applications and other similar submissions in accordance with the Development Plan in force unless material considerations indicate otherwise. ... The NPPF and the associated [Planning Practice Guidance] are important material considerations.”

He went on to consider the relevant policies of the development plan, in particular policies CP11, CP12, CP13 and CP14 of the core strategy, and then advised the committee, in paragraph 6.6:

“6.6 With the above policy context in mind, it is clear that the proposal relates to new development outside the village confines (on land which is not defined as “previously developed” for the purposes of applying NPPF policy), is not part of a wider plan of farm diversification and is not intended to provide affordable housing as an exceptions site. Consequently, the proposed development falls outside of the requirements of these policies and there is an objection to the principle of the proposed development in the broad policy terms.”

and in paragraph 6.7:

“6.7 It is therefore necessary to establish whether any other material planning considerations exist that outweigh the policy objections to the scheme in these particular circumstances.”

45. In paragraph 6.8 the officer acknowledged, in the light of the relevant guidance in the Planning Practice Guidance, that “the policies contained in ... the NPPF are material considerations and must be taken into account”, and, in paragraph 6.9, that since the core strategy had been adopted in 2007 it was “necessary to establish how consistent the above policies are with the policies contained within the NPPF”. His advice in paragraphs 6.10 to 6.13 of his report was this:

“6.10 With this in mind, it must be noted that paragraph 49 of the NPPF states that applications for new housing development should be considered in the context of the presumption in favour of sustainable development. Paragraph 50 of the NPPF emphasises the importance of providing a wide choice of high quality homes, to widen opportunities for home ownership and create sustainable, inclusive and mixed communities. Paragraph 55 states that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

6.11 These criteria all demonstrate a clear government momentum in favour of sustainable development to create new homes and drive economic development. The proposed development would create four high quality new homes on the very edge of an existing village settlement.

6.12 A further indicator of such emphasis is borne out of the recent changes to the regime of permitted development rights set out by national government by the Town and Country Planning (General Permitted Development) Order 2015. This allows for far more development to take place without the need for planning permission from Local Authorities and generally provides a steer as to government’s thinking on how to boost the country’s economy through the delivery of new homes.

6.13 Such continued emphasis from government is a material consideration that must be balanced against the policy context set out in the TMBCS.”

46. I have already referred to the officer's advice on the "fallback position" in paragraphs 6.14 to 6.19 of his report. In paragraphs 6.20 to 6.42 he considered the planning merits of the proposal and its advantages by comparison with the fallback development, drawing the committee's attention to relevant policies both in the core strategy and in the NPPF. He advised that the design and density of the proposed development were acceptable and beneficial (paragraphs 6.20 to 6.23). In paragraph 6.24 he said:

"6.24 With these considerations in mind, particularly the emphasis contained within the NPPF concerning sustainable development generally, the impetus behind the provision of new homes, the benefits of removing existing structures and the permitted development "fallback" position, it is my view that, on balance, other material considerations can weigh in favour of the grant of planning permission."

47. He concluded that the effects of the development on the settings of listed buildings and the setting of East Malling Conservation Area would not be harmful (paragraphs 6.25 to 6.30). He also found the proposed arrangements for access to the site and for car parking acceptable (paragraphs 6.31 to 6.36). He advised that "... the existing barn could be partially converted and the existing access retained for use by those units which arguably could have a greater impact on amenity in terms of activity, noise and disturbance than the proposed development simply by virtue of the greater degree of proximity to the existing residential properties" (paragraph 6.33). He told the committee that in his view it "would be counterproductive to seek affordable housing contributions as this would merely limit the ability of the Trust to recycle funds to provide wider support for the Trust" (paragraph 6.37). And the loss of Grade 2 agricultural land was "not ... a justifiable reason to refuse planning permission ..." (paragraph 6.39).

48. The final paragraph of the officer's report is paragraph 6.42, where he said this:

"6.42 In conclusion, it is important to understand that the starting point for the determination of this planning application rests with the adopted Development Plan. Against that starting point there are other material planning considerations that must be given appropriate regard, not least the requirements set out within the NPPF which is an important material consideration and the planning and design of the proposal for the site in the context of the permitted development fallback position. The weight to attribute to each of those other material planning considerations, on an individual and cumulative basis, and the overall balance is ultimately a matter of judgement for the Planning Committee. My view is that the balance can lie in favour of granting planning permission."

49. In recording the argument on this issue in the court below, Garnham J. noted Ms Graham Paul's submission that "the presumption in favour of sustainable development set out in paragraph 14 of [the NPPF] was not operative" in this case – because the development plan was in place and up-to-date and the council was able to demonstrate a five-year supply of deliverable housing sites (paragraph 43 of the judgment). Ms Graham Paul had conceded that "sustainability may be capable of being a material consideration in considering a conflict with a development plan". What the officer had done in paragraph 6.10 of his report, said the judge, had been "to invite the committee to note the effect of paragraphs 49, 50 and 55 [of the NPPF]". It was not suggested that those paragraphs of the

NPPF had been misrepresented. Nor was it suggested that the officer had failed to point out that the proposed development “fell outside the local plan”; he had done that in paragraph 6.6 of his report. In those circumstances, said the judge, “it cannot sensibly be argued that the officer misled the committee in any material respect” (paragraph 47). The judge also rejected the submission that paragraphs 49, 50 and 55 of the NPPF were irrelevant. He observed that the NPPF “provides for a presumption in favour of sustainable development which it says should be seen “as a golden thread” running through decision-taking”. He added that “[the] weight to be given to those considerations in any given case is a matter for the planning authority but it cannot, at least on facts such as the present, be said that the underlying principle is irrelevant” (paragraph 48). He rejected the submission that the officer had not justified the departure from the development plan. The officer’s report, he said, “accurately and fairly sets out the competing considerations and it was a matter for the judgment of the planning authority how those considerations were resolved” (paragraph 49).

50. In the submissions they made to us at the hearing, though not in their respective skeleton arguments, both Ms Graham Paul and Mr Lopez recast their arguments in the light of what this court has now said about the “presumption in favour of sustainable development” in *Barwood v East Staffordshire Borough Council*, including the basic point that the presumption is contained solely in paragraph 14 of the NPPF (see paragraph 35 of my judgment in that appeal). They were right to do so.
51. It was common ground before us, as it was in the court below, that the “presumption in favour of sustainable development” did not apply to the proposal. And the council’s officer did not advise the committee that it did. As Ms Graham Paul acknowledged, the only reference to the “presumption in favour of sustainable development” in the officer’s report is in the first sentence of paragraph 6.10. But, she submitted, in view of what the officer said in that paragraph of the report, and also in paragraph 6.42, we should conclude that the committee took the presumption into account as a material consideration, which it ought it not to have done. Ms Graham Paul did not submit that the proposal was given the benefit of the so called “tilted balance”. But she argued that the effect of the officer’s advice was that the “presumption in favour of sustainable development” was one of the “requirements set out within the NPPF ...”, which the officer treated as “an important material consideration” and a significant factor weighing in favour of the proposal in the planning balance.
52. I disagree. In my view the argument fails on a straightforward reading of the officer’s report, in the light of the judgments in this court in *Barwood v East Staffordshire Borough Council*. I do not accept that the officer counted the “presumption in favour of sustainable development” as a material consideration weighing in favour of planning permission being granted.
53. The reference to the “presumption in favour of sustainable development” in paragraph 6.10 of the officer’s report is a quotation of the first sentence of paragraph 49 of the NPPF, not of paragraph 14. The quotation is correct. In the same paragraph of the report the officer also referred to two other passages of policy in the NPPF, namely paragraphs 50 and 55. The policies are correctly summarized. The common factor in those three passages of NPPF policy is not the “presumption in favour of sustainable development”. It is the promotion, in national planning policy, of sustainable housing development. That this is

what the officer had in mind in this part of the report is very clear from what he went on to say in paragraphs 6.11, 6.12 and 6.13, and then in paragraph 6.24.

54. In those paragraphs the officer was not purporting to apply the “presumption in favour of sustainable development” to the proposal. Nor did he advise the committee that the presumption was engaged, or that it was, in itself, a material consideration weighing in favour of the proposal. He referred, in paragraph 6.11, to “[these] criteria” – meaning the matters to which he had referred in paragraph 6.10 – as demonstrating “a clear government momentum in favour of sustainable development to create new homes and drive economic development”; in paragraphs 6.12 and 6.13 respectively, to “such emphasis” and “[such] continued emphasis from government”; and in paragraph 6.24 to “the emphasis contained within the NPPF concerning sustainable development generally ...” (my underlining). The language in those paragraphs is very distinctly not the language one would have expected the officer to have used if he thought he was applying the “presumption in favour of sustainable development”. The intervening and subsequent assessment, culminating in his final conclusion on the planning merits of the proposal in paragraph 6.42, is concerned with its credentials and benefits – and advantages when compared with the fallback – as sustainable development.
55. Paragraph 6.42 of the officer’s report does not, in my view, betray a misunderstanding of NPPF policy for the “presumption in favour of sustainable development”. The advice given to the committee in that paragraph was not inaccurate or misleading. The officer did not undertake the planning balance in terms of the policy for “decision-taking” in paragraph 14 of the NPPF. There can be no suggestion that, contrary to his earlier conclusion and advice in paragraphs 6.6 and 6.7 of his report, he was treating this as a case in which the proposal accorded with the development plan, so that it was to be approved “without delay” under the first limb of the policy for “decision-taking” in paragraph 14. Nor can it be suggested that, contrary to the whole tenor of his assessment of the proposal in paragraphs 6.1 to 6.41, this was a case in which the development plan was “absent” or “silent” or any “relevant policies” of it were “out-of-date”, so that the second limb of the policy for “decision-taking” in paragraph 14 applied.
56. This case is clearly and materially different from *Barwood v East Staffordshire Borough Council* – a case that shows what can go wrong when a decision-maker is misled as to the meaning and effect of government policy for the “presumption in favour of sustainable development”. Here the officer did not commit an error of the kind made by the inspector – and conceded by the Secretary of State – in that case: the mistake of discerning a “presumption in favour of sustainable development” outside paragraph 14 of the NPPF and treating that wider presumption as a material consideration weighing in favour of the proposal (see paragraphs 43 to 48 of my judgment in *Barwood v East Staffordshire Borough Council*). The officer did not say, as the inspector did in *Barwood v East Staffordshire Borough Council*, that “where a proposal is contrary to the development plan [the “presumption in favour of sustainable development”] is a material consideration that should be taken into account” (paragraph 12 of the decision letter in that case). Unlike the inspector in that case (in paragraphs 37 to 41 of his decision letter), he did not bring the “presumption in favour of sustainable development” into the balancing exercise as a material consideration (see paragraphs 26 and 29 of my judgment). And, in my opinion, it cannot realistically be suggested that the members would have thought they were being invited to apply that presumption in government policy, or to give it weight as a material consideration, in their assessment of the proposal.

57. The “presumption in favour of sustainable development” did not, in fact, feature as a material consideration to which the officer gave any positive weight when undertaking the planning balance. The exercise he conducted in paragraph 6.42 of his report was an entirely conventional and lawful balance of other material considerations against the identified conflict with the development plan, as section 38(6) of the Planning and Compulsory Purchase Act 2004 requires. It was, in fact, a classic example of that provision in practice. This is not to say that in his assessment of the proposal he had to refrain from considering the extent to which it complied with relevant NPPF policies – in particular, in the specific respects to which he referred, the sustainability of the proposed development in the light of NPPF policy, as well as its compliance with relevant policies of the development plan. That was a perfectly legitimate, and necessary, part of the planning assessment in this case. Had the officer left it out, he would have been in error, because he would then have been failing to have regard to material considerations. But he did not make that mistake. He assessed the proposal comprehensively on its planning merits, exercising his planning judgment on the relevant planning issues. He took into account the sustainability of the proposed development in the light of NPPF policy, but without giving it the added impetus of the “presumption in favour of sustainable development”. I cannot fault the advice he gave.
58. Finally on this issue, I do not accept the suggestion made by Ms Graham Paul in reply that the council’s response to Mr Mansell’s solicitors’ pre-application protocol letter, in its solicitors’ letter dated 22 February 2016, can be read as conceding the error for which Ms Graham Paul contended. In fact, it squarely denied that error. Having referred to the quotation of the first sentence of paragraph 49 of the NPPF in paragraph 6.10 of the officer’s report, it acknowledged that the proposal was a “departure from the development plan” and that the development plan was not “absent” or “silent” nor were relevant policies “out-of-date”. It then said that neither the officer nor the committee had treated the “presumption in favour of sustainable development” under paragraph 14 of the NPPF as “operative” in this case. It acknowledged, therefore, that neither of the limbs of the policy for “decision-taking” in paragraph 14 of the NPPF could have applied here. And it said that the officer’s report “does not begin to suggest otherwise”. I agree.
59. It follows that this ground of appeal must also fail.

Conclusion

60. For the reasons I have give, I would dismiss this appeal.

Lord Justice Hickinbottom

61. I agree with both judgments. Without diminishing my concurrence with anything my Lords have said, I would wish expressly to endorse the observations of Lindblom L.J. in paragraphs 39-40 to the effect that, in future, reference to pre-*Barwood v East Staffordshire Borough Council* authorities on the meaning and operation of the presumption in paragraph 14 of the NPPF should be avoided; and in paragraph 41, supported by the further comments of the Chancellor, on the respective roles of planning decision-makers and the courts in planning cases.

The Chancellor of the High Court

62. I too agree with Lord Justice Lindblom's judgment, but would add a few words from a more general perspective. In the course of the argument, one could have been forgiven for thinking that the contention that the presumption in favour of sustainable development in the NPPF had been misapplied in the planning officer's report turned on a minute legalistic dissection of that report. It cannot be over-emphasised that such an approach is wrong and inappropriate. As has so often been said, planning decisions are to be made by the members of the Planning Committee advised by planning officers. In making their decisions, they must exercise their own planning judgment and the courts must give them space to undertake that process.
63. Appeals should not, in future, be mounted on the basis of a legalistic analysis of the different formulations adopted in a planning officer's report. An appeal will only succeed, as Lindblom L.J. has said, if there is some distinct and material defect in the report. Such reports are not, and should not be, written for lawyers, but for councillors who are well-versed in local affairs and local factors. Planning committees approach such reports utilising that local knowledge and much common-sense. They should be allowed to make their judgments freely and fairly without undue interference by courts or judges who have picked apart the planning officer's advice on which they relied.
64. It is also appropriate to reiterate what Lindblom L.J. said at paragraph 35 of the *East Staffordshire* case to the effect that planning decision-makers have to exercise planning judgment as much when the presumption in favour of sustainable development is applicable as they do when it is not. The presumption may be rebutted when it is applicable, and planning permission may be granted where it is not. In each case, the decision-makers must use their judgment to decide where the planning balance lies based on material considerations. It is not for the court to second guess that planning judgment once it is exercised, unless as I have said it is based on a distinct and material defect in the report.
65. I agree that this appeal should be dismissed.



Appeal Decision Notice

Decision by Sarah Foster, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-270-2294
- Site address: Old Mill, Dores, Inverness IV2 6TR
- Appeal by Mr Graham-Read against the decision by The Highland Council
- Application for planning permission in principle 21/01593/PIP dated 31 March 2021 refused by notice dated 9 October 2023
- The development proposed: Demolition of Old Mill dwelling house and creation of 3 house plots
- Application drawings: PL001- Location Plan, PL004 Rev E – Indicative Plots Layout, PL005 Rev D – Visibility Splay Plan, PL006 Rev E- Site Sections, PL007 Rev C – Indicative Plots Layout with THC's Road Dept Proposals, PL014 Rev B - Housing in the Development Area.
- Date of site visit by Reporter: 22 February 2024

Date of appeal decision: 7 March 2024

Decision

I allow the appeal and grant planning permission in principle subject to the eight conditions listed at the end of the decision notice. Attention is drawn to the two advisory notes at the end of the notice.

Reasoning

1. I am required to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise. In this case, the development plan for the area consists of National Planning Framework 4 (NPF4), the Highland Wide Local Development Plan (HWLDP) 2012, and the Inner Moray Firth Local Development Plan (IMFLDP) 2015.
2. There is no dispute among the parties that the principle of housing use on this land is established and acceptable, and I agree that this is the case. On that basis, I consider that, having regard to the development plan, the main issue in this appeal is whether the proposals represent overdevelopment and would consequently have an adverse impact on the character and appearance of the area.
3. Of most significance to this appeal, Policy 14 of NPF4 requires new development to improve the quality of the area and be consistent with the six qualities of successful places. HWLDP policy 28 sets out the criteria for assessing sustainable design which includes demonstrating sensitive and high-quality design in keeping with local character. The policy also requires that all development should conserve and enhance character, use resources efficiently, minimise the environmental impact of development, and enhance the viability of Highland communities.

4. IMFLDP sets out the development strategy for Dores, including the protection of the village setting, particularly the iconic Loch Ness vista. It also allocates two sites on the edge of the village for residential development but does not preclude further development from taking place elsewhere in the settlement.
5. The site is located on the north eastern shore of Loch Ness. It takes its access directly off the B852. The land is currently occupied by a single storey dwelling, known as The Old Mill, which is of traditional construction but limited architectural interest. It sits in a large, domestic curtilage containing a variety of incidental domestic outbuildings and structures. I saw on my site visit that, as the B852 is at a higher level than the site, the existing dwelling is barely visible from the public realm with only its roof slopes and front gable glimpsed above the existing boundary hedge.
6. The neighbouring properties on the shores of the Loch are similarly single or 1.5 storey buildings in large plots. The majority are oriented to face east, with ridge lines running north to south, but there are gabled projections on some buildings running west to east.
7. To the east of the appeal site, the built character is substantially different with largely 1.5 and two-storey, twentieth century, semi-detached or detached dwellings on higher ground set closer to the road. The dwellings on the eastern side of the road sit within smaller plots and are largely oriented with ridge lines running north to south.
8. The appeal proposals would subdivide a large, single domestic curtilage into three development plots. The character of the immediate vicinity of the appeal site is mixed, including detached dwellings in large plots and smaller dwellings in more modest plots. Both sides of the road are viewed together from most publicly accessible vantage points. The three resulting development plots would not appear out of character in this context. Whilst there would undoubtedly be change to the existing character of the site, I do not consider that this level of additional development would represent overdevelopment or be harmful to amenity given the size of the site and the limited aesthetic value of the existing dwelling and its array of outbuildings.
9. The more intensive use of the site represents an efficient use of land, inevitably minimising environmental impact elsewhere by directing development to a brownfield site within the settlement boundary. The additional two units would provide dwellings with the potential to bring residents to the village and thereby enhance the viability of the Dores community in accordance with HWLDP policy 28.
10. As each new development plot would be of a generous size, there is the potential to ensure that significant gaps are retained between the buildings, allowing views through to Loch Ness from the public realm consistent with the IMFLDP's requirement to retain the iconic Loch Ness vista. The ultimate size and orientation of the new houses should respect this relationship and can be controlled by the planning authority through the approval of matters specified by conditions.
11. As this application is for permission in principle, there is no requirement for information to have been submitted in relation to the height of the proposed dwellings nor their final design and orientation. In this respect, and having due regard to the need to protect vistas of Loch Ness and retain local distinctiveness, it would be appropriate to limit the heights of the dwellings so that they would not substantially exceed the ridge height of the existing house (as measured above ordnance datum or 'AOD'), and to ensure that materials, massing and fenestration are in keeping with the local building tradition. This can

be ensured by conditions to ensure compliance with NPF4 policy 14 and HWLDP policy 28 in terms of quality of design.

12. Issues relating to flood risk and loss of trees were demonstrated during the planning application period to be capable of being satisfactorily resolved and can also be controlled by condition.

13. Therefore, for the reasons stated, the proposals comply with NPF4 policy 14, HWLDP policy 28, and the strategy for Dores contained within the IMFLDP.

Other Matters

14. The Inner Moray Firth Local Development Plan 2 (IMFLDP 2) 2023 is at an advanced stage and so is capable of being given some weight in the decision-making process as a material consideration, although not as part of the development plan. The emerging IMFLDP 2 supports a 'modest level of development in Dores' including residential development allocations at the two sites in the village also identified in the IMFLDP 2015 but, again, without precluding development elsewhere in the settlement. There is, therefore, no conflict with this emerging policy.

15. Third party representations have raised concerns about the potential loss of on-street parking provision as the result of the two new vehicular points proposed onto the B852. There are no parking restrictions along this stretch of road and on-street parking is not directly protected by development plan policy. The Roads Authority have also raised the potential for the southern-most access to conflict with planned road improvements. As the submitted plans are indicative, it is not necessarily the case that three separate accesses will ultimately be developed as shown. A condition could be added requiring vehicular access details to be agreed.

16. The committee report suggested that a financial contribution towards the Dores Village Improvement Scheme should be made by the appellant, as requested by the Roads Authority. Policy 31 of the HWLDP allows such contributions to be sought where the request is fair and reasonable, and the contribution proportionate to the scale and nature of the development proposed. In this case, the proposals will generate some additional car movements due to the additional dwellings created. However, on my site visit, it was clear to me that any existing traffic problems in Dores are not due to pressure from existing residential uses in the village and are instead seasonal and tourism generated.

17. It would not seem fair or reasonable for the appellant to contribute towards an agreed road improvement scheme simply because of the scheme's planned proximity to the appeal site, rather than an objective assessment of the impact the development is likely to have on the operation of the road network and road safety more generally. Accordingly, I do not believe that a contribution towards the Dores Village Improvement Scheme is necessary in this case.

18. The first reason for refusal refers to privacy issues. However, as this application is for permission in principle, there is no evidence that there would be any threat in this respect, and that such concerns could not be successfully overcome at the detailed design stage.

19. Overall, I find that, subject to conditions, the proposals will not be harmful to the character or appearance of the local area and nor are they likely to have any consequential, adverse impact on the residential amenity of neighbouring occupants.

Overall Conclusions

20. I therefore conclude, for the reasons set out above, that the proposed development accords overall with the relevant provisions of the development plan and that there are no material considerations which would still justify refusing to grant planning permission.

21. I have considered the council's proposed conditions and largely accept them as reasonable. I have, however, added a general condition requiring submission of details requiring further approval. I have also modified condition 3 to refer to the height of development AOD rather than in relation to the existing building for the avoidance of doubt. I have added to this condition at 3(vii) a requirement to specify the final treatment of the western elevation of any necessary building platforms to ensure no adverse visual impact on views from Loch Ness or its western shore. I have removed the requirement for the dwellings to be rectangular as this seems overly restrictive in terms of responding appropriately to local context and ensuring clear vistas are retained to Loch Ness. I have also modified condition 4 which required only two off-street parking spaces. I consider this to be an error and it should instead refer to two spaces per plot. Condition 7 has been reworded to relate to access points more holistically and not just in relation to plot 3.

Sarah Foster

Reporter

Conditions

1. An application or applications for the approval of matters specified in conditions attached to this planning permission in principle must be made no later than whichever is the latest of the following:

- i. The expiration of three years from the date on this decision notice;
- ii. The expiration of six months from the date on which an earlier application for the requisite approval was refused; or
- iii. The expiration of six months from the date on which an appeal against such refusal was dismissed.

The development to which this planning permission in principle relates must commence no later than two years from the date of the requisite approval of any matters specified in conditions (or, in the case of approval of different matters on different dates, from the date of the requisite approval for the last such matter being obtained), whichever is the later. If development has not commenced within this period, then this planning permission in principle shall lapse.

Reason: In accordance with Section 5 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. Plans and particulars of the matters listed below shall be submitted for consideration by the planning authority. No work shall begin until the written approval of the authority has been given, and the development shall be carried out in accordance with that approval:

- a) Siting
- b) Scale
- c) Means of access
- d) Appearance
- e) Landscaping

Reason: To ensure that the matters referred to are given full consideration

3. Any details pursuant to Condition 1 and 2 above shall show a development featuring the following elements:

- i. walls finished predominantly in a white/off-white wet-dash render/smooth coursed cement render/natural stone;
- ii. a roof covering of natural slate;
- iii. single storey or 1½ storeys in height. The ridge height should not exceed 24.4m OED.
- iv. windows with a strong vertical emphasis;
- v. a roof symmetrically pitched of not less than 40°; and
- vi. traditional gable ends.
- vii. An elevational treatment for the western elevation of any raised building platform or platforms that is sympathetic to the character and appearance of the local area.

Reason: To ensure that the development has no adverse impact on the character and appearance of the area in accordance with NPF4 policy 14 and the HWLDP policy 28.

4. No development shall commence until full details of all surface water drainage provision within the application site (which should accord with the principles of Sustainable Urban Drainage Systems (SUDS) and be designed to the standards outlined in Sewers for Scotland Fourth Edition, or any superseding guidance prevailing at the time) have been submitted to, and approved in writing by, the Planning Authority. Thereafter, only the approved details shall be implemented and all surface water drainage provision shall be completed prior to the first occupation of any of the development.

Reason: To ensure that surface water drainage is provided timeously and complies with the principles of SUDS; in order to protect the water environment.

5. Prior to the first occupation of the development hereby approved, 2 car parking spaces per plot shall be provided within the application site. Thereafter, all car parking spaces shall be maintained for this use in perpetuity.

Reason: In order to ensure that the level of off-street parking is adequate.

6. No development shall commence until drawings (including cross-sections through the site) are submitted to demonstrate to the satisfaction of the Planning Authority, in consultation with SEPA, that;

- (i) all built development is located 18m AOD (as shown on drawing PL007 Rev C)
- (ii) There is no landraising below 18m AOD
- (iii) The finished floor levels of the houses shall be set at a minimum of 19.1m AOD

Reason: To ensure against flood risk and that development does not intrude into the functional flood plain.

7. No development shall commence until details of a scheme of hard and soft landscaping works have been submitted to, and approved in writing by, the Planning Authority. Details of the scheme shall include:

(i) All earthworks and existing and finished ground levels in relation to an identified fixed datum point;

(ii) A plan showing existing landscaping features and vegetation to be retained;

(iii) The location and design, including materials, of any existing or proposed walls, fences and gates;

(iv) All soft landscaping and planting works, including plans and schedules showing the location, species and size of each individual tree and/or shrub and planting densities; and

(v) A programme for preparation, completion and subsequent on-going maintenance and protection of all landscaping works. Landscaping works shall be carried out in accordance with the approved scheme. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of development, unless otherwise stated in the approved scheme. Any trees or plants which within a period of five years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species.

Reason: In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.

8. No development shall commence until the precise locations of vehicular access points onto the B852 have been agreed in writing with the Planning Authority in consultation with the Roads Authority. The agreed access points must thereafter be provided as agreed and retained for the lifetime of the development.

Reason: To ensure access points do not conflict with the Dores Village Improvement Scheme in the interests of road safety and in accordance with NPF4 policy 13.

Advisory notes

1. Notice of the start of development: The person carrying out the development must give advance notice in writing to the planning authority of the date when it is intended to start. Failure to do so is a breach of planning control. It could result in the planning authority taking enforcement action. (See sections 27A and 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).)

2. Notice of the completion of the development: As soon as possible after it is finished, the person who completed the development must write to the planning authority to confirm the position. (See section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended).)