

Public Document Pack



To: Councillor Henrickson, Convener; Councillor Bouse, Vice-Convener; and Councillors Alphonse, Blake, Boulton, Clark, Cooke, Copland, Crockett, Houghton, McRae and Thomson.

Town House,
ABERDEEN 01 February 2023

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

The Members of the **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE** are requested to meet in **Council Chamber - Town House** on **THURSDAY, 9 FEBRUARY 2023 at 10.00 am**. This is a hybrid meeting and Members may also attend remotely.

The meeting will be webcast and a live stream can be viewed on the Council's website. <https://aberdeen.public-i.tv/core/portal/home>

JENNI LAWSON
INTERIM CHIEF OFFICER - GOVERNANCE

BUSINESS

MEMBERS PLEASE NOTE THAT ALL LETTERS OF REPRESENTATION ARE NOW AVAILABLE TO VIEW ONLINE. PLEASE CLICK ON THE LINK WITHIN THE RELEVANT COMMITTEE ITEM.

MOTION AGAINST OFFICER RECOMMENDATION

- 1.1. Motion Against Officer Recommendation - Procedural Note (Pages 5 - 6)

DETERMINATION OF URGENT BUSINESS

- 2.1. Determination of Urgent Business

DECLARATION OF INTERESTS AND TRANSPARENCY STATEMENTS

- 3.1. Members are requested to intimate any declarations of interest or connections

MINUTES OF PREVIOUS MEETINGS

- 4.1. Minute of Meeting of the Planning Development Management Committee of 12 January 2023 - for approval (Pages 7 - 16)

COMMITTEE PLANNER

- 5.1. Committee Planner (Pages 17 - 22)

GENERAL BUSINESS

PLANNING APPLICATIONS WHICH ARE THE SUBJECT OF WRITTEN REPORTS

WHERE THE RECOMMENDATION IS ONE OF APPROVAL

- 6.1. Detailed Planning Permission for the installation of replacement front windows; formation of garden walls; and installation of hard surface and artificial grass (partially retrospective) - 64 Devonshire Road Aberdeen (Pages 23 - 32)

Planning Reference – 221130

All documents associated with this application can be found at the following link and enter the reference number above:-

[Link.](#)

Planning Officer: Aoife Murphy

- 6.2. Variation to Conditions - variation of condition 10 (requiring Condition 1 to be implemented in full prior to the occupation of the 1001st house constructed) of planning application ref. P141888 - A944 Jessiefield Junction and Land South of A944, at Bellfield Farm, East Middlefield (Pages 33 - 48)

Planning Reference – 200536

All documents associated with this application can be found at the following link and enter the reference number above:-

[Link.](#)

Planning Officer: Dineke Brasier

WHERE THE RECOMMENDATION IS ONE OF REFUSAL

- 7.1. Detailed Planning Permission for the erection of temporary marquee to the existing north car park to provide covered external area for outdoor dining and drinking space - Dutch Mill Hotel, 7 Queens Road Aberdeen (Pages 49 - 58)

Planning Reference – 221514

All documents associated with this application can be found at the following link and enter the reference number above:-

[Link.](#)

Planning Officer: Lucy Greene

OTHER REPORTS

- 8.1. Draft Aberdeen Planning Guidance: Resources for New Development - PLA/23/046 (Pages 59 - 98)
- 8.2. Draft Aberdeen Planning Guidance: Space Standards - PLA/23/050 (Pages 99 - 114)

DATE OF NEXT MEETING

- 9.1. Thursday 9 March 2023 - 10am

To access the Service Updates for this Committee please click [here](#)

Website Address: aberdeencity.gov.uk

Should you require any further information about this agenda, please contact Lynsey McBain, Committee Officer, on 01224 522123 or email lymcbain@aberdeencity.gov.uk

Agenda Item 1.1

Members will recall from the planning training sessions held, that there is a statutory requirement through Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 for all planning applications to be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. All Committee reports to Planning Development Management Committee are evaluated on this basis. It is important that the reasons for approval or refusal of all applications and any conditions to be attached are clear and based on valid planning grounds. This will ensure that applications are defensible at appeal and the Council is not exposed to an award of expenses.

Under Standing Order 29.11 the Convener can determine whether a motion or amendment is competent and may seek advice from officers in this regard. With the foregoing in mind the Convener has agreed to the formalisation of a procedure whereby any Member wishing to move against the officer recommendation on an application in a Committee report will be required to state clearly the relevant development plan policy(ies) and/or other material planning consideration(s) that form the basis of the motion against the recommendation and also explain why it is believed the application should be approved or refused on that basis. The Convener will usually call a short recess for discussion between officers and Members putting forward an alternative to the recommendation.

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PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 12 January 2023. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Bouse, Convener; and Councillors Alphonse (for all items except article 8) , Blake, Boulton, Clark, Cooke, Copland, McRae, Thomson and van Sweeden (as substitute for Councillor Henrickson, the Convener).

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

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

DECLARATIONS OF INTEREST OR CONNECTIONS

1. Councillor Alphonse advised in relation to item 7.2 on the agenda, 26 Hollybank Place (article 8 refers) that she knew the agent for the application, who was due to make a presentation to the Committee and therefore would leave the meeting when the application was being considered and would take no part in the deliberation or determination of the application.

MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 1 DECEMBER 2022

2. The Committee had before it the minute of the previous meeting of 1 December 2022, for approval.

The Committee resolved:-

to approve the minute as a correct record.

COMMITTEE PLANNER

3. The Committee had before it the committee business planner, as prepared by the Interim Chief Officer – Governance.

The Committee resolved:-

to note the business planner.

NOTICE OF MOTION BY COUNCILLOR BOULTON

4. The Committee had before it a notice of motion by Councillor Boulton in the following terms:-
that the Committee:-

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

12 January 2023

request that the Chief Officer – Strategic Place Planning, in consultation with the Interim Chief Officer – Governance, submit a report to this Committee in two cycles, which reviews the constitution and operation of the Local Review Body to include all matters.

The Committee resolved:-

to approve the motion.

45 STOCKETHILL WAY ABERDEEN - 221055

5. The Committee had before it a report by the Chief Officer – Strategic Place Planning, **which recommended:-**

That the application for Detailed Planning Permission for the formation of a driveway to the front and alterations to a boundary wall at 45 Stockethill Way Aberdeen, be approved subject to the following conditions:-

Conditions

1. DURATION OF PERMISSION

The development to which this notice relates must be begun not later than the expiration of 3 years beginning with the date of this notice. If development has not begun at the expiration of the 3 year period, the planning permission lapses.

Reason - in accordance with section 58 (duration of planning permission) of the 1997 act.

2. BIN STORE RELOCATION

That the driveway hereby approved shall not be constructed unless the bin store has been moved in agreement with the Council's Waste and Recycling Service away from the edge of the pavement adjacent to the existing parking bay.

Reason - in the interest of improving visibility entering the proposed driveway.

The Committee heard from Samuel Smith, Planner, who spoke in furtherance of the application and answered questions from members.

The Committee resolved:-

to approve the application conditionally.

FIRST ABERDEEN, 395 KING STREET ABERDEEN - 221328

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

12 January 2023

6. The Committee had before it a report by the Chief Officer – Strategic Place Planning, which recommended:-

That the application for Detailed Planning Permission for the installation of electric substations, transformers, feeder pillars, chargers, acoustic fences and associated works at First Aberdeen, 395 King Street, be approved subject to the following conditions:-

Conditions

01.DURATION OF PERMISSION

The development to which this notice relates must be begun not later than the expiration of 3 years beginning with the date of this notice. If development has not begun at the expiration of the 3 year period, the planning permission lapses.

Reason - in accordance with section 58 (duration of planning permission) of the 1997 act. Page 38 Application Reference: 221328/DPP

02.TREE PROTECTION

No development shall take place in relation to construction works authorised by this permission unless the proposed tree protection fencing as identified in drawing number: WC-127.1c.5 of the approved arboricultural assessment report dated 02/12/22 (Woodsage Consulting ref: WC-127.1 rev C), or such other drawings as may be approved, has been implemented on site and is retained for the duration of construction works on site. Evidence of implementation of such fencing and related signage shall be submitted to the Planning Authority in advance of commencement of development. No excavation, storage of materials, supplies, plant, machinery, spoil, changes in ground levels or other construction activities shall take place within the protected areas within the site.

Reason – In order to ensure the amenity of the area is protected and to minimise impact on trees due to root severance / soil compaction.

03.SOFT LANDSCAPING / TREE PLANTING

All soft landscaping / planting proposals on site as identified in drawing number 1176-003 rev. K shall be carried out in accordance with the approved landscape / maintenance scheme and shall be completed during the first planting season immediately following the commencement of the development, or such other date as may be agreed in writing with the Planning Authority. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

12 January 2023

Reason: To ensure the implementation of a satisfactory scheme of soft landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

04.NOISE ATTENUATION MEASURES

The electric vehicle (EV) charging facilities hereby approved shall not be used unless the specific noise mitigation measures have been installed in complete accordance with the approved Noise Impact Assessment (NIA) dated 0/11/22 (Environmental Noise Solutions Limited ref. NIA/10512/22/10699/v2/395 King Street, Aberdeen), or such other mitigation measures as may be agreed in writing with the Planning Authority. Installation of the following specific noise mitigation measures is required :

- a) The proposed fixed plant items and the associated calculated sound power levels, based on manufacturer's data, shall not exceed that advised within Section 4.1 of the report namely, 64 Heliox battery charger units – 73 dB LwA and the noise rating level detailed within tables 4.2 and 4.3;
- b) Installation of 4.0 m and 2.4 m high noise barriers, the specification and location of which are detailed within the relevant drawings (reference: 1176-003, Title: Proposed Site Plan – Full EV, dated May 22, Revision J) also presented in figure 1.1 of the report and fence drawings (reference: 1176-014, Revision B, Acoustic fence Page 1 of 2, dated May 22 and 1176-015, Revision A, Acoustic fence Page 2 of 2, dated May 22), namely, close boarded timber fence, with low level gravel board to ensure there are no gaps at the foot of the fence. Timber should be minimum 10kg/m², and should be overlapped to ensure there are no gaps between the fence slats;
- c) Installation of the glass reinforced plastic (GRP) plant housings to the required transformers and RMU units as detailed within the relevant drawings (reference: 1176-011, Title: Typical Substation / Charger / Feeder Pillar Elevations, dated May 22, Revision A and reference: 1176- Page 39 Application Reference: 221328/DPP 013, Title: Propose RMU Building, dated May 22).

The physical measures identified above, once installed, shall subsequently be retained on site for the duration of the use of the EV equipment.

Reason: In the interests of protection of the residential amenity of nearby residents.

The Committee heard from Robert Forbes, Senior Planner, who spoke in furtherance of the application and answered questions from members.

The Committee also heard from the agent for the application, Mr Duncan Cameron, who spoke in support of the application.

The Committee resolved:-

to approve the application conditionally.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

12 January 2023

SITE WEST OF NORTHCOTE LODGE CARE HOME, CRAIGTON ROAD, ABERDEEN - 220772

7. The Committee had before it a report by the Chief Officer – Strategic Place Planning, **which recommended:-**

That the application for Planning Permission in Principle for the erection of a nursery, including car parking, landscaping and associated infrastructure at site west of Northcote Lodge Care Home, Craigton Road Aberdeen, be refused for the following reasons:-

1. That the proposed development would not be for purposes considered essential for agriculture, woodland, or forestry, it would not be a recreational use associated with the existing agricultural or rural setting and would not be associated with mineral extraction or landscape renewal, nor would the proposal meet any of the exception criteria for development in the Green Belt. Additionally, it is considered that the development would represent an impact on the landscape setting of the Green Belt. Furthermore, the development is considered to represent the erosion of the character and function of the designated existing Green Space Network, as such it is considered that the development has the potential to impact existing habitats, especially given the Green Space Network has been designated to protect, promote and enhance wildlife value. As such, the development is contrary to Policy NE2 - Green Belt and Policy NE1 - Green Space Network of the Aberdeen Local Development Plan 2017, would represent a departure from the adopted Development Plan Strategy, Scottish Planning Policy and National Planning Framework 4. Page 55 Application Reference: 220772/PPP

2. That the development would result in a change of the existing rural landscape character of the site to its detriment. As such, the proposal is contrary to Policy D2 - Landscape of the Aberdeen Local Development Plan 2017 and the associated Children's Nurseries Supplementary Guidance.

3. Due to the site's location within the Pitfodels Conservation Area, while no finalised details of the development have been submitted for assessment, it is considered that a development of any nature would interrupt the open views of this vista which is noted as being a key characteristic of the area within the Pitfodels Conservation Area Character Appraisal. As such, there is a risk that the development would interrupt these views to the detriment of the conservation area, which is contrary to the requirements of Policy D4 - Historic Environment.

4. That due to its location, which is considered removed from the established residential area, the proposal does not constitute sustainable development and is therefore considered contrary to Policy T2 - Managing the Transport Impact of Development and Policy T3 - Sustainable and Active Travel of the Aberdeen Local Development Plan 2017.

The Committee heard from Aoife Murphy, Senior Planner, who spoke in furtherance of the application and answered various questions from members.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

12 January 2023

The Committee then heard from Ms Kerry Robertson, applicant, who spoke in support of the application.

The Vice Convener, seconded by Councillor Copland, moved:-
that the application be refused in line with the officer recommendation.

Councillor Alphonse moved as an amendment, seconded by Councillor Boulton:-
that the application be approved subject to conditions to be delegated to officers for the following reasons:-

- Acknowledges conflict between Policies NE1 and NE2 insofar that this is not one of the forms of development which is allowable within the Green belt; however
- Given the level of residential development in local area, pressure on other nursery facilities within the area and siting of this piece of land adjoining the built area and the proximity of local public transport links and cycle lanes and pedestrian footpaths. these considerations outweigh the conflict with Policies NE1 and NE2 and does not consider there to be a conflict with Policies T2 and T3; and
- Do not consider there to be a conflict with Policy D2 and D4 given the current mix of development within the area.

On a division, there voted – for the motion (5) – the Convener and Councillors Blake, Copland, Clark and Thomson – for the amendment (5) – Councillor Alphonse, Boulton, Cooke, McRae and van Sweeden.

There being an equality of votes, in terms of Standing Order 32.7 the Convener used his casting vote in favour of the motion.

The Committee resolved:-

to adopt the motion and therefore refuse the application.

At this juncture, in accordance with article 1 of the minute, Councillor Alphonse left the meeting.

26 HOLLYBANK PLACE ABERDEEN - 211807

8. The Committee had before it a report by the Chief Officer – Strategic Place Planning, **which recommended:-**

That the application for Detailed Planning Permission for the demolition of an existing commercial unit and erection of 9 residential apartments over 3 storeys with associated cycle storage and hard and soft landscaping works at 26 Hollybank Place Aberdeen, be refused for the following reasons:-

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

12 January 2023

In the context that there has never been a building of the scale proposed on the application site and that the existing building is single storey, the proposed building of 9 flats, which would be 3 storeys in form, height and scale, would have a significant adverse impact on the existing (and long-standing) levels of background daylight and sunlight afforded to the ground floor flats of 21, 23, and 25 Hollybank Place to the north and northeast of the development, to the significant detriment of the amenity afforded to those flats. It would, consequently, adversely affect the residential amenity of the surrounding area and, in its context, would constitute overdevelopment. It would also for the same reasons conflict with Policies H1 – Residential Areas and D1 – Quality Placemaking by Design of the Aberdeen Local Development Plan 2017 and Policies H1 – Residential Areas, D1 – Quality Placemaking and D2 – Amenity of the Proposed Aberdeen Local Development Plan 2020.

In reaching this recommendation, it is recognised that this residential development would be located in an accessible location in an inner-city residential area near the city centre. Had it not been for this adverse impact on the amenity of the surrounding area due to its scale, height and massing, the development could have otherwise been supported, subject to appropriately worded planning conditions and registration of the Legal Agreement to satisfy matters regarding transportation, cycle infrastructure, design, amenity, sustainability, drainage, waste storage and developer obligations. The justification raised in the Design & Access Statement, that the building would replicate the scale and form of the historic tenement buildings on the street is not sufficient to warrant such an adverse impact on the neighbouring residential properties because an alternative residential development of lesser scale and height that would be complementary to the surrounding area could have been submitted which may not have had such an adverse impact to the amenity of the surrounding area.

The Committee resolved:-

to approve the application conditionally and with a legal agreement, subject to the following conditions, for the following reasons:-

The application was considered to be compliant with the relevant planning policies of the Adopted Local Development Plan and national policy in as far as it constituted sustainable city centre development on brownfield land in a site that was easily accessible by sustainable means of transportation and within easy reach of a wide range of city centre amenities. It would be compatible in design terms and mass and scale with surrounding tenement flats and adequately mitigate its impact on infrastructure by way of developer obligations. It was acknowledged that there would be an adverse impact on the amenity of flats on the north side of the street in terms of reduction in daylight and sunlight but, on balance, these did not outweigh the material considerations weighing in favour of the development. It was therefore considered compliant with relevant policies including Policy H1 – Residential Areas, Policy D1 – Quality Placemaking by Design and Policies T2 (Managing Transport Impact) and T3 Sustainable and Active Travel of the Adopted Local Development Plan.

Head of terms of legal agreement

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

12 January 2023

Contributions are required towards the car club, primary education, secondary education, the core path network, healthcare facilities, open space and community facilities. Additionally, affordable housing contributions are required by way of commuted payments or on-site or off-site provision.

Conditions

- 1) That no development pursuant to this planning permission shall take place unless a scheme detailing dust suppression measures to be employed during demolition and construction, which includes the use of water sprays, has been submitted to, and approved in writing by the Planning Authority. Thereafter, all measures shall be implemented in accordance with this approved scheme during demolition and construction.

Reason - In the interests of protecting residential amenity.

- 2) That no demolition, site preparation and construction operations pursuant to this planning permission that creates noise audible at the site boundary shall take place outside the hours of:
 - (a) 0700 Hrs to 1900 Hrs from Mondays to Fridays; and
 - (b) 0800 Hrs to 1300 Hrs on Saturdays.

Reason - In the interests of protecting residential amenity.

- 3) That no development pursuant to this planning permission shall take place unless samples of materials and a scheme of the finalised details of the finishes to the walls of both the principal and rear elevations, wallhead gable, pitched roof dormers and roof of the approved residential building has been submitted to, and approved in writing by the Planning Authority. The scheme shall include the details of materials, texture, colours, dimensions and detailing. Thereafter, the development shall be implemented in accordance with these approved details.

Reason - In the interests of the character and visual amenity of the surrounding area.

- 4) That the approved development shall not be brought into residential use unless the following alterations to the public road have been implemented in their entirety:
 - (a) The existing dropped kerb to the immediate northeast of the building has been replaced with a footway level with the existing footway; and
 - (b) The Controlled Parking Zone parking restrictions to the north of the building have been altered to remove the 'no waiting' restrictions to the north of the building and increase the on-street parking spaces adjacent to the site.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

12 January 2023

Reason - To minimise the impact of this development on the availability of public parking provision in the surrounding area, to minimise the impact of the development on the local transport network and to protect residential amenity.

- 5) That the approved development shall not be brought into residential use unless a Residential Travel Pack has been submitted to, and approved in writing by the Planning Authority. This Residential Travel Pack shall include:
- (a) local walking, cycling and bus infrastructure / facilities;
 - (b) car club car information; and
 - (c) a walking map which shows local schools and amenities.

Thereafter, the approved Residential Travel Pack shall be distributed to all new residents of the approved development.

Reason - To encourage sustainable and active travel and minimise impact on the local transport network.

- 6) That the approved building shall not be brought into residential use unless the cycle storage infrastructure has been implemented in accordance with the approved plans (with reference: 3882 P(04)003 B and 3882 PL(00)004 A), confirmation of which shall be submitted in writing with the Planning Authority upon their implementation.

Reason - To encourage sustainable and active travel and minimise impact on the local transport network.

- 7) That no development shall take place unless a scheme detailing how surface water will be handled to prevent water discharging onto the public road has been submitted to, and approved in writing by the Planning Authority and thereafter all identified necessary mitigation measures have been implemented in accordance with this scheme.

Reason - To prevent water discharging onto the road, in the interests of public safety.

- 8) That the building shall not be brought into residential use unless confirmation of the implementation of additional on-street communal bin storage has been submitted to, and approved in writing by the Planning Authority. This shall include confirmation from the Aberdeen City Council Waste and Recycling Team.

Reason - To ensure that the development has sufficient waste storage and to offset any impact on existing on-street communal bin storage.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

12 January 2023

- 9) That no development relating to this planning permission shall take place unless a scheme detailing:
- (a) the Standard Assessment Procedure Assessment Procedure energy rating (SAP) in accordance with the Resources for New Development Supplementary Guidance; and
 - (b) details and plans of all proposed low and zero carbon generating technology, have been submitted to, and approved in writing by the Planning Authority, which demonstrates that the development would achieve:
 - (i) At least 25% of the building regulations carbon dioxide emissions reduction target;
 - (ii) A 'Platinum Standard for Energy' Building Standards Sustainability Label; and
 - (iii) A 'Platinum Standard' for Domestic Buildings Building Standards Sustainability Label for Water Usage.

Thereafter, the development and all low and zero generating technology shall be implemented in accordance with this approved scheme prior to the building being brought into residential use.

Reason - To ensure that the development meets current water and energy efficiency targets.

Advisory Note

Section 56 Roads Consent and changes to the Controlled Parking Zone Traffic Regulation Order are required separately for the works specified in Condition (4) (a) and (b).

- **Councillor Desmond Bouse, Convener**

	A	B	C	D	E	F	G	H	I	J
1	PLANNING DEVELOPMENT MANAGEMENT COMMITTEE BUSINESS PLANNER The Business Planner details the reports which have been instructed by the Committee as well as reports which the Functions expect to be submitting for the calendar year.									
2	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred	
3			09 February 2023							
4	Guidance on Outdoor Seating	At the meeting of PDMC on 1 September 2022, it was agreed to approve the content of the draft Guidance on Outdoor Seating; Instruct the Interim Chief Officer - Strategic Place Planning to, subject to any minor drafting changes, publish the draft Guidance on Outdoor Seating document for a four week non statutory public consultation; and instruct the Interim Chief Officer – Strategic Place Planning to report the results of the public consultation and any proposed revisions to the draft Guidance on Outdoor Seating to a subsequent Planning Development Management Committee within the next six months.		Donna Laing	Strategic Place Planning	Place	5	D	Scottish Government has requested extra time to examine the PLDP therefore this guidance will not be ready until March/April.	
5	Aberdeen Planning Guidance: Space Standards	The report seeks approval to undertake public consultation on the document, with the results of the consultation and any revisions to the document reported back to Full Council for approval before December 2023, as part of a wider report on all current guidance documents to support the Aberdeen Local Development Plan 2023.	On agenda	Donna Laing	Strategic Place Planning	Place	5			
6	Aberdeen Planning Guidance: Resources for New Development	The report seeks approval to undertake public consultation on the document, with the results of the consultation and any revisions to the document reported back to Full Council for approval before December 2023, as part of a wider report on all current guidance documents to support the Aberdeen Local Development Plan 2023.	On agenda	Abigail Burrows	Strategic Place Planning	Place	5			
7	A944 Jessiefield Junction and Land South of A944 at Bellfield Farm, East Middlefield - 220536	To approve or refuse the application for variation of condition 10 (requiring condition 1 to be implemented in full prior to the occupation of the 1001st house constructed) of planning permission ref. P141888	On agenda	Dineke Brasier	Strategic Place Planning	Place	1			
8	64 Devonshire Road - 221130	To approve or refuse the application for installation of replacement front windows and formation of putting green and driveway to front (partially retrospective)	On agenda	Aoife Murphy	Strategic Place Planning	Place	1			
9	Dutch Mill - 221514	To approve or refuse the application for temporary marquee (3 years)	On agenda	Lucy Greene	Strategic Place Planning	Place	1			

	A	B	C	D	E	F	G	H	I	J
	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred	
2										
10	PRE APPLICATION FORUM - Hareness Road/ Ness Landfill Site To The West Of The Coast Road Aberdeen	To hear from the applicant in relation to the proposed construction of Hydrogen Production and Re-fuelling facility, Solar Farm and connecting cable route		Lucy Greene	Strategic Place Planning	Place				
11			09 March 2023							
12	Baads Farm, Anguston Road - 221216	To approve or refuse the application for change of use of land to form a 1 pitch gypsy/traveller site to include one principal caravan, two touring caravans an amenity block and installation of drainage infrastructure and all associated works		Gavin Clark	Strategic Place Planning	Place	1			
13	81 Brighton Place - 221086	To approve or refuse the application for erection of 2 storey extensions to side and rear and formation of door opening to form 2 semi detached dwelling houses		Dineke Brasier	Strategic Place Planning	Place	1			
14	Local Review Body Procedure	At the meeting on 12 January 2023, it was agreed that a report would be brought back in two cycles which reviews the constitution and operation of the Local Review Body to include all matters.		Daniel Lewis	Strategic Place Planning	Place				
15	PRE APPLICATION FORUM - 92 - 126 John Street	To hear from the applicant on the proposal for major residential or quasi-residential (sui generis) use - potentially flats, build to rent private rented accommodation, student housing, serviced apartments or a mix of these plus supporting facilities and infrastructure		Gavin Clark	Strategic Place Planning	Place				
16			20 April 2023							
17			25 May 2023							
18			22 June 2023							
19			24 August 2023							
20			21 September 2023							
21			02 November 2023							
22			07 December 2023							

	A	B	C	D	E	F	G	H	I	J
	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred	
2										
23	Procedure for Representations	At the meeting of PDMC on 3 November 2022, a new draft procedure was agreed for allowing representations to speak at Committee. It was agreed to instruct the Chief Officer – Strategic Place Planning to report back to the Committee on the effectiveness of the Procedure by December 2023.		Alan Thomson	Strategic Place Planning	Place	5			
24			Future applications to PDMC (date of meeting yet to be finalised.							
25	Former Treetops Hotel site - 211528	To approve or refuse the residential development of 89 units (including 25% affordable) comprising 54 houses and 35 flats over 3, 4 and 6 storey blocks and associated roads and parking, drainage infrastructure, open space and landscaping.		Matthew Easton	Strategic Place Planning	Place	1			
26	Aberdeen Grammar School FP's Club, 86 Queens Road - 211806	To approve or refuse the application for erection of 3no. villas, 4no. apartments and 2no. maisonette apartments with associated works		Jane Forbes	Strategic Place Planning	Place	1			
27	Zoology Building, University of Aberdeen - 220946	To approve or refuse the application for installation of 12no telecommunications antennae and ancillary equipment on rooftop		Alex Ferguson	Strategic Place Planning	Place	1	D	Applicant has withdrawn application.	
28	Summerhill Church Stronsay Drive - 220990	To approve or refuse the application for redevelopment of church and manse site for residential development (14 dwellings)		Lucy Greene	Strategic Place Planning	Place	1			
29	Former Cordyce School, Riverview Drive - 221232	To approve or refuse the application for erection of 91 homes including associated infrastructure, open space and landscaping		Dineke Brasier	Strategic Place Planning	Place	1			
30	Former Braeside School - 221310	To approve or refuse the application for erection of 30 affordable residential units with associated infrastructure and open space		Matthew Easton	Strategic Place Planning	Place	1			

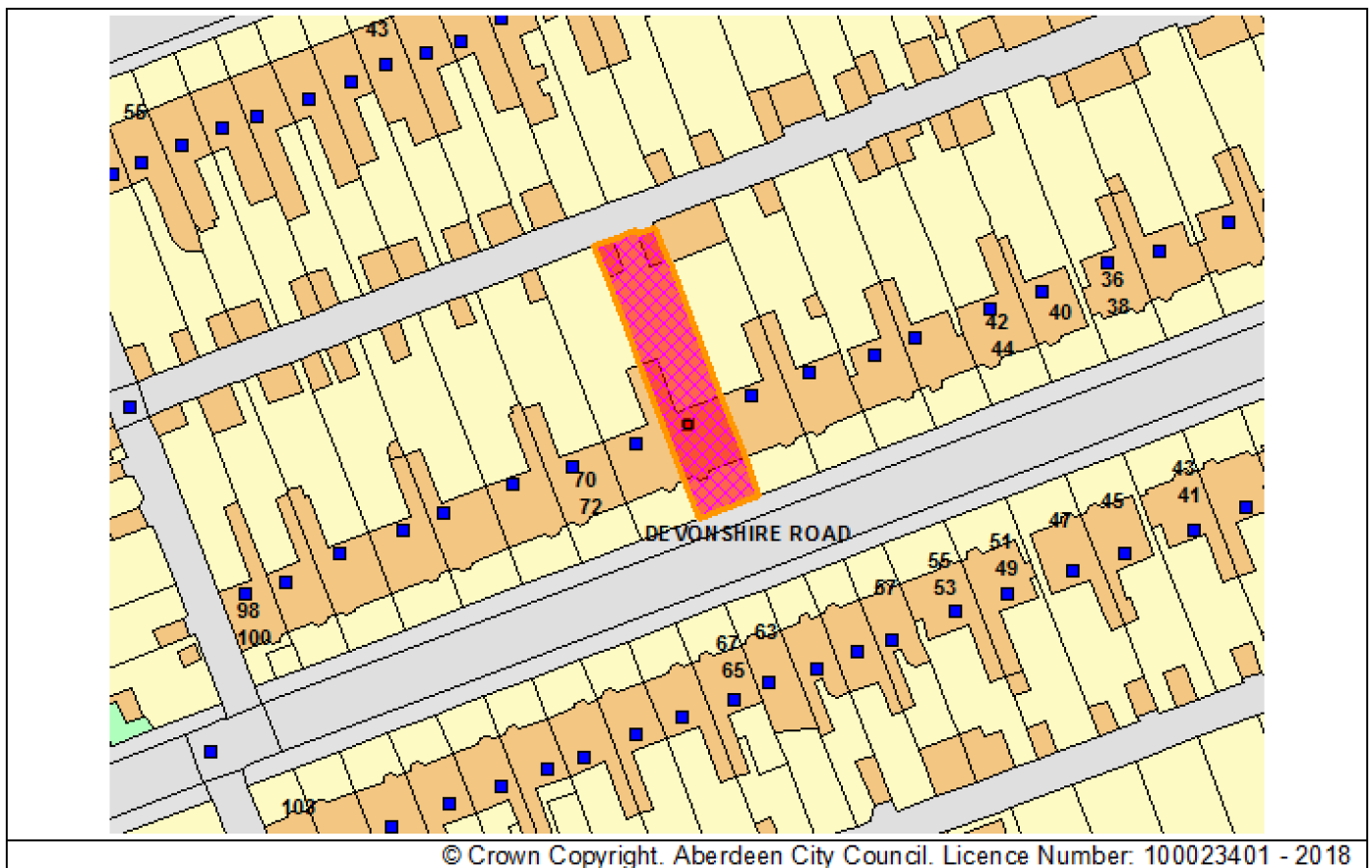
	A	B	C	D	E	F	G	H	I	J
	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred	
2										
31	108A North Deeside Road - 221146	To approve or refuse the application for erection of domestic detached garage		Roy Brown	Strategic Place Planning	Place	1			
32	56 Park Road - 221074	To approve or refuse the application for the erection of 30 flats		Robert Forbes	Strategic Place Planning	Place	1			
33	Wallace Tower - 221380 - DPP	To approve or refuse the application for Change of use from residential dwelling (class 9) to mixed use (class 3 and 4) including community cafe, with ancillary office accommodation and meeting hall; erection of single storey extension to form additional seating areas to cafe; formation of access ramp, external seating area and erection of bin store with associated hard and soft landscaping works		Dineke Brasier	Strategic Place Planning	Place	1			
34	Wallace Tower - 221379 - LBC	To approve or refuse the application for Conversion of existing building to form community cafe with ancillary office accommodation and meeting hall; erection of single storey extension to form additional seating areas to cafe; alterations to internal partitions; formation of access ramp, external seating area and erection of bin store with associated hard and soft landscaping works		Dineke Brasier	Strategic Place Planning	Place	1			
35	The James Hutton Institute, Countesswells Road - 221419	To approve or refuse the application for formation of access road, amended car parking and associated drainage		Matthew Easton	Strategic Place Planning	Place	1			
36	Electricity Substation Willowdale Place - 221537	To approve or refuse the application for erection of new building to form extension and upgrade of existing electricity substation		Alex Ferguson	Strategic Place Planning	Place	1			
37	Former Lloyds TSB 495-499 Great Western Road 221298	To approve or refuse the application for change of Use from Class 2 to Class 3 (food & drink), change of use of pavement to outdoor seating with associated enclosure and canopy		Alex Ferguson	Strategic Place Planning	Place	1			
38	481A Great Western Road - 221533	To approve or refuse the application for Erection of 17m high telecoms mast with associated equipment		Roy Brown	Strategic Place Planning	Place	1			

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	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred	
2										
39	Aberdeen Local Development Plan 2022 – Draft Aberdeen Planning Guidance: Masterplans and Planning Briefs			Andrew Brownrigg	Strategic Place Planning	Place	4 and 5			

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 <p>ABERDEEN CITY COUNCIL</p>	Planning Development Management Committee
	Report by Development Management Manager
	Committee Date: 9 February 2023

Site Address:	64 Devonshire Road, Aberdeen, AB10 6XQ
Application Description:	Installation of replacement front windows; formation of garden walls; and installation of hard surface and artificial grass (partially retrospective)
Application Ref:	221130/DPP
Application Type	Detailed Planning Permission
Application Date:	14 September 2022
Applicant:	Mr D Harris
Ward:	Hazlehead/Queen's Cross/Countesswells
Community Council:	Queen's Cross and Harlaw
Case Officer:	Aoife Murphy



RECOMMENDATION

Approve Conditionally.

APPLICATION BACKGROUND

Site Description

The application site relates to a ground floor flat contained within a two-storey, terraced building and its associated curtilage. The building has a south-east facing principal elevation fronting Devonshire Road; adjoins 58/60 Devonshire Road and 66/68 Devonshire Road to the north-east and south-west respectively; and a rear service lane bounds the site to the north-west. The traditional, late 19th Century, granite building incorporates a two-storey bay window projection to the front elevation. The flat has four windows on its front elevation, three of which form the bay window. The windows are all one-over-one, white-painted, timber-framed, sliding sash and case units. The front curtilage of the property was previously predominantly covered by vegetation and bound by a 150mm granite plinth with low-rise railings atop. However, the garden has since been cleared. A 575mm high granite wall has been built along part of the south-eastern boundary and works have been undertaken to form hard surfaces. The site lies in a residential area within the Albyn Place and Rubislaw Conservation Area.

Relevant Planning History

No relevant planning history.

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought partly retrospectively for the installation of replacement front windows; the formation of garden walls; and the installation of a hard surface and artificial grass.

The flat's four timber-framed sash and case windows would be replaced with white-painted, double-glazed, timber-framed sash and case units. The new windows would match the existing fenestration pattern (one-over-one, 50/50 split).

A 575mm high granite wall would be erected along the majority of the south-eastern boundary of the front curtilage.

On the western half of the front curtilage, slabs and artificial grass would be laid. On the eastern half, between the existing paths to the front doors of 62 and 64, the plan states that shrubs, slabs and chuckies would be reinstated as per the previous garden arrangement. In terms of what previously existing, it can be seen from Google Maps (2019 & 2020), the area consisted of mainly shrubs and paving. Chuckies do not seem to be apparent, but the images from Google are not conclusive. As such it is expected that some form of hard and soft landscaping would be reintroduced in this area.

Amendments

The application has been amended since original submission at the request of the Planning Authority in that the driveway and electric vehicle charging point have both been removed from the proposal and the garden wall is now proposed to extend along the majority of the southern boundary. Reference to a 'putting green' has been removed from the proposal as planning permission is only required for the installation of artificial grass. Planning permission is not required for private ancillary activities that take place within residential curtilages.

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=RI5LQ0BZJNB00>

Existing Window Condition Survey by Thistle Windows

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because more than 5 timeous objections have been received and thus falls out with the Council's Scheme of Delegation.

CONSULTATIONS

ACC - Roads Development Management Team – Following the removal of the driveway from the application, Roads Development Management have no objection.

Queen's Cross and Harlaw Community Council – No response received.

REPRESENTATIONS

A total of 28 representations have been received for this application, with all 28 initially objecting to the proposal, however the upon receiving amended plans, the Planning Service carried out the neighbour notification process again, 5 additional comments were received, but these were from neighbours who had already submitted representations, 2 of these advise that they are maintaining their objection to the development, 1 now supports the proposal and 2 are neither objecting or supporting, but note that they are satisfied with the proposal, which is taken as being in support of the application. No representation was withdrawn so the final number of representations stands at 28, with 25 objecting to the development and 3 in support. The matters raised are as follows:

Objections:

1. Car parking in front gardens is not a feature in Devonshire Road.
2. The driveway would diminish the attractive quality of the streetscape.
3. The loss of available parking as a result of the driveway is detrimental to other residents.
4. Giving permission for one driveway would create an unwelcome precedent.
5. Visibility concerns regarding the driveway.
6. The driveway would result in the removal of a street tree.
7. The proposed mounting of an electrical vehicle charging point on the front elevation is unsuitable.
8. The boundary wall is not in keeping with the street.
9. There is no reference to the signage that has been erected on the outer face of the new unapproved boundary wall.
10. A 'putting green' might lead to further golf related developments.
11. Artificial grass combined with slabs and tarmac will result in no vegetation in the front garden, contrary to current policy for encouraging more green spaces.
12. Artificial grass is not in keeping with the street.
13. Slabs and artificial grass increase flooding risk for both the property and the street as a whole.
14. Only a minimal number of addresses were informed directly of the works.

Support:

1. Initial comments have been taken on board.
2. Suitably satisfied with the revised plans.

MATERIAL CONSIDERATIONS

Legislative Requirements

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

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities to preserve and enhance the character or appearance of conservation areas.

National Planning Policy and Guidance

Scottish Planning Policy (SPP)

Historic Environment Policy for Scotland (HEPS)

National Planning Framework 4

National Planning Framework 4 (NPF4) was given final Parliamentary approval on 11th January 2023 and is anticipated to be adopted in February 2023. The weight to be given to NPF4 prior to its adoption is a matter for the decision maker. Although NPF4 has not yet been formally adopted it has now been approved by Parliament and is, therefore, now considered to be a significant material consideration in the assessment of planning applications. The relevant provisions of NPF4 that require consideration in terms of this application are:

- Policy 7 – (Historic Assets and Places)
- Policy 16 (Quality Homes)

Development Plan

Aberdeen City and Shire Strategic Development Plan 2020

The current Strategic Development Plan for Aberdeen City and Shire was approved by Scottish Ministers in September 2020 and forms the strategic component of the Development Plan. No issues of strategic or cross boundary significance have been identified.

Aberdeen Local Development Plan 2017 (ALDP)

Section 16 (1)(a)(ii) of the Town and Country Planning (Scotland) Act 1997 requires that, where there is a current local development plan, a proposed local development plan must be submitted to Scottish Ministers within five years after the date on which the current plan was approved. From 21 January 2022, the extant local development plan will be beyond this five-year period. Therefore, where relevant, weight should be given to paragraph 33 of the Scottish Planning Policy (2014) which states: "Where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration.

The following policies are relevant –

Policy D1 – Quality Placemaking by Design

Policy D4 – Historic Environment

Policy D5 – Our Granite Heritage

Policy H1 – Residential Areas

Supplementary Guidance (SG)

The Householder Development Guide (HDG)
The Repair and Replacement of Windows and Doors

Proposed Aberdeen Local Development Plan 2020

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

The following policies are relevant –

Policy D1 – Quality Placemaking
Policy D2 – Amenity
Policy D6 – Historic Environment
Policy D7 – Our Granite Heritage
Policy D8 – Windows and Doors
Policy H1 – Residential Areas

Other Material Considerations

Albyn Place and Rubislaw Conservation Area Character Appraisal and Management Plan (July 2013)

Historic Environment Scotland (HES) - Managing Change in the Historic Environment: Boundaries and Windows

EVALUATION

National and Local Policy Context

As outlined within NPF4, consideration must be given to Policy 7 – Historic Assets and Places, which advises that the intent of the policy is to protect and enhance historic environment assets and places. Furthermore, Policy 16 – Quality Homes advises that householder development should not have an impact on character and amenity of the surrounding area.

SPP (para. 137) states that the planning system should: promote the care and protection of the designated and non-designated historic environment and its contribution to sense of place, culture identity, social well-being, economic growth, civic participation and lifelong learning and enable positive change in the historic environment which is informed by a clear understanding of the importance of heritage assets affected and ensure their future use. Change should be sensitively managed to avoid or minimise adverse impacts on the fabric and setting of the asset, and ensure that its special characteristics are protected, conserved or enhanced.

HEPS (p. 13) in its policies for managing the historic environment states that decisions affecting the historic environment should be informed by an inclusive understanding of its breadth and cultural significance; when considering changes to a specific asset and their context, detrimental impacts should be avoided. Also of relevance is Historic Environment Scotland's 'Managing Change in the Historic Environment: Windows' guidance.

Policy D1 (Quality Placemaking by Design) requires that all development must ensure high standards of design and have a strong and distinctive sense of place which is a result of context appraisal, detailed planning, quality architecture, craftsmanship and materials.

Policy D4 (Historic Environment) states that the Council will protect, preserve and enhance the historic environment in line with SPP, HEPS and its own Supplementary Guidance and Conservation Area Appraisals and Management Plan. High quality design that respects the character, appearance and setting of the historic environment and protects the special architectural or historic interest of its Listed Buildings, Conservation Areas and Historic Gardens and Design Landscapes, will be supported.

Policy D5 (Our Granite Heritage) seeks the retention and appropriate re-use, conversion and adaptation of all granite features, structures and buildings, including setted streets, granite kerbs and granite boundary walls.

Principle of Development

The application site is located in a residential area under Policy H1 of the ALDP and the proposal relates to householder development. The proposal would accord with this policy in principle if it does not constitute overdevelopment; the character and amenity of the surrounding area is not adversely affected; it does not result in the loss of open space; and it complies with the relevant Supplementary Guidance. As outlined above, these requirements are echoed by Policy 16 of NPF4.

The proposal relates to a residential property and its curtilage and therefore, would not result in the loss of open space. The remaining issues are assessed in the evaluation below.

Scale, Design & Impact on the Historic Environment

Windows

The Supplementary Guidance on the Repair and Replacement of Windows and Doors sets out that replacement of original/historic windows will only be supported where it can be demonstrated to the satisfaction of the Council that they have deteriorated beyond practicable/economic repair. In this case, a window condition survey has been submitted that details the condition of each window subject to this application. It has been stated that the windows for replacement are in a poor state of repair due to water ingress resulting in the decay of the timber, with poor quality repairs having taken place to keep the windows operational. The Planning Authority accept that the windows are beyond practicable repair and thus, the principle of their replacement is acceptable, subject to the replacement units being of an appropriate design.

The proposed replacement windows would be timber-framed, one-over-one, sash and case units. The style of each window and opening method is considered appropriate, matching the style and proportions of those to be replaced and to adjacent properties. The submitted horizontal and vertical cross-sections demonstrate compliance with the requirements of both 'Managing Change' guidance and the Council's SG in respect of glazing, materials, arrangements, opening method, vents, etc. As such, it is considered that the proposed replacement windows would have a positive impact on both the property and the wider area.

Wall

The previous 150mm high granite boundary plinth along the south-eastern boundary of the site has been removed and partially replaced by a 575mm high granite wall. It is proposed to erect this wall along the entire south-eastern boundary, leaving clear the existing paths leading to the application property and adjoining flat.

Devonshire Road is predominantly characterised by 150mm high granite plinths along the front boundary of properties. Historically, pre-war, these would have contained iron railings. Now, the granite plinths along Devonshire Road incorporate reinstated railings, hedging or nothing at all.

It is acknowledged that a 575mm high wall is not common within the immediate vicinity, although it is noted that 46/48 Devonshire Road have carried out similar works. Although uncharacteristic of

the surrounding area, the wall would be suitably constructed of granite and as works have already been partially undertaken, it can be seen to be of a suitably high quality. Additionally, in line with Policy D5 of the ALDP, the original 150mm high granite blocks have been reused and thus, the historic character of this front boundary has not been entirely lost. Overall, the wall would not be unduly high – retaining a low front boundary – and would be of suitable material and quality. Once completed, it is not considered this element of the proposal would cause significant harm to the character or appearance of the conservation area.

Slabs and Artificial Grass

The creation of the slabbed area and the laying of artificial grass is considered acceptable given this would cover approximately 50% of the front curtilage. As this would cover approximately half the garden which is a relatively small area – with the other half containing natural vegetation – it is not considered this would cause harm to the character or appearance of the conservation area. As noted above the remaining half of the garden would be reinstated as per the previous arrangement, but it is unclear what that will look like, as such it is considered appropriate to attach a condition requesting details of a landscaping plan, this would give an overview and just advise the Planning Service what type of hard and soft landscaping is being proposed.

For the aforementioned reasons, the proposal is considered to be of an appropriate design that would preserve the character and appearance of the Albyn Place and Rubislaw Conservation Area, in accordance with the provisions of NPF4, SPP, HEPS and Policies D1, D4, D5 and H1 of the ALDP.

Impact on Residential Amenity

No development should result in a situation where amenity is “borrowed” from an adjacent property, or there is an impingement on the amenity enjoyed by others. Due to the nature of the works, there would be no increase impact on neighbouring privacy levels, nor any impact on any sunlight or daylight receipt to neighbouring properties. Therefore, the proposal would be in compliance with the provisions of NPF4, Policy H1 of the ALDP and the HDG.

Issues Raised in Submitted Representations (Objections)

1. *Car parking in front gardens is not a feature in Devonshire Road.*
2. *The driveway would diminish the attractive quality of the streetscape.*
3. *The loss of available parking as a result of the driveway is detrimental to other residents.*
4. *Giving permission for one driveway would create an unwelcome precedent.*
5. *Visibility concerns regarding the driveway.*
6. *The driveway would result in the removal of a street tree.*

In relation to points 1 to 6 above, the proposed driveway has since been removed from this proposal.

7. *The proposed mounting of an electrical vehicle charging point on the front elevation is unsuitable.*

This element has been removed from the drawings and is no longer part of the proposal.

8. *The boundary wall is not in keeping with the street.*

The proposed boundary wall has been discussed in the foregoing evaluation: ‘Scale, Design & Impact on the Historic Environment’ where it is not considered to cause a significant harm to the character of the street.

9. *There is no reference to the signage that has been erected on the outer face of the new unapproved boundary wall.*

This element is considered to be de-minimis and therefore no planning application is required.

10. A 'putting green' might lead to further golf related developments.

Reference to the putting green has been discussed in the foregoing section: 'Amendments' where it is noted that planning permission is not required for activities the applicant personally wishes to undertake with their private curtilage.

11. Artificial grass combined with slabs and tarmac will result in no vegetation in the front garden, contrary to current policy for encouraging more green spaces.

The application has since been amended to include some form of vegetation, with details being requested via condition.

12. Artificial grass is not in keeping with the street.

The artificial grass is discussed in the foregoing evaluation: 'Scale, Design & Impact on the Historic Environment'.

13. Slabs and artificial grass increase flooding risk for both the property and the street as a whole.

Given the relatively small area that would be covered by slabs and artificial grass, flood risk is not considered significant.

14. Only a minimal number of addresses were informed directly of the works.

As per legislation, the Planning Authority are required to notify addresses within 20m of the site, in this case the Neighbour Notification has been carried out correctly.

Conclusion

The proposed replacement windows would have a neutral impact on the character and appearance of the conservation area, being widely similar to the existing windows. In terms of the boundary wall, artificial grass and slabbed area, while this may be slightly uncommon within the surrounding area, it is not considered they would have any significant adverse impact on the character and appearance of the conservation area to warrant refusal of the application. Thus, the proposal complies with requirements of NPF4, SPP, HEPS; Policies D1, D4, D5 and H1 of the ALDP; and the guidance contained within HES's Managing Change in the Historic Environment: Boundaries and Windows.

Proposed Aberdeen Local Development Plan 2020

The Report of Examination does not affect policies in a manner that is relevant to this application. The relevant PALDP policies substantively reiterate those in the adopted ALDP and therefore the proposal is acceptable in terms of both plans for the reasons previously given.

RECOMMENDATION

Approve Conditionally.

REASON FOR RECOMMENDATION

The proposed alterations are considered to be satisfactory in terms of design, scale, materials and appearance. The proposal would have no adverse impact on the residential amenity of neighbouring properties thereby retaining current residential amenity. The proposal is therefore considered to be compliant with Policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) of the Aberdeen Local Development Plan 2017 and with the Supplementary Guidance: 'The Repair and Replacement of Windows and Doors' and 'Householder Development Guide', and the guidance contained in Historic Environment Scotland's Managing Change Documents: 'Windows'. The character and appearance of the Albyn Place and Rubislaw Conservation Area would also be preserved in compliance with Scottish Planning Policy; Historic Environment Policy for Scotland; and thereby with Policies D4 (Historic Environment) and D5 (Our Granite Heritage) of the Aberdeen Local Development Plan 2017. The proposal has also been considered against the provisions of National Planning Framework 4 and is deemed to be appropriate. On the basis of the above and following on from the evaluation under policy and guidance, it is considered that there are no material planning considerations that would warrant refusal of the application.

CONDITIONS

(01) DURATION OF PERMISSION

The development to which this notice relates must be begun not later than the expiration of 3 years beginning with the date of this notice. If development has not begun at the expiration of the 3 year period, the planning permission lapses.

Reason - in accordance with section 58 (duration of planning permission) of the 1997 act.

(02) LANDSCAPING SCHEME

No works in connection with the development hereby approved shall commence unless a scheme of hard and soft landscaping works has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:

- a) A schedule of planting to comprise species, plant sizes and proposed numbers and density.
- b) The location, design and materials of all hard landscaping works including paving/slabs/chuckies.

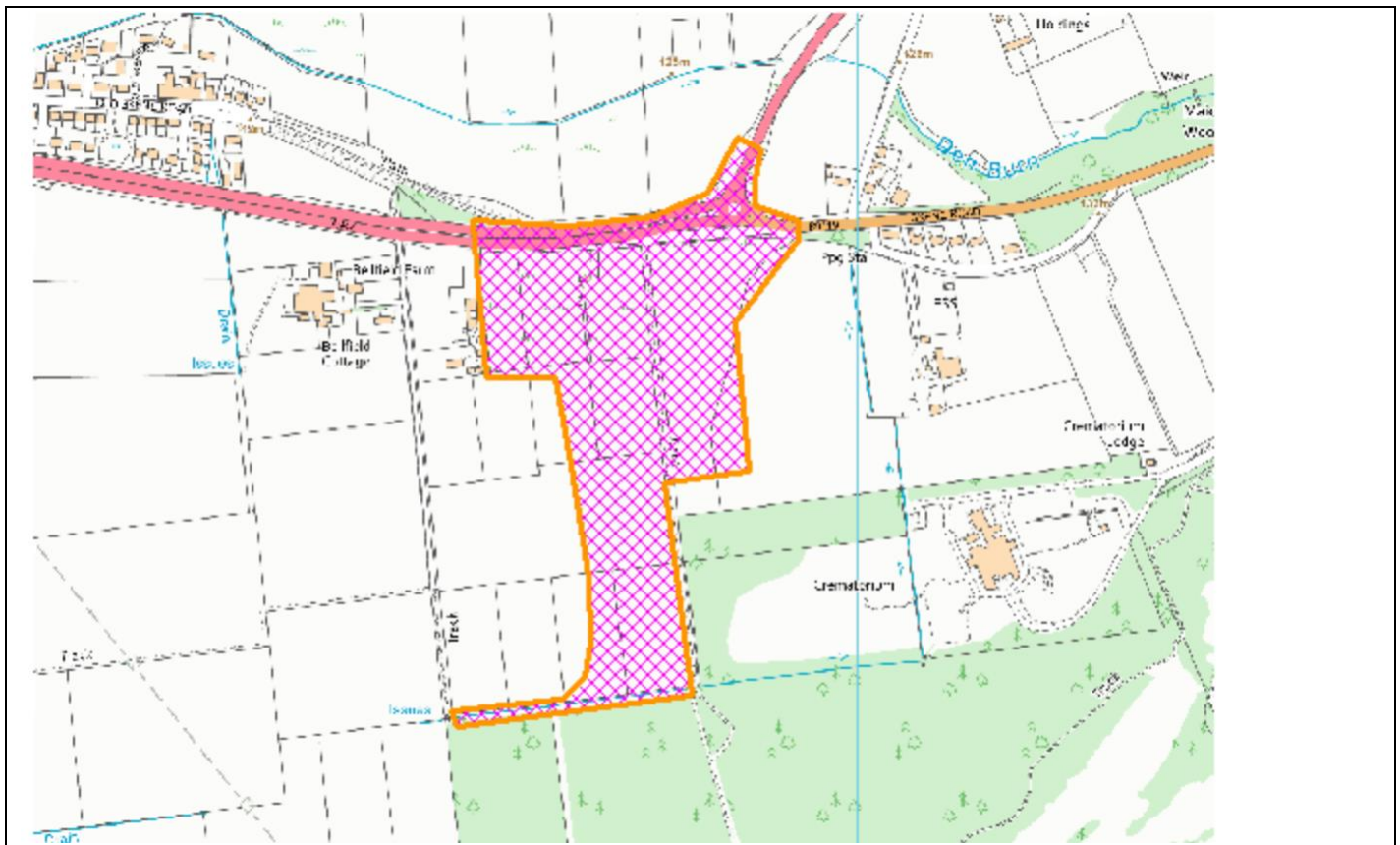
All soft and hard landscaping proposals shall be carried out in accordance with the approved planting scheme and management programme. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the planning authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted. Once provided, all hard landscaping works shall thereafter be permanently retained.

Reason - To ensure the implementation and management of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

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 <p>ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Planning Development Management Committee</h2>
	<p>Report by Development Management Manager</p>
	<p>Committee Date: 9 February 2023</p>

Site Address:	A944 Jessiefield Junction and Land South of A944, at Bellfield Farm, East Middlefield
Application Description:	Variation of condition 10 (requiring Condition 1 to be implemented in full prior to the occupation of the 1001st house constructed) of planning application ref. P141888
Application Ref:	200536/S42
Application Type	Section 42 (Variation to Conditions)
Application Date:	12 May 2020
Applicant:	Countesswells Developments Ltd
Ward:	Lower Deeside
Community Council:	Cults, Bieldside and Milltimber
Case Officer:	Dineke Brasier



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RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

The application site is an area extending to c.12.25ha and includes the Jessiefield roundabout; a c.400m section of the A944 westwards towards Kingswells; a c.75m section of the A944 northwards towards the Lang Stracht; and a c.75m section of the B9119 Skene Road eastwards towards Hazlehead. It also includes agricultural fields south of the roundabout leading towards the north eastern edge of the wider Countesswells development.

The site is located immediately to the north east of OP38 (Countesswells), a land release site allocated for a mixed use development of c.3000 homes and 10ha of employment land in the 2017 Aberdeen Local Development Plan. As part of the Countesswells Development Framework and Phase 1 Masterplan, access from the north towards the development site was shown via two access roads from the A944 – the now complete link road from the Kingswells roundabout and a second proposed link road from the Jessiefield Junction, where the existing roundabout would be replaced with a signalised junction.

Relevant Planning History

The wider Countesswells development opportunity site (OP38) has a long and complex planning history. The following is relevant in relation to the roads network proposed to connect the development and this current application:

- Planning permission in principle (P140438) for a residential-led mixed use development including approximately 3000 homes, employment, education, retail, leisure and community uses and associated new and upgraded access roads, landscaping and ancillary engineering works was approved at Full Council on 19th August 2015. A legal agreement was subsequently agreed and signed, and the planning permission issued on 1st April 2016;
- Planning permissions in principle for upgrades to the Jessiefield junction on the A944 and construction of an eastern access road, footpaths and cycle paths (P141888); and construction of a western access road, footpaths and cycle paths (P141889) from the A944 at the Kingswells roundabout to the Countesswells Development Site were both approved by Planning Development Committee on 17th September 2015. Both planning permissions were issued on 18th September 2015;
- Various applications for matters specified in conditions in relation to the construction of the two access roads have been approved under delegated powers between 2017 and 2019. Those relating to the Kingswells link road have been implemented.

APPLICATION DESCRIPTION

Description of Proposal

The application is submitted under the provisions of Section 42 of the Town and Country Planning (Scotland) Act 1997 and seeks modification of condition 10 of planning permission in principle 141888. Condition 10 relates to the timing of the construction of the proposed Eastern access road into the Countesswells development and reads as follows:

‘That the agreed works pursuant to Condition 1 shall be carried out in their entirety, and to the satisfaction of the Planning Authority, prior to the occupation of the 1001st house constructed on the Countesswells development site as identified in the OP58 designation with the 2012 Aberdeen Local Development Plan.

Reason: In the interests of road capacity and safety.'

Through the current application it is proposed to increase the number of houses that can be occupied before the Eastern Access Road needs to be completed from 1000 to 1250. The proposed amended condition would thus read as follows:

'That the agreed works pursuant to Condition 1 shall be carried out in their entirety, and to the satisfaction of the Planning Authority, prior to the occupation of the 1251st house constructed on the Countesswells development site as identified in the OP38 designation with the 2017 Aberdeen Local Development Plan.

Reason: In the interests of road capacity and safety.'

For clarity, details submitted in relation to condition 1 of P141888 were approved under delegated powers in December 2017 as part of matters specified in conditions application 170510/MSC, and covered all technical matters in relation to levels; drainage; cut and fill operations; details of roads, footpath and cycleways; walls/fencing; and landscaping.

Amendments

In agreement with the applicant, the following amendment was made to the application:

- Additional transport statement submitted. Reduction in proposed number of houses to be built and occupied prior to upgrade of Jessiefield junction from 1500 to 1250. Renotification of neighbours was undertaken as a result.

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=Q9WP7IBZHQV00>

- Technical Note – 125253 TN02: Kingswells Roundabout/ Prime Four Access Junction Analysis by Fairhurst, dated 27th April 2020 providing a justification for the original proposal to alter the number of properties allowed to be occupied prior to construction of the Eastern Access Road from 1000 to 1500;
- Technical Note – 112614 TN01: Jessiefield Junction Traffic Impact Review by Fairhurst, dated 17th December 2020 providing further justification for the original proposal to alter the number of properties allowed to be occupied prior to construction of the Eastern Access Road from 1000 to 1500;
- Technical Note – 147274 TN01: Jessiefield Junction Traffic Impact Review by Fairhurst, dated 3rd October 2022 providing justification for the amended proposal to alter the number of properties allowed to be occupied prior to construction of the Eastern Access Road from 1000 to 1250.

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because an objection from the Cults, Bieldside and Milltimber Community Council; and more than six (a total of 23) timeous letters of objection were received.

CONSULTATIONS

ACC - Roads Development Management Team –

Initial response – based on Technical Note dated 27th April 2020:

It is noted that this application is for the variation of condition 10 associated with planning permission in principle (PPiP) ref: P141888. The applicant has submitted a 'Technical Note - 125253 TN02' (*dated 27th April 2020*) in order to support the proposed variation of condition which is for the Eastern Access Road and upgrades to Jessiefield Junction to be completed after the 1501st house/unit rather than the current 1001st house/unit constructed.

It is noted that in delaying such upgrades of the Jessiefield Junction by an additional 500 units, this shall increase the impact and volumes at the Kingswells Roundabout (Western Access Road). It is noted and evidenced in the supporting 'Technical Note - 125253 TN02' (*dated 27th April 2020*) that the additional traffic generated and required to use the Kingswells roundabout would still remain below the designed level for which this roundabout can adequately manage and operate. So in this regard, this aspect is considered acceptable.

However, while the Kingswells roundabout would appear to cope with such additional volumes, there shall still be detriment to the existing Jessiefield Junction, given the delay of upgrades as this is already currently operating over capacity during the peak periods, which was partially the reason for the requirement for such upgrades at this junction after 1000 units.

While it may be clear, or can be assumed as such, the applicant has not justified the reasoning behind such a variation of condition and delay of certain previously accepted upgrades.

Second response – following submission of Technical Note dated 17th December 2020:

General

As per the updated 'Technical Note – 112614 TN01' (*dated 17th December 2020*) there is no indication that any traffic generated by the development is lower than the previously approved Transport Assessment (TA) as part of the original application for the overall development (P141888).

Context of Technical Note – 112614 TN01 (dated 17th December 2020)

It is questioned if any surveys have been carried out to ascertain whether the indication that 8% of trips into the city centre would be redistributed via Countesswells Road is actually what is taking place. This is a significant number of vehicles that have just been assumed not to be using the A944 and it is considered that this should be subject to some validation – especially given the scale of this request – adding 50% more units prior to carrying out the agreed junction upgrade works.

The figures indicated within Table 3 and paragraph 9 of the Technical Note – 112614 TN01 (*Dated 17th December 2020*), for the number of additional trips travelling through the junction based upon 500 additional units, appear very low – 41 and 35 during the AM and PM peaks respectively. It is questioned if an approved methodology has been used here.

Although the level of additional vehicles on each arm of the junction, represented as a percentage increase, is very low, it does nonetheless represent a net detriment to the existing situation, which is understood to be the exact thing such processes are to avoid.

Previous observations of this junction's operations indicate that during the evening peak period the traffic queues back along the Lang Stracht close to the junction with Dobbies on a regular basis. With the potential for at least 1 additional signalised junction to be introduced into this area as a

result of the Maidencraig development, any potential increase in traffic using the Jessiefield Junction should be considered very carefully as there isn't scope for adjusting the traffic signal timings to limit any potential detriment. This is likely to result in additional queuing and delays on the Lang Stracht corridor.

Final response – following submission of Technical Note – 147274 TN01 dated 3rd October 2022

It is noted that the applicant has provided an amended 'Technical Note – 147274 TN01' (dated 3rd October 2022) and is now seeking a variation to condition 10 to delay upgrades to the Jessiefield Junction until the 1250th unit rather than the current 1001st unit.

As previously confirmed and stated, the Kingswells roundabout (Western Access Road) could adequately accommodate the increased volume of traffic and associated trips with a delay of upgrades to Jessiefield Junction by 500 units, but it was considered that this was an unnecessary impact to put on this roundabout.

Via discussions with the applicants' consultants, it was advised that a possible reduced delay of upgrades to the Jessiefield Junction in terms of completed units would be preferred from that originally sought and subject to an updated 'Technical Note' which also includes an assessment impact this would have on the existing Jessiefield Junction (pre-upgrades).

Therefore, it is confirmed that the applicant has revised their proposed alteration to Condition 10 for the delay of works/ upgrades to be after the 1250th unit rather than the current 1000th unit. This would be a delay by 250 units.

It is confirmed that previous assumptions had agreed that 82% of the Countesswells development associated traffic would join the network to the north onto the A944 with the remaining 18% to the south and south-west. Therefore, this focus would be on this 82% of the 1250 units as per this amendment.

It was further agreed that, dependent on where a resident / driver may be located within the Countesswells development site, city centre bound traffic would result in a further increase of distribution via the south and Countesswells Road (8%), which would reduce the traffic along the A944 Lang Stracht and Skene Road from the original TA for the site back in 2014.

The applicant has appropriately evidenced that, with the removal of 250 units and the 8% redistribution, the trips generated on the concerned legs of the Jessiefield Junction, along the Lang Stracht and Skene Road, would result in no net detriment from that already accepted.

The applicant has provided and evidenced a percentage impact assessment, confirming there shall be no increase of traffic flows on any of the legs of the Jessiefield Junction. This does not therefore, trigger the need for further impact analysis as per ACC guidelines, or a requirement for mitigation proposals of 2% and 4% on strategic or distributor roads respectively.

Therefore, given the accepted re-distribution of trips of residents within the Countesswells development, the later programming of upgrades to the Jessiefield Junction (Eastern Access Road) after occupation of the 1251st unit rather than the 1,001st unit will result in no further detriment from that previously accepted at the outlay of the original Countesswells Development TA.

On that basis, Roads Development Management have no objections to this current application.

Cults, Bieldside And Milltimber Community Council – Objection based on the following:

1. A number of Countesswells residents have expressed concern about a general slippage of

facilities and infrastructure provision (admittedly not always under the control of the developer) compared with what purchasers thought they had been promised. While it is understandable that the developer might wish to rephrase expenditure where possible, the Community Council believes that approving this variation would simply reinforce those concerns;

2. Occupation of the 1000th house is still some time away at the present rate of progress so this proposed variation is premature;
3. The introduction to the Fairhurst Technical Note (*dated 27th April 2020*) suggests that discussions have been held with City Council officers and cites an email trail from 2018. However, it is understood that the Council's Roads Development Department is not aware of any recent discussions;
4. No information is presented on the impact of the 8% decant of traffic onto Countesswells Road. This might be felt at peak times at the Countesswells Road/ Springfield Road traffic lights at Airyhall – already a busy junction.

A further consultation response was received following submission of the third Technical Note (dated 3rd October 2022):

1. The document appears to be intended to support a negotiated agreement between the developer and ACC Roads. However, Countesswells householders clearly feel that they were given a number of undertakings about infrastructure provision when they purchased their properties and that moving from the 1001 figure would break one of these. The Community Council therefore sees no reason to retract their previous objection, particularly on the grounds of point 1 of that letter.

REPRESENTATIONS

Two rounds of neighbour notification were undertaken. The first following receipt of the application in May 2020, with a second renotification following receipt of the final Technical Note (dated 3rd October 2022). The first representation period attracted a total of 13 objections raising the following matters:

1. Most of the promises made by the developer to residents at Countesswells in relation to the delivery of planned infrastructure and amenities at the time of purchase of their home have been unfulfilled and/or delayed;
2. Allowing this extension would set a precedent for future extensions to planning applications which would not be welcome by most residents. The same argument could be used to delay until the 2001st home next time;
3. No consultation was undertaken with the community prior to submission of the application;
4. Proposed delay will not just impact on road users, but also on cyclists and pedestrians as there is currently no footpath linking Countesswells to any other community, with access available through the woods, which is not practical throughout most seasons;
5. The road would provide essential infrastructure for the growing development. Traffic flow has already increased greatly, and construction of this road would help that. Concerns that other roads and junctions would be very busy especially at peak times as the volume of traffic naturally increases with number of homes occupied;
6. Current residents want Countesswells to flourish and become a great place to live. Delay to development and infrastructure being built might put people off moving to the area, and devalue the area;
7. Delay in construction of road could result in increased noise and air pollution for existing residents due to an increase in traffic.

The second notification period attracted a total of 10 objections, including a total of 4 new respondents, raising the following matters:

1. The road is needed for the growing community at Countesswells. The threshold should remain at 1001;
2. Reduction from 1501 to 1251 homes is a step in the right direction but falls short of the original milestone that many people in the community were sold on purchase;
3. The proposed link road will not only disperse traffic routing via the Kingswells roundabout, but will also provide important links for the ever increasing residents who need to access the city whether by car, bike or public transport;
4. Increasing the threshold by 251 homes will likely delay the implementation of vital infrastructure upgrades by many years with no reasonable basis to do so. 1001 homes remains a significant volume of sales;
5. The additional information is based on rerouting 8% of all traffic down Countesswells Road. No consideration is given to the nature of Countesswells Road, which has a narrow width, poor surface and crumbling edges, which would introduce an additional safety risk. Building of the new road would take traffic flow away from the dangerous Countesswells Road.

MATERIAL CONSIDERATIONS

Legislative Requirements

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

Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended) requires the planning authority in determining the application only to consider the question of the condition(s) subject to which the previous planning permission should be granted. The planning authority has the option to approve the permission subject to new and/or amended conditions or to approve planning permission unconditionally. Alternatively, the planning authority can refuse the application, which would result in all the conditions on the original application remaining in place.

National Planning Policy and Guidance

National Planning Framework 4

National Planning Framework 4 (NPF4) was given final Parliamentary approval on 11th January 2023 and is anticipated to be adopted in February 2023. The weight to be given to NPF4 prior to its adoption is a matter for the decision maker. Although NPF4 has not yet been formally adopted it has now been approved by Parliament and is, therefore, now considered to be a significant material consideration in the assessment of planning applications. The relevant provisions of NPF4 that require consideration in terms of this application are –

- Policy 13 (Sustainable Transport)
- Policy 16 (Quality Homes)
- Policy 18 (Infrastructure First)

Development Plan

Aberdeen City and Shire Strategic Development Plan (2020)

The current Strategic Development Plan for Aberdeen City and Shire was approved by Scottish Ministers in September 2020 and forms the strategic component of the Development Plan. The SDP is relevant in so far as that the wider Countesswells Development is listed as a 'new community' and the proposal would have the potential to impact its further development.

Aberdeen Local Development Plan (2017)

Section 16 (1)(a)(ii) of the Town and Country Planning (Scotland) Act 1997 requires that, where there is a current local development plan, a proposed local development plan must be submitted to Scottish Ministers within five years after the date on which the current plan was approved. From 21 January 2022, the extant local development plan has been beyond this five-year period. Therefore, where relevant, weight should be given to paragraph 33 of the Scottish Planning Policy (2014) which states: "Where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration.

The following policies are relevant –

- Policy LR1 (Land Release)
- Policy I1 (Infrastructure Delivery and Planning Obligations)
- Policy T2 (Managing the Transport Impact of Development)

Supplementary Guidance

- Countesswells Development Framework and Phase 1 Masterplan (parts 1 and 2)
- Transport and Accessibility

Proposed Aberdeen Local Development Plan (2020)

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

The following policies are relevant –

- Policy LR1 (Land Release)
- Policy I1 (Infrastructure Delivery and Planning Obligations)
- Policy T2 (Sustainable Transport)

EVALUATION

Background

As context for this application, the original Countesswells Development Framework and Phase 1 Masterplan (part 1) (MP) was based on a single access strategy from the north. This focused on the construction of a new road link from the Jessiefield Junction on the A944 to the north east corner of the Countesswells Development Framework with the road running from the Kingswells roundabout to the development site being closed to general traffic. This access strategy formed the basis for the original Planning in Principle Permission for the overall development – P140438, which was ultimately approved on 1st April 2016 following the signing and registration of a legal agreement.

However, while this application for P140438 was being considered, an alternative access strategy was brought forward, which consisted of two access roads from the north – one from the Jessiefield Junction (Eastern) and one from the Kingswells Roundabout (Western). This alternative access strategy formed the basis of Planning in Principle Permissions P141888 (Eastern Access Road - Jessiefield) and 141889 (Western Access Road - Kingswells), which were approved by Planning Development Management Committee on 17th September 2015. Conditions attached to permissions P141888 and P141889 set out trigger points for completion of both the Western (no more than 400 units occupied) and Eastern (no more than 1000 units occupied) Access Roads. The Western Access Road was completed and opened to all traffic in 2020.

Following on from the approval of P141888, Matters Specified in Conditions application 170510/MSA approved the technical details of the construction of the Eastern Access Road, including its alignment; landscaping and drainage. The only matter to be determined as part of this current application is therefore whether an increase in the number of residential units permitted to be completed and occupied prior to completion of the Eastern Access Road can be increased from 1,001 units to 1,251 units.

As part of this assessment, the Planning Service has to consider whether the proposed condition would meet the six tests for planning conditions as set out in Circular 4/1998. This sets out that planning conditions should only be applied where they are:

1. Necessary;
2. Relevant to planning;
3. Relevant to the development to be permitted;
4. Enforceable;
5. Precise; and
6. Reasonable in all other respects.

At the time of the original application, it was considered that the condition was meeting all the six tests.

Principle of Development

The Transport Assessment (TA) submitted at the time of the original applications for the link roads (P141888 - East and P141889 - West) indicated that traffic generated from 400 houses could be accommodated prior to the completion of the AWPR without any changes to either the Kingswells Roundabout or the Jessiefield Junction. This TA further set out that the Kingswells Roundabout should be upgraded following completion of the AWPR to enable housing occupation to rise from 400 to 1,000 occupied units. Thereafter, no further occupations would be permissible prior to completion of the Eastern Access Road along with associated improvements to the Jessiefield Junction. These recommendations were conditioned in the respective planning permissions in principle P141888 and P141889, with the former subject to a condition setting out that no more

than 1,001 units could be occupied prior to opening of the Eastern Access Road, and the latter subject to a condition that the Western Access Road would need to be completed prior to occupation of the 401st unit. This Western Access Road is now complete and open and therefore this last requirement has been met. By October 2022, a total of 592 residential units were completed and occupied across the development.

As part of the original submission, the applicant included further evidence (Fairhurst Technical Note 125253, dated 27th April 2020) seeking to demonstrate that an additional 500 units could be occupied prior to the upgrading of the Jessiefield Junction. It concluded that the Kingswells Roundabout (Western Access Road) could adequately accommodate the additional traffic associated with an increase in 500 units as originally proposed through this S42 application. However, concerns were raised by Roads Development Management regarding the impact the increase in traffic arising from an additional 500 units would have on the Jessiefield Junction itself, and this increase was not considered acceptable.

A further Technical Note (Fairhurst - 147274 TN01, dated 3rd October 2022) was submitted, based on an increase in the additional number of units that can be occupied prior to opening of the Eastern Access Road from 1,000 to 1,250. This evidence is based on a redistribution of traffic, with more cars from the development using Countesswells Road, linked to the southern part of the development (8% of total traffic) to get to and from the city rather than the A944 to the north as was anticipated in the original Transport Assessment submitted as part of the original permissions P141888 and P141889 for the link roads. This reduced the number of cars using the Jessiefield Junction in comparison to that previously calculated, in effect keeping the number of cars using this part of the A944 at the same level, demonstrating that this proposed increase in occupied units would not have a detrimental impact on the capacity of the Jessiefield Junction.

On that basis, Roads Development Management have no objection to the proposal to increase the total number of completed and occupied units prior to the completion and opening of the Eastern Access Road from 1,000 to 1,250. Therefore, the proposal would be in compliance with policies T2 (Managing the Transport Impact of Development) and I1 (Infrastructure Delivery and Planning Obligations) of the 2017 Aberdeen Local Development Plan; policies T2 (Sustainable Transport) and I1 (Infrastructure Delivery and Planning Obligations) of the 2020 Proposed Local Development Plan; and policies 13 (Sustainable Transport), 16 (Quality Homes) and 18 (Infrastructure First) in the draft NPF4; and relevant sections of SDP as it would continue delivery of an approved Opportunity Site, whilst not resulting in an adverse impact on existing transport infrastructure, most notably the existing Jessiefield Junction.

Proposed Aberdeen Local Development Plan

The Report of Examination does not affect policies in a manner that is relevant to this application. The relevant PALDP policies substantively reiterate those in the adopted ALDP and therefore the proposal is acceptable in terms of both plans for the reasons previously given.

Matters raised in Community Council objection

1. General slippage of facilities and infrastructure provision within the Countesswells Development – *As set out above, the Planning Service is required to assess whether the proposed amended condition would meet the six texts for a condition. It is considered that sufficient evidence has been provided to demonstrate this increase in units would be able to be suitably accommodated within the existing road network. Even though the slippage in provision of facilities and infrastructure within the wider Countesswells Development is regrettable, this would not be a material consideration to not allow the proposed variation;*
2. Proposed variation is premature – *Sufficient evidence has been submitted demonstrating the impact of the proposed increase in units prior to construction of the Eastern Access*

Road and the application is thus not considered premature;

3. Discussions between applicant and City Council have taken place – *This is not a material consideration and is common practice before and during the consideration of an application;*
4. No information is presented on the impact of the 8% decant of traffic onto Countesswells Road. This might be felt at peak times at the Countesswells Road/ Springfield Road traffic lights at Airyhall – already a busy junction – *Improvements to the Countesswells/ Springfield Road junction have been implemented as part of the nearby Pinewood/Hazledene development, which took into consideration other committed developments including Countesswells, and it is considered that these junction improvements are sufficient to accommodate the additional traffic arising from the Countesswells Development.*

Matters raised in letters of objection

1. Delays in delivery of planned infrastructure and amenities as promised by the developer at point of purchase – *This is a civil matter between the occupiers of the development and the developer;*
2. Proposal would set a precedent for further delays to implementation of essential infrastructure – *Any potential further delays to the construction of the Eastern Access Road would need to be evidenced through further additional evidence and would be subject to a further S42 application, which would again reassess the proposal;*
3. No consultation was undertaken with the community prior to submission of the application – *There is no legal requirement for the developer to consult with the community prior to submission of a S42 application;*
4. Proposed delay will not just impact on road users, but also on cyclists and pedestrians – *There is an existing segregated cycle and footpath between the Countesswells Development and Kingswells Roundabout which links into further existing segregated cycle and walking paths between Westhill and Aberdeen along the A944 and B9119;*
5. The road would provide essential infrastructure for the growing development. Traffic flow has already increased greatly, and construction of this road would help that. Concerns that other roads and junctions would be very busy especially at peak times as the volume of traffic naturally increases with number of homes occupied – *The application is supported by additional information which was assessed by Roads Development Management and any increases of traffic considered acceptable with existing junctions being able to absorb this, and related to 8% of traffic using Countesswells Road ;*
6. Delay in construction of road could result in increase noise and air pollution for existing residents due to an increase in traffic – *The proposed delay would have the potential to create additional traffic use of the Kingswells Roundabout and Countesswells Road. It would not have an impact on traffic flows through the development itself, and thus would not result in an additional increase in noise and air pollution.*
6. Reduction from 1501 to 1251 homes is a step in the right direction but falls short of the original milestone that many people in the community were sold on purchase – *This is a civil matter between the owners and the developer;*
7. The additional information is based on rerouting 8% of all traffic down Countesswells Road. No consideration is given to the nature of Countesswells Road, which has a narrow width, poor surface and crumbling edges, which would introduce an additional safety risk. Building of the new road would take traffic flow away from the dangerous Countesswells Road – *It is considered that, following improvements at the Countesswells Road/Springfield Road junction that Countesswells Road has the capacity to absorb the additional traffic arising*

from the rerouting of traffic from Countesswells down Countesswells Road.

Other conditions

The original decision notice for P141888 included a total of 10 conditions. All conditions attached to that decision notice require to be reconsidered to determine whether they should be amended, deleted or expanded. With that in mind, conditions requesting details of design and specification have been amended to reflect their approval through Matters Specified in Conditions application 170510/MSC, with the wording amended to reflect implementation of approved details rather than seeking additional information. Condition 7 of P14888 requesting submission of a programme of archaeological work has been removed in its entirety as this requirement was met through submission and approval of P171422/MSC and no significant archaeological remains were found. This condition is therefore no longer relevant or necessary. Condition 11 has also been removed as this required the Eastern Access Road to be opened after opening of the Western Access Road. Given the Western Access Road has been completed and is open for use, this condition is no longer relevant or necessary.

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

Sufficient evidence has been provided to demonstrate that the proposed increase in completed and occupied residential units from 1,000 to 1,250 would not have a detrimental impact on the capacity of the existing road network, including the Jessiefield Junction and Kingswells Roundabout on the A944 and Countesswells Road. As such, it is considered that the reworded condition would be in compliance with policy I1 (Infrastructure Delivery and Planning Obligations) and T2 (Managing the Transport Impact of Development) of the 2017 Aberdeen Local Development Plan; policies I1 (Infrastructure Delivery and Planning Obligations) and T2 (Sustainable Transport) of the 2020 Proposed Local Development Plan; policies 13 (Sustainable Transport), 16 (Quality Homes) and 18 (Infrastructure First) in the draft NPF4; and relevant sections of the SDP. Other conditions have been amended to reflect the submission and approval of details through relevant MSC applications.

CONDITIONS

1. That the agreed works pursuant to condition 3 shall be carried out in their entirety, and to the satisfaction of the Planning Authority, prior to occupation of the 1251st house constructed on the Countesswells development site as identified in the OP38 designation within the 2017 Aberdeen Local Development Plan

Reason: In the interests of road capacity and safety.

2. That the development hereby approved shall be implemented in accordance with details approved as part of MSC permission 170510/MSC in relation to:
 - a. Detailed levels survey of the site and cross sections showing proposed finished road levels relative to existing ground levels and a fixed datum point;
 - b. Detailed drainage plan, including full details of the proposed means of disposal of surface water from the development, including how surface water run-off shall be addressed during construction, as well as incorporating the principles of pollution prevention and mitigation measures. The final location of Sustainable Urban Drainage Systems (SUDS), including ponds, should be appropriately positioned in accordance with an agreed flood risk assessment;
 - c. Details of all cut and fill operations;

- d. Details of all roads, footpaths and cycleways including tie-ins to existing/proposed roads (including confirmation of control over necessary land);
- e. Details of any screen walls/ fencing to be provided;
- f. Details of all landscaping, planting and screening associated with the development

Reason: To ensure a satisfactory final layout, appearance and to avoid any flood risk.

3. All soft and hard landscaping proposals approved as part of MSC permission 170510/MSC shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of each respective phase of the development or such other date as may be agreed in writing with the Planning Authority. Any planting which, within a period of 5 years from the completion of each phase of the development, in the opinion of the Planning Authority is dying, severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

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

4. The details approved as part of MSC permission 170510/MSC in relation to the agreed drainage system, shall be provided in its entirety and maintained thereafter throughout the lifetime of the consent in accordance with the approved maintenance scheme. The details submitted also include the future long-term maintenance of the system covering mattering such as:
 - a. Inspection regime relating to matters such as outlets/inlets;
 - b. Frequency and method of cleaning of filter trenches, removal of silt etc;
 - c. Grass cutting (and weeding) regime for swales;
 - d. Means of access for future maintenance;
 - e. How to ensure that planting will not be undertaken over perforated pipes;
 - f. Details of the contact parties for future factoring/ maintenance of the scheme to protect the water environment and help reduce flooding.

Reason: To protect the water environment and help reduce flooding.

5. That no development pursuant to this planning permission shall commence unless the following has been approved by way of formal application(s) for approval of Matters Specified in Condition:
 - a. A detailed and finalised Construction Environment Management Plan (CEMP) including site specific construction method statements, measures to minimise the risk of sediment entering watercourses on the site and the mechanism for compliance;
 - b. A scheme of noise and dust suppression measures to minimise potential impact during the construction phase; and
 - c. Details of the SUDS scheme, its adoption and maintenance, in order to manage sediments and pollutants from construction and operation of the development have been submitted to and approved in writing by the Planning Authority. The mitigation measures outlined in the CEMP shall be informed by the result of a full ground (water and soil) investigation study.

All works on site must be undertaken in accordance with the approved CEMP unless otherwise agreed in writing with the Planning Authority.

Reason: In order to prevent potential water pollution and to minimise the impacts of construction works on the environment.

6. Prior to commencement of any work in the development, a detailed scheme for the protection and enhancement of the water environment shall be submitted to, and approved in writing by, the planning authority in consultation with SEPA by way of formal application(s) for approval of Matters Specified in Condition. This shall include:
- a. Confirmation of the location of all existing water bodies on site and demonstration of how they have been positively incorporated into the layout of the development, including appropriate buffer zones between the top of the bank of the watercourse and the development;
 - b. Full details relating to the realignment of the any watercourse on site, including the Cults Burn. Any redesigned watercourses shall be designed to accommodate the 1 in 200 year flow from the whole catchment. This shall include a low flow channel designed to accommodate the 1 in 200 year flow set within a wider channel capable of conveying the 1 in 200 year flow. In addition, appropriate buffer zones shall be included between the edge of the wider channel (i.e. the extent of channel utilised during high flows) and the development;
 - c. Full details relating to any other proposed engineering activities in the water environment, including the location and type of any proposed watercourse crossings. Any proposed watercourse crossings shall be designed to accept the 1 in 200 year flow. All works on site must be undertaken in accordance with the approved scheme unless otherwise agreed in writing with the Planning Authority in consultation with SEPA.

Reason: To protect and improve the water environment and to protect people and property from flood risk.

7. That no development shall take place until details in relation to updated surveys for protected species (red squirrel/bats/badgers) have been submitted through a further Matters Specified in Condition application. Subsequently, no development shall take place unless detailed mitigation measures to safeguard any identified protected species have been submitted to and approved in writing by the Planning Authority. No development shall take place unless the mitigation measures which have been agreed in writing by the Planning Authority are carried out in accordance with the agreed scheme.

Reason: To ensure the protection of protected species.

8. That no development shall take place unless a plan showing those trees to be removed and those to be retained and a scheme for the protection of all trees to be retained on the site during construction works has been submitted through a further Matters Specified in Condition application, and approved in writing by, the Planning Authority, and that any such scheme as may have been approved has been implemented.

Reason: In order to ensure adequate protection for the trees on site during the construction of the development.

9. That no part of the development hereby approved shall be occupied unless a plan and report illustrating appropriate management proposals or the care and maintenance of all trees to be retained and any new areas of planting (to include timing of works and inspections) has been submitted through a further Matters Specified in Condition application, and approved in writing by the Planning Authority. The proposals shall be carried out in complete accordance with such plan and report as may be so approved, unless the Planning Authority has given prior written approval for a variation.

Reason: In order to preserve the character and visual amenity of the area.

ADVISORY NOTES FOR APPLICANT

1. The applicant is advised that, during the construction of the Eastern Access Road, the normal hours of operation for all activity audible at the boundary of the nearest noise sensitive premises shall be between 07:00 to 19:00 hours Monday to Friday; 07:00 to 12:00 hours on Saturday, with no working on Sunday.

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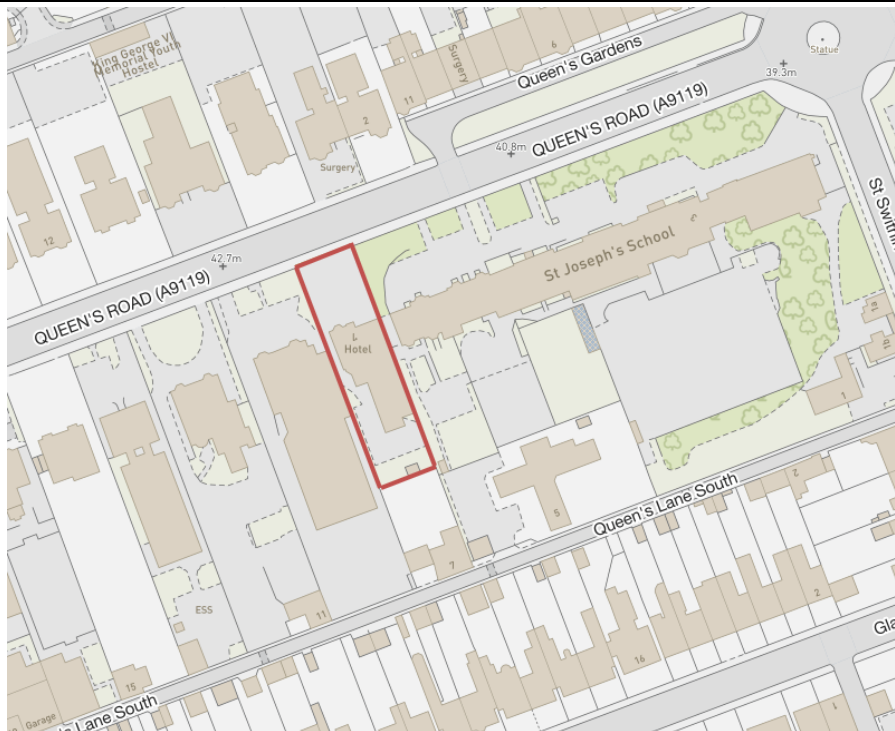


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 9th February 2023

Site Address:	Dutch Mill Hotel, 7 Queen's Road, Aberdeen, AB15 4NR
Application Description:	Erection of temporary marquee to the existing north car park to provide covered external area for outdoor dining and drinking space
Application Ref:	221514/DPP
Application Type	Detailed Planning Permission
Application Date:	16 December 2022
Applicant:	The Dutch Mill
Ward:	Hazlehead/Queen's Cross/Countesswells
Community Council:	Queen's Cross and Harlaw
Case Officer:	Lucy Greene



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RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The 'Dutch Mill' is a hotel with public bar and restaurant, it occupies a Category C listed late 19th century, detached two storey granite villa. A marquee occupies to the area to the front of the building; this would originally have been a garden but was used more recently as a car park associated with the hotel. The 'Dutch Mill' is located on Queens Road, which is lined with granite buildings of similar size, and lies within the Albyn Place / Rubislaw Conservation Area. To the east of the site is St Joseph's School, whilst to the west is an office building. There are residential properties to the south on Queens Lane South and opposite on Queens Road is a medical practice, offices and the former youth hostel now used as an office.

The front area has been used for outdoor seating (within marquee) for hotel / bar guests to use during the COVID period to allow social distancing and has been used post pandemic under a temporary permission. Prior to that was laid out to provide approximately fifteen (15no.) car parking spaces. The structure and use were implemented during Covid restrictions, with planning permission being sought in December 2021, in line with Council requirements. Temporary planning permission 211756/DPP was granted in November 2021, permitting the marquee to remain in place until the end of January 2023, following cessation of use on 9th January 2023. The marquee currently on site is 21m in length by 15m wide.

The site boundaries are formed by granite walls, with several mature trees adjacent and outside the site to the east and west; a granite base wall with black painted cast iron railings, two ornate lights and a post mounted hanging sign bounds the frontage. There are two openings for vehicular access, with one of these currently open for vehicles to access the rear of the site and the other providing pedestrian access directly into the marquee. Within the rear area of the plot, the building was extended in the past to provide a single storey of accommodation with limited parking and storage underneath. In the early stages of the pandemic, a smaller marquee (ten tables), with further outdoor seating on picnic bench type tables; was sited to the rear of the site, this has since been removed.

Relevant Planning History

Application Number	Proposal	Decision Date
211756/DPP	Erection of temporary marquee to the existing north car park to provide covered external area for outdoor dining and drinking space	04.11.2022 Status: Approved conditionally under to January 2023
130347	Extension to existing conservatory, extension of existing kitchen and formation of new terraced decking to match size of existing, revised toilet accommodation including a small extension to create a revised escape route.	28.06.2013 Status: Approved unconditionally
130337	Extension to existing conservatory, extension of existing kitchen and formation of new terraced decking to match size of existing, revised toilet accommodation including a small extension to create a revised escape route	27.06.2013 Status: Approved Unconditionally

APPLICATION DESCRIPTION

Description of Proposal

The application is for a temporary marquee that would replace the existing larger one standing to the front of the hotel. A three year permission is sought and the agent describes how the marquee would assist the business to slowly recover from the pandemic in the current economic situation, whilst also many customers still prefer to sit 'outdoors' in a more open area than is found in the hotel bar. The marquee would be 15m in length by 15m wide 6m shorter than the existing marquee and it would sit 6.15m back from the inner edge of the boundary wall to Queens Road, the plot frontage. Four trees within 1m by 1m by 800mm high black painted timber planter boxes would be installed just behind the boundary wall, so that they would be in front of the marquee when viewed from the street. Similar to existing, the marquee would have a pitched roof, with the ridge height indicated as 5m above finished floor level (the same height as the existing marquee). The ground rises slightly between the pavement on Queens Road and the hotel, but is essentially level. The marquee is proposed to have glazed sides with black timber cladding to the posts and black PVC to the roof gable and end sections of the roof covering with clear PVC to the central section of the roof covering. To the rear of the marquee is a small timber clad structure which contains the bar, this tucks into the recess created by the projecting gable section of the elevation of the granite hotel building and is lower in height than the marquee. The plans indicate the area to the rear of the hotel as remaining in use for car parking, with twelve (12no.) spaces, including one disabled space available.

Amendments

None.

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=RMVZ0NBZMCV00>

These are:

Noise Impact Assessment Revision 4 by Grosle Environmental Services
Policy, Design and Access Statement by Davidson Smith Architects

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because there are six objections.

CONSULTATIONS

ACC - Environmental Health – It is confirmed that there had been no complaints to the Environmental Health Service. The Service accepts the proposed development provided the critical noise and odour mitigation measures are applied, achieving at least an equivalent effect of those measures contained within the assessment. These must include:

a) Installation of a 100v line speaker system consisting of eight ceiling mounted speakers facing downward inside the marquee as detailed within sections 6.1.1 (and 5.4) and providing a maximum permitted music sound pressure level output of 71 dB(A) at one metre based on assessment conditions detailed within section 5.2.3.

b) Use of the marquee shall be prohibited between the hours of 22:00 hours and 12:00 Hours as detailed within section 2.1

This Service would also recommend an advisory note is attached to any planning permission advising a robust complaints procedure is established, including noise investigation protocol, pre-determined corrective actions and follow-up response to complainant.

ACC - Roads Development Management Team – No objections. Noted that site is within the inner city and lies within a controlled parking zone. It is also well served by footways and public transport. The Roads Team note that fifteen (15no.) parking spaces to the front would be lost and twelve (12no.) spaces would remain to the rear. There is also a disabled parking space to the rear of the building. It's noted that the marquee has been in place for some time during the pandemic to provide outdoor seating. The Roads Team considered that the site retained an acceptable level of parking and access. Access for waste storage have not been altered by the proposal. Clarification was sought on the route for a disabled customer from the parking into the premises.

Queen's Cross and Harlaw Community Council – Support the Dutch Mill in its temporary marquee application.

REPRESENTATIONS

Four hundred and seventy one (471no.) representations have been received.

Four hundred and sixty five (465no.) are in support and six (6no.) are objections.

The relevant matters raised in support are:

- a) The marquee is a good use of the space. Alternative uses of space (such as this) should be encouraged.
- b) The marquee is a non-intrusive addition to Queen's Road. Its colours would be in keeping with the Dutch Mill building.
- c) The proposal includes trees which match those outside St Joseph's and reflect the surrounding area visually.
- d) The marquee brings significant benefits to the area and city as a whole, it has been popular with locals for some time.
- e) The hospitality industry needs to be supported and allowed to flourish.
- f) This is one of few thriving businesses left in the city centre and the marquee should be allowed to remain to support that.
- g) The marquee is well run and professionally managed.
- h) Employment opportunities are created by the marquee, with numerous people currently employed.
- i) Aberdeen lacks quality venues for sports viewing/live entertainment and quality food. The Dutch Mill have upheld their great customer service standard and provided a new space for socialising. The atmosphere is also great and it is a dog friendly place. There are not many cool bars and nice places to eat and drink that are not chains.
- j) Removing the marquee would inhibit growth and investment.
- k) The marquee supports jobs and spending in the city including on local produce and there would be an impact on the economy if it were removed.
- l) Parking charges and the state of Union Street are driving people out of the city, whilst businesses owners, such as this one, are trying to build up the city.
- m) Marquee provides airy space for those who want to go out after COVID, but are uncomfortable being in a tightly packed bar.
- n) Noise impact on residents is not an issue as there is no music.

The matters raised in objection are:

- A) Existing and proposed marquees are unsightly.
- B) The marquee is plastic, of no architectural merit and is out of keeping with the character of the area, detracting from the street and building.
- C) The marquee is within a Conservation Area and in front of a category C listed building. It is built in low quality materials and is out of keeping with the character of the granite building.
- D) Loss of parking in the front garden area, which leads to illegal and anti-social parking on nearby roads. One objector cites five complaints to the Council in the last year about parking on Forest Road. Another objector cites problems with parents dropping children at school.
- E) Loss of disabled parking.
- F) Delivery vehicles need to stop on Queens Road, which has 'no waiting' restrictions, at certain times.
- G) Visibility for exiting vehicles is such that they need to be in a position half way across the pavement in order to move onto the road. If there are vehicles parked on the road, this problem is exacerbated.

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.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires the planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

National Planning Policy and Guidance

National Planning Framework 4

National Planning Framework 4 (NPF4) was given final Parliamentary approval on 11th January 2023 and is anticipated to be adopted in February 2023. The weight to be given to NPF4 prior to its adoption is a matter for the decision maker. Although NPF4 has not yet been formally adopted it has now been approved by Parliament and is, therefore, now considered to be a significant material consideration in the assessment of planning applications. The relevant provisions of NPF4 that require consideration in terms of this application are -

Historic Assets and Places
Design, quality and place
Local living and 20 minute neighbourhoods
Health and safety
Community Wealth Building

Development Plan

Aberdeen City and Shire Strategic Development Plan (2020)

The current Strategic Development Plan for Aberdeen City and Shire was approved by Scottish Ministers in September 2020 and forms the strategic component of the Development Plan. No issues of strategic or cross boundary significance have been identified.

Aberdeen Local Development Plan (2017)

Section 16 (1)(a)(ii) of the Town and Country Planning (Scotland) Act 1997 requires that, where there is a current local development plan, a proposed local development plan must be submitted to Scottish Ministers within five years after the date on which the current plan was approved. From 21 January 2022, the extant local development plan will be beyond this five-year period. Therefore, where relevant, weight should be given to paragraph 33 of the Scottish Planning Policy (2014) which states: "Where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration.

The following policies are relevant –
 D1 – Quality Placemaking by Design
 D4 – Historic Environment
 B3 - West End Offices
 T2 – Managing the Transport Impact of Development
 T3 – Sustainable and Active Travel
 T5 - Noise
 R7 – Low and Zero Carbon Buildings, and Water Efficiency

Proposed Aberdeen Local Development Plan (2020)

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

The following policies are relevant –
 VC6 – West End Area
 WB1 – Healthy Developments
 WB3 - Noise
 D1 – Quality Placemaking
 D2 - Amenity
 D6 – Historic Environment

Other Material Considerations

Chief Planner Letter: NPF4 – Stakeholder update, January 2023
 Chief Planner Letter: Stakeholder update October 2022, including in relation to supporting business during the cost crisis.
 Albyn Place / Rubislaw Conservation Area Character Appraisal

EVALUATION

Principle of Development

The site is zoned in the adopted LDP under Policy B3 – West End Office Area. The criteria within the policy relate principally to changes of use and expansion of office use within the area, however, they are relevant to this proposal as they highlight the need for proposals to respect the special historic and architectural character of the area and consider the relationship to the existing building. The marquee structure sits in front of the principal elevation of this Category C listed building, the proposal currently under consideration proposes that the marquee's frontage be set back by more than 6.5m into the site, which would reduce the visual impact within the streetscene when compared to the existing marquee. Mature trees to the east screen longer range views of the frontage of the building and much of the marquee. From the west, longer range views are partially screened by smaller evergreen trees. The clearest views of the building are from directly in front of the building and close oblique views. From these vantage points the marquee effectively conceals all of the lower part of the principal building with the first floor being partially visible. In doing so, the marquee has a detrimental impact on the character and setting of the listed building. This would be partially mitigated by the installation of trees in planters, which soften the visual impact and partially screen the marquee itself and by the viewers' awareness of the transient nature of the marquee.

Noise and protection of residential amenity is also a requirement of the policy and this is dealt with further below.

Policy VC6: West End Area is similar in relation to the proposed marquee to the policy noted above. It states that all developments must take into account existing uses and avoid undue conflict with adjacent land uses and amenity. In addition, all proposals must respect the special historic and architectural character of the West End. In considering the proposals for the temporary reduced size marquee, this should be compared to the site being used for car parking.

Policy does not permit the removal of landscaping within front garden areas, however, it is noted that in this instance the permanent use of the frontage area has for some time been car parking, whilst being currently occupied by the marquee. In considering the impact of the marquee, it is necessary to take into account the fact that the frontage area is hard surfaced and that car parking would be likely to resume when the marquee is removed. As can be seen on Google Streetview over the years the car park is well used and the visual impact of both the hard surface and the cars themselves is negative in terms of both the character of the listed building and the character of the conservation area. A vehicular route remains parallel and adjacent to the western site boundary for servicing and is used for access to the area to the rear.

In terms of impact on the listed building and conservation area a smaller marquee as proposed would still have an adverse impact as it obscures the lower part of the front of the building. It is visible from within the conservation area although trees and landscaping within adjacent plots provide some screening, especially outside the immediate environs of the site. The reduced footprint means that the marquee would be barely visible in longer distance views along Queens Road, due to trees. However, the marquee would have a negative impact on the setting of the listed building, the materials and type of structure are not of a type that would be appropriate on a permanent basis, and overall the structure is out of context with surrounding plots in the conservation area.

Policy for the West End does not indicate against the proposal in terms of use, however, the marquee would comply with the criteria relating to the historic environment as a long term feature.

Local Economy and Community Wealth Building

The Community Wealth Building policy in NPF4 encourages a model for building an economy at local, as well as wider levels. The outcomes of this are community and place benefits – to support

local employment and supply chains. Encouraging spending in local businesses and local job creation are advocated in Policy 25 within this section of the framework.

This also links in with the 'Local Living and 20 minute neighbourhood' section and Policy 15 whereby people can meet their needs within the area local to their home and easily accessible by walking or wheeling. The Dutch Mill itself would provide its service to the local residential area without the marquee, although it is noted that the marquee style venue including live viewing of sports events as one of the particular focuses of the marquee, is not something provided elsewhere within the locality.

The proposal would comply with these policies within the NPF4 and these points are raised by a large number of the writers of letters of support.

Historic Environment

The Dutch Mill lies within the Albyn and Rubislaw Conservation Area and the front garden area is a key feature in terms of impact on the setting of this category C listed building. NPF4 and Policy D4 in the LDP 2017 and D6 in the PLDP 2020 seek to protect the character of conservation areas. Proposals in or affecting conservation areas will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced. Relevant considerations include the:

- i. architectural and historic character of the area;
- ii. existing density, built form and layout; and
- iii. context and siting, quality of design and suitable materials.

As noted above the proposal, whilst not prominent in views outside the immediate locality, would not fit with the architectural and historic character of the area, in terms of its location in the front garden area, its built form and materials.

It is also worth noting that the Policy, Design and Access statement and many supporters assert that revenue from the marquee is necessary for the business to successfully navigate the current economic situation and part of this on-going success is the assurance of the continued use and maintenance of the listed building. The Chief Planner Letter October 2022 deals with support for business during the current cost crisis. This recognises the end of the measures put in place for the post-pandemic period, and the difficulties currently experienced in particular, energy costs due to Russia's illegal invasion of Ukraine and due to the severe economic upheaval being faced. Scotland's planning and development community are asked to show resilience and flexibility in reacting positively to these major challenges. Support is sought for dealing quickly with applications including those that help businesses diversify and find alternatives that will help them through the cost crisis.

The Chief Planners letter of October 2022 would therefore lend some support to the point of view, of supporters. However, in this instance it is considered that this would not outweigh the harm to the historic character of the area, that would result from approval of the proposed marquee for a three year period as sought.

Design

Compared to the existing marquee, the footprint has been reduced so that there is a gap of more than 6.5m between the marquee and granite front wall, with trees introduced in between. The appearance of the structure has been improved by the black finish, including the timber coverings to the vertical posts. The walls are glazed, with the roof in block and clear PVC. This is considered to be a higher quality appearance, with the black colour being less intrusive within the streetscene and picking out colours used for paintwork on the hotel. The marquee is easily accessible from the street and provides activity within the area. However, in considering the context of Queens Road with the regular building line formed by substantial granite buildings with deep frontages (formerly gardens), the marquee would interrupt the formality of the street, with its form being out of keeping with the architecture and alien to the pattern of development within the conservation area. Overall ,

although it complies with some aspects of the design policy, the location, form and materials would indicate that the proposal is unacceptable in terms of design and placemaking.

Access and Parking

It is noted that there is space to provide parking for disabled customers. These customers would need to enter the premises via the marquee as there is no ramped or level access from the rear with quite significant changes in levels, however, for a temporary period this is acceptable.

The site is well connected by public transport and within walking distance of homes and other visitor accommodation. There are waiting restrictions on Queens Road preventing parking between 0800 and 1800 hours Monday to Saturday, the Roads Team have not objected to the proposal and given that the rear car park is relatively small it is considered that cars exiting the car park do not present an undue safety concern.

Noise

The marquee is located next to a busy road, with residential properties to the south and properties mainly in office use to the north and a school to the east. A noise impact assessment was undertaken and assessed the impact of voices, music and pre-recorded sports events on sensitive receptors, including the closest residential property. This indicated that levels would be acceptable with the equipment recommended and with the hours of operation assumed to be between midday and ten o'clock in the evening. This could be controlled by condition and it is therefore considered that the proposal would comply with policies relating to noise in the adopted and proposed plans.

Low and Zero Carbon Emissions

It is noted that this policy does not apply to structures with a life span of less than two years or are unheated.

The matters raised in representations are covered above.

Conclusion

It is noted that the use of the front area for seating enlivens the area and contributes to the vibrancy of the City. There is also an awareness that the marquee provides seating with greater ventilation which makes some customers more comfortable, which would comply with Policy WB1 in the Proposed Plan which relates to physical and mental wellbeing.

It is further noted that hospitality industry has experienced a period of difficulty and the presence of outdoor seating has assisted venues in continuing to operate, support for such proposals being set out in the Chief Planner's letter of 11th October 2022.

Notwithstanding the foregoing, significant and overriding weight is given to the consideration that the marquee does not comply with a number of policies relating to the impact on conservation areas and listed buildings as described above. Due to its position in the front curtilage and forward of the building line of properties along Queens' Road in a location that is alien to the pattern of development in the area the proposal is considered to have a detrimental impact on the setting of the associated listed building and the character of the conservation area. Furthermore approval of the proposal would set an undesirable precedent for similar development along Queen's Road and in similar locations throughout the City. the future of historic

It is therefore considered that it would be inappropriate to allow a marquee structure to remain on site for a further period of time.

Proposed Aberdeen Local Development Plan

The Report of Examination does not affect policies in a manner that is relevant to this application. Other than where mentioned above the relevant PALDP policies substantively reiterate those in the adopted ALDP.

If Members are minded to approve the application it is recommended that conditions are attached covering the following matters: temporary permission of length to be determined by Members, noise, as per Environmental Health comments, tree species and requirements that these are installed and replaced if damaged.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

Due to the location of the structure in the frontage area of the building, its form and proposed materials, it is considered that the proposal would have an unacceptable impact on the character of the Albyn/Rubislaw Conservation Area and the setting of the category C listed building. Approval of the proposal would set an undesirable precedent for similar development along Queen's Road and in similar locations throughout the City. It is concluded that these considerations outweigh the benefits to the business, local economy, and community. In the context of Covid-19 social distancing requirements being eased and hospitality venues returning to full capacity, it is considered that there is no longer any compelling justification for this development that can outweigh the identified conflict with the Development Plan.

The proposal would be contrary to Policy D4: Historic Environment and D1: Quality Placemaking and Design in the adopted Aberdeen Local Development Plan 2017 and to Policies D6: Historic Environment D1: Quality Placemaking in the Proposed Aberdeen Local Development Plan 2020 and the Revised Draft National Planning Framework 4, which is a significant material consideration.

ABERDEEN CITY COUNCIL

COMMITTEE	Planning Development Management
DATE	09 February 2023
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Draft Aberdeen Planning Guidance: Resources for New Development
REPORT NUMBER	PLA/23/046
DIRECTOR	Gale Beattie
CHIEF OFFICER	David Dunne
REPORT AUTHOR	Abigail Burrows / Donna Laing
TERMS OF REFERENCE	5. Adopt non-statutory planning management guidance

1. PURPOSE OF REPORT

- 1.1 This report presents a draft Aberdeen Planning Guidance (APG) on Resources for New Development. The report seeks approval to undertake public consultation on the document, with the results of the consultation and any revisions to the document reported back to Full Council for approval before December 2023, as part of a wider report on all current guidance documents to support the Aberdeen Local Development Plan 2023.

2. RECOMMENDATION(S)

That the Committee: -

- 2.1 Approve the content of the draft Aberdeen Planning Guidance: Resources for New Development (Appendix 1) and adopt the draft document as Interim Planning Advice from the date of adoption of the Aberdeen Local Development Plan 2023;
- 2.2 Instruct the Chief Officer - Strategic Place Planning to, subject to any minor drafting changes, publish the draft Aberdeen Planning Guidance: Resources for New Development document for a six week period of public consultation, and for this consultation to be undertaken at the same time as the public consultation exercise on a number of associated Supplementary Guidance and Aberdeen Planning Guidance documents instructed by Council on 14 December 2022;
- 2.3 Instruct the Chief Officer – Strategic Place Planning to report the results of the public consultation and any proposed revisions to the draft Guidance on Resources for New Development to Council before December 2023 as part of

the wider post-consultation report on all current draft guidance documents to support the Aberdeen Local Development Plan 2023; and,

- 2.4 Instruct the Chief Officer – Strategic Place Planning to consult the Strategic Environmental Assessment (SEA) Gateway on the associated SEA Screening Report for the draft Aberdeen Planning Guidance document: Resources for New Development, and to publicise the result of the Screening Determinations on the Council’s website.

3. CURRENT SITUATION

Background

- 3.1 The Local Development Plan (LDP) focuses on the vision, spatial strategy and key policies and proposals for the future development of Aberdeen. Supporting guidance in connection with the Local Development Plan is used to provide more detail on how LDP policies and proposals will be implemented. The draft Aberdeen Planning Guidance on Resources for New Development presented in Appendix 1 would, upon adoption, form non-statutory guidance to support the LDP. Whilst not part of the statutory development plan, non-statutory guidance documents can nevertheless be treated as a material consideration in planning decisions and are a more flexible type of guidance which can be more readily prepared and updated to reflect changing circumstances.
- 3.2 The 2017 Local Development Plan was accompanied by a suite of policy-based Supplementary Guidance documents that were grouped into seven topic areas (Townscape and Landscape; Modifications to Existing Buildings; Retail and Commercial; Planning Obligations, Affordable and Specialist Housing; Transport, Air Quality and Noise; Natural Environment; and Resources). Under current planning legislation, these Supplementary Guidance documents are only valid for the lifespan of the 2017 Local Development Plan. As such, these documents will ‘fall’ when the new 2023 Local Development Plan is formally adopted, and it will no longer be possible to take them into account in planning decision making. The 2017 Supplementary Guidance will therefore need to be replaced with a new suite of supporting guidance for the 2023 Local Development Plan, including the planning guidance for Resources for New Development. This draft Aberdeen Planning Guidance document would, if approved, replace the 2017 Supplementary Guidance on Resources for New Development.

Relationship to Building Standards

- 3.3 As explained within Report COM/22/284 to Full Council on 14 December 2022, finalisation of the draft APG: Resources for New Development has been dependent on the publication of updated Scottish Building Standards technical guidance from Scottish Government.

- 3.4 The draft APG: Resources for New Development provides guidance considering various aspects integral to the design and functioning of new developments, including energy efficiency and water use efficiency in new developments. Scottish Building Standards provide specifications concerning numerous aspects of the design and construction of new developments. Notably, Sections 6 and 7 of the Scottish Building Standards Technical Handbooks, entitled 'Energy' and 'Sustainability' respectively, contain guidance regarding energy efficiency, and water use efficiency standards. Specifications within these sections have been used to inform the guidance regarding energy use in buildings within the draft APG: Resources for New Development.
- 3.5 In December 2022, the Scottish Government's Building Standards division revealed plans to publish new Technical Handbooks for Domestic and Non-Domestic buildings. The adoption of these new handbooks was subsequently implemented from 01 February 2023. Considering the weight of influence that the Scottish Building Standards Technical Handbooks convey within the draft APG on Resources for New Development, it was considered pertinent and resource efficient to postpone any public consultation on the draft document until the Building Standards Technical Handbooks of December 2022 had been implemented. As such, this draft Aberdeen Planning Guidance was not included alongside the previous suite of guidance documents presented to Council on 14 December 2022.
- 3.6 The update of the Building Standards Technical Handbooks contains heightened requirements for the reduction of carbon dioxide emissions in new developments. The contents of the draft APG: Resources for New Development refers to the standards outlined within the latest Building Standards Technical Handbooks. This ensures that the energy requirements for new developments in the draft Aberdeen Planning Guidance are aligned with national standards. Additionally, this will enhance citywide efforts towards achieving Aberdeen's carbon emission reduction goals outlined in the Net Zero Aberdeen Routemap. The increased energy efficiency requirements for all new development in Aberdeen will deliver progress in the tackling challenges identified under the Net Zero Aberdeen Routemap theme: Buildings and Heat.

Key Changes from the previous Supplementary Guidance 2017

- 3.7 The key changes featured within the draft APG: Resources for New Development when considered against the equivalent 2017 Supplementary Guidance on Resources for New Development include updated requirements concerning water use efficiency and energy efficiency in new developments. The updated APG also features a new 'Sustainability Checklist' that highlights objectives and considerations to be addressed throughout the design stages of new developments. This covers four broad categories (Water Efficiency; Energy Efficiency; Design; and Climate Resilience) and ensures applicants of new developments afford greater consideration to the sustainability of the developments. These changes within the updated APG seek to improve the energy efficiency and sustainability of all new developments in Aberdeen, contributing to the reduction of citywide carbon dioxide emissions.

Consultation

- 3.8 In order to make the best use of Council resources and to undertake a more straightforward consultation exercise for the public, it is intended, subject to approval, that the draft Aberdeen Planning Guidance: Resources for New Development document accompany and be part of the wider public consultation exercise on the suite of draft Supplementary Guidance and Aberdeen Planning Guidance documents already approved for public consultation by Council on 14 December 2022.
- 3.9 The 6-week period of public consultation proposed would commence in early 2023. The consultation documents will be made available for inspection online in accordance with relevant legislation. The consultation will also be publicised through means such as newspaper notice, the Local Development Plan newsletter, and the Council's website and social media platforms. Interested parties will be encouraged to submit comments via the Council's consultation hub (Citizen Space). All comments will be reviewed and taken into account to help formulate a final version of the Aberdeen Planning Guidance: Resources for New Development. Subject to approval, and to ensure a consistent resource efficient and simpler process, Recommendation 2.3 of this report recommends that any comments on the draft Aberdeen Planning Guidance: Resources for New Development will be reported back to Members at the same time as Officers report back on the suite of other supporting documents approved under report COM/22/284 to a future Council meeting before December 2023.
- 3.10 In order to avoid any gap in planning guidance until final versions are reported back to Members for approval, Members are also asked to adopt the draft Aberdeen Planning Guidance: Resources for New Development as Interim Planning Advice from the date of adoption of the 2023 Local Development Plan, as has been agreed for all other similar documents per report COM/22/284 to Full Council.

4. FINANCIAL IMPLICATIONS

- 4.1 The cost of preparing and consulting on the document can be met through existing budgets.
- 4.2 As a major landowner in the City, proposals for the development of land and assets owned by Aberdeen City Council and any planning applications for development undertaken by or on behalf of the City Council will, where applicable, be subject to assessment against the proposed Aberdeen Planning Guidance. This may have financial implications for the Council as a developer.

5. LEGAL IMPLICATIONS

- 5.1 There are no direct legal implications arising from this report. Whilst the proposed Aberdeen Planning Guidance will not form part of the statutory development plan, it is important that guidance on this topic is retained in a new non-statutory form. The document will be a material consideration to inform decisions on future planning applications in Aberdeen. Any person who is aggrieved by the content of the final adopted Aberdeen Planning Guidance may submit an application to the Court of Session to question its validity and to request that it be quashed in whole or in part.

6. ENVIRONMENTAL IMPLICATIONS

- 6.1 The draft Aberdeen Planning Guidance: Resources for New Development has been subject to a Strategic Environmental Assessment (SEA) screening process in accordance with relevant legislation, and the SEA screening reports will be subject to consultation with statutory consultation bodies.
- 6.2 A Habitats Regulations Appraisal (HRA) is not required for the Draft Guidance on Resources for New Development as it does not specifically recommend any actions or projects.
- 6.3 The proposal in this report anticipates positive environmental implications. The draft Aberdeen Planning Guidance: Resources for New Development presents requirements for all new developments to improve the water efficiency, and energy efficiency within new developments, additionally it contains a 'Sustainability Checklist' for all new development applicants to consider. The requirements specified in the guidance will assist in the reduction of carbon dioxide emissions from new development in Aberdeen, contributing to Aberdeen City's target goal of reaching net zero carbon emissions by 2037.

7. RISK

Risk Appetite

- 7.1 The assessment of risk contained within the table below is considered to be consistent with the Council's Risk Appetite Statement.

Category	Risks	Primary Controls/Control Actions to achieve Target Risk Level	*Target Risk Level (L, M or H) *taking into account controls/control actions	*Does Target Risk Level Match Appetite Set?
Strategic Risk	Ensuring this Aberdeen Planning	Adopt this draft Aberdeen Planning Guidance on an	L	Yes

	Guidance is up to date and relevant to coincide with adoption of the new Local Development Plan.	interim basis following adoption of new Local Development Plan. Ensure that robust and transparent consultation is undertaken in a timeous manner on the draft guidance documents, and ensure that final versions of the guidance are adopted timeously.		
Compliance	Ensuring that current adopted Supplementary Guidance is replaced with new Aberdeen Planning Guidance to comply with relevant planning legislation.	Adopt draft Aberdeen Planning Guidance on an interim basis following adoption of new Local Development Plan. Ensure that robust and transparent consultation is undertaken in a timeous manner on the draft guidance documents and ensure that final versions of the guidance are adopted timeously.	L	Yes
Operational	Ensuring this Aberdeen Planning Guidance is timeously published and adopted to support the new Local Development Plan and avoid delays in the issuing of planning application determinations.	Adopt this draft Aberdeen Planning Guidance on an interim basis following adoption of new Local Development Plan. Ensure that robust and transparent consultation is undertaken in a timeous manner on the draft guidance document, and ensure that the final version of the guidance is adopted timeously.	L	Yes
Financial	Not having timeously published and adopted this	Adopt this draft Aberdeen Planning Guidance on an interim basis following	L	Yes

	supporting guidance for the new Local Development Plan could lead to uncertainty at planning application stage and potentially lead to more staff time being spent processing applications.	adoption of new Local Development Plan. Ensure that robust and transparent consultation is undertaken in a timeous manner on the draft guidance document, and ensure that the final version of the guidance is adopted timeously.		
Reputational	The planning authority has consistently reviewed the Local Development Plan and supplementary guidance within the statutory review period. Failure to continue this could damage the Council's reputation as a planning authority.	Adopt this draft Aberdeen Planning Guidance on an interim basis following adoption of new Local Development Plan. Ensure that robust and transparent consultation is undertaken in a timeous manner on this draft guidance document, and ensure that the final version of the guidance is adopted timeously.	L	Yes
Environment / Climate	Ensuring that planning frameworks take into consideration the relevant environmental and climate change legislation at the point of their development and production.	Ensure that robust and transparent consultation with statutory agencies is undertaken on the draft guidance document. Carry out Strategic Environmental Assessment Screening Reports for the draft guidance document.	L	Yes

8. OUTCOMES

<u>COUNCIL DELIVERY PLAN 2022-2023</u>	
Impact of Report	
<p>Aberdeen City Council Policy Statement</p> <p><u>Working in Partnership for Aberdeen</u></p>	<p>The proposal within this report supports the delivery of the following aspects of the policy statement: ‘Building a Greener and More Sustainable City’</p> <ul style="list-style-type: none"> • Work with partners to deliver a just transition to net zero and plan to make Aberdeen a net-zero city by no later than 2037, and earlier if that is possible. • Continue to reduce the carbon footprint of the Council’s building estate and vehicle fleet and adopt an “environment first” approach to all new Council building projects, seeking to maximise the energy efficiency of, and minimise the carbon footprint of, new buildings and investigate the feasibility of generating energy by installing ground source heat pumps in Council owned open spaces
<u>Aberdeen City Local Outcome Improvement Plan 2016-26</u>	
Prosperous Economy Stretch Outcomes	Supports delivery of Stretch Outcome 1 by supporting the production of more energy efficient housing developments that will help reduce fuel poverty for residents.
Prosperous People Stretch Outcomes	Supports delivery of Stretch Outcomes 4 and 11 by providing guidance to reducing city-wide carbon dioxide emissions from new developments, resulting in improved air quality that supports the health of Aberdeen citizens.
Prosperous Place Stretch Outcomes	Supports delivery of Stretch Outcome 13 by providing guidance to ensure that all new developments in Aberdeen are designed to achieve high standards of energy efficiency, reducing the city’s overall carbon dioxide emissions.
Regional and City Strategies	The proposal within this report supports the emerging Aberdeen Local Development Plan 2023 by ensuring that all new developments are designed to minimise resource demand and incorporate energy and water efficiency measures.

9. IMPACT ASSESSMENTS

Assessment	Outcome
Integrated Impact Assessment	Full impact assessment not required.
Data Protection Impact Assessment	Not required.
Other	N/A.

10. BACKGROUND PAPERS

10.2 [Proposed Aberdeen Local Development Plan 2020](#)

10.3 [Supplementary Guidance: Resources for New Development](#) (2017)

10.4 [Building Standards Technical Handbook: Domestic](#) (December 2022)

10.5 [Building Standards Technical Handbook: Non-Domestic](#) (December 2022)

10.5 [COM/22/284: Aberdeen Local Development Plan 2023 – Draft Aberdeen Planning Guidance and Supplementary Guidance](#)

11. APPENDICES

11.1 Appendix 1 – Draft Aberdeen Planning Guidance 2023: Resources for New Development

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Aberdeen Planning Guidance 2023: Resources for New Development (DRAFT)

1 Introduction	Page 2
1.1 Status of Aberdeen Planning Guidance	Page 2
1.2 Introduction to Topic / Background	Page 2
1.3 Climate Change	Page 2
2 Aberdeen Planning Guidance	Page 4
2.1 Density	Page 4
2.2 Energy Use in Buildings	Page 4
2.3 Layout, Orientation, Shelter, and Aspect	Page 5
3 Water Use Efficiency	Page 6
3.1 Policy	Page 6
4 Energy Efficiency in Buildings	Page 7
4.1 District Heating	Page 7
4.2 Policy Requirement Low and Zero Carbon Generating Technologies	Page 9
4.2.1 Legislation	Page 9
4.2.2 Development Plan Context	Page 9
4.2.3 Building Standards Context	Page 9
4.2.4 Implementation	Page 10
4.3 Instances When Policy Will Be Relaxed	Page 12
4.3.1 Justification	Page 12
4.4 Pre-Application Discussions	Page 13
5 Sustainability Checklist	Page 13
Appendices	
Appendix A: Sustainability Checklist for Major Developments	Page 16
Appendix B: Sustainability Checklist for Minor Developments	Page 23
Appendix C: Sustainability Checklist for Householder Developments	Page 28

1. Introduction

1.1 Status of Aberdeen Planning Guidance

This Aberdeen Planning Guidance (APG) supports the Development Plan and is a material consideration in the determination of planning applications.

This APG expands upon the following Aberdeen Local Development Plan policies:

- Policy R6 – Low and Zero Carbon Buildings, and Water Efficiency

1.2 Introduction to Topic / Background

This Aberdeen Planning Guidance focuses on policy requirements regarding water efficiency and the use of low and zero carbon generating technologies in the production of new developments. The guidance draws together a range of factors that can help to minimise resource use. This guidance requires the completion of a checklist to ensure compliance with a range of factors that will increase the sustainability of new development. The requirements and further guidance for each topic is set out below and checklists are contained in Appendix 1, 2 and 3.

1.3 Climate Change

Energy required for the development and functioning of new buildings has a severe impact on climate change. Careful consideration of resources for new builds can drastically transform the sustainability of developments in Aberdeen. The United Nations Sustainable Development Goals encourage increased use of sustainable technology to enhance the efficiency of new developments, as identified in Goal 7: Affordable and Clean Energy, Goal 9: Industry, Innovation, and Infrastructure, and Goal 13: Climate Action.

In response to the global climate emergency the Scottish Government has committed to the target of reaching net zero national carbon emissions by 2045, and through collaborative working, a city target of net zero by 2037 has

been set. Ensuring all new developments are designed with minimal resource usage and low energy consumption will have a lasting impact on the sustainability of new developments in Aberdeen. Delivering an integrated response to the global climate emergency, this APG aligns with Aberdeen’s wider application of net zero targets.

Aberdeen Adapts 2022, identifies ‘Buildings and Infrastructure’ as a priority area for securing climate adaptation in Aberdeen. This includes objectives to increase resilience for energy, water, and communications through collaboration, forward thinking and innovation; and to embed climate resilience into planning, design, upgrade, and policy for buildings and infrastructure. Additionally, the Net Zero Vision for Aberdeen 2020, objective 2: ‘Accelerating Transition Demand’ indicates Aberdeen’s ambition to invest in assets that deliver energy and carbon savings in homes and businesses across all sectors. Providing infrastructure that supports the transition to a low carbon future will be instrumental in creating a climate positive city, this is further outlined in Aberdeen’s Strategic Infrastructure Plan 2020.

Additionally, the Net Zero Aberdeen Routemap 2022 is accompanied by six enabling strategies, one of which is the ‘Buildings and Heat Strategy’, that aims for: reduced greenhouse gas emissions to net zero by 2045, through rapid decarbonisation across all sectors with many changes to the ways in which both power and heat is generated and used. Another is the ‘Energy Supply Strategy’, which includes the aim: to develop affordable low-carbon energy choices for our citizens and use our strengths as a global energy capital to put ourselves at the front of the energy transition; focusing on developing globally recognised centres of excellence for green hydrogen and offshore wind. As such, resource and energy use in new developments is a major component within Aberdeen’s journey to net zero.

2. Aberdeen Planning Guidance

2.1 Density

Policy H3: Density, requires that all housing developments larger than 1 hectare achieve a net density of no less than 50 dwellings per hectare. The planning for this should take into consideration the sites characteristics and the surrounding area. Higher densities may be appropriate in central locations whereas lower densities may be more appropriate in other areas of a development providing the overall site meets the minimum requirement. Achieving higher density development can help to reduce travel distances and will improve the ability to support local services and facilities.

2.2 Energy Use in New Buildings

Climate change, energy insecurity, and rising fuel poverty are key challenges for Scotland now and for the foreseeable future. The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 has amended the Greenhouse Gas emissions targets of the 2009 Act, to reduce Scotland's emissions to net-zero by 2045 at the latest, with interim reduction targets of a 75% reduction by 2030 and 90% reduction by 2040. This covers the basket of six greenhouse gases recognised by the United Nations Framework Convention on Climate Change and includes Scotland's share of emissions from international aviation and international shipping.

Around 15% of Scotland's total greenhouse gas emissions come from energy use in the residential sector. In Aberdeen City, housing makes up 34% of the City's carbon footprint, which is 4.2 tonnes CO₂ per capita. The Local Development Plan provides significant housing and employment allowance: 13,609 homes and 175 hectares of employment land to 2040 for Aberdeen City.

Requiring new buildings to meet more stringent energy standards will lessen their environmental impact, make them more affordable to heat, lessen our dependence on imported energy, and support a domestic market for low and zero carbon generating technologies.

2.3 Layout, Orientation, Shelter, and Aspect

Good, careful design at the outset will minimise the total energy demand for the lifetime of a development. Natural light is important to amenity as it ensures a pleasant and healthy place. In the initial design stages, consideration should be given to the orientation of the proposal so that it can benefit from the most natural light. Natural light is also beneficial in reducing energy demand by providing passive heating and lighting for the lifetime of the development.

Climate change, energy insecurity and rising fuel poverty are key challenges for Scotland now and for the foreseeable future. Design considerations for a development as a whole and for the individual buildings will help to increase the efficiency of energy use. For example, simply changing the orientation of a proposed building to maximise solar gain can make improvements to energy performance.

Development layout design should maximise the potential for passive solar gain with public rooms facing south, or within 30 degrees of south. Where possible development should also maximise the use of south facing slopes to make use of solar gain.

Assessment of site topography and shelter from prevailing winds is also an important consideration in the siting of development. Site layouts that enable shelter from cold winds should be applied, particularly useful will be tree planting across the north of a site to protect against cold northerly winds. The use of trees combined with planting and fencing

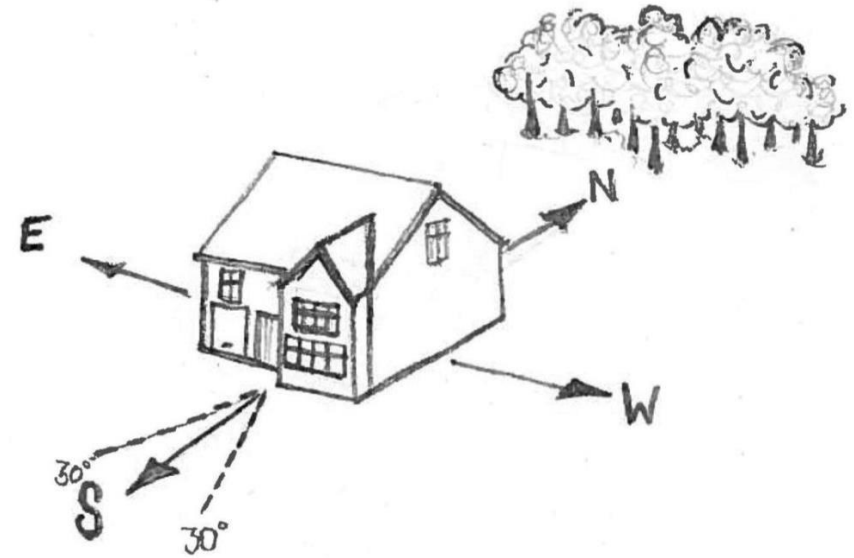


Figure 1: Diagram explaining shelter

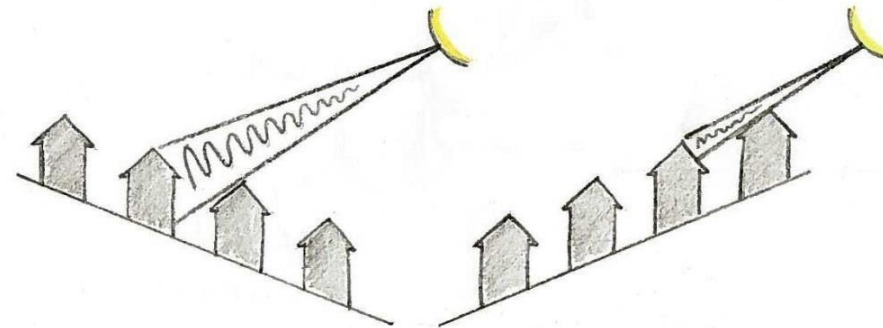


Figure 1: Diagram explaining aspect

provides some degree of wind shelter. Trees should attain a similar height to the building and planted 1 to 3 times height away or 3 to 4 if solar access is required

To utilise solar energy new developments should take maximum advantage of south facing slopes. A Landscape and Visual Impact Assessment and Environmental Impact Assessment will ensure the context opportunities are known at the start of the process.

3. Water Use Efficiency

Making more efficient use of water is important in improving the sustainability of Aberdeen and the North East, particularly with the forecasts for population and economic growth. Water efficiency and conservation is important in adapting to climate change, and in protecting wildlife and natural resources. This is of particular relevance in Aberdeen where most water is currently abstracted from the River Dee, which is a Special Area of Conservation (a European Protected Site). Managing the use of water and increasing water efficiency is vital for new development and existing buildings.

3.1 Policy

In order to mitigate these concerns, the Local Development Plan policy for water use efficiency has been set in Policy R6: Low and Zero Carbon Buildings, and Water Efficiency. It seeks to ensure that all new buildings minimise the use of water and do not place unnecessary pressure on the River Dee.

Water use can be reduced in buildings through various measures including the following:

- Rainwater harvesting
- Grey water re-use
- Aeration of water from taps to reduce consumption and flow rate
- Dual flushes and reduced flow rates for toilets

- Water saving appliances, such as dishwashers and washing machines

The minimum level of water efficiency to be achieved for domestic building is the 'Gold' Level Sustainability performance identified in Building Standards Technical Handbook December 2022. A BREEAM rating of 'Excellent' should be achieved by non-domestic (commercial) buildings.

To monitor this, it will be expected that conditions will be placed on planning permission, requiring developers to submit evidence of achieving either the building standards Sustainability Label (for domestic), or the BREEAM (for non-domestic) at the appropriate level for that period. Limited exceptions may apply but all proposals must at least meet the standards established through the current Building Regulations.

At planning application stage, it will be necessary to submit the checklist in the Appendix. (Sustainability Checklist) to show the development will comply with this requirement.

4. Energy Efficiency in Buildings

4.1 District Heating

District heating is a means for delivering heat to multiple buildings from a central energy centre. The energy centre would contain a heating plant, top up and back up boilers a heat store and circulation pumps. New development does not necessarily have to provide a new energy centre and may be able to connect to an existing district heating scheme or make use of locally available waste heat.

A heat map has been prepared for Aberdeen City to identify the potential links in the network that could be considered, and further guidance will be contained in Aberdeen Planning Guidance: Heat Networks and Energy Mapping. The use of district heating can offer a lower heat price than using individual boilers or electrical heating and by combining heat and power generation fuel can be used more efficiently. Overall, a reduction in carbon emissions can be achieved through the use of district heating.

Larger developments that have a mix of both housing and business or include large energy users such as schools and swimming pools will provide a continued heat demand throughout the whole day. For this type of development, the use of decentralised and local renewable or low carbon sources of heat and power becomes more viable, and for combined heat and power plants this continued heat demand will ensure continued electricity generation.

There are a number of larger mixed use allocations in the Local Development Plan and this provides an opportunity to make use of these technologies to achieve greater CO2 savings.

During the process of preparing masterplans for larger mixed use developments developers will be required to carry out a feasibility study of the potential for renewable and low-carbon energy solutions across the site, for example, the potential to make use of decentralised combined heat and power using a renewable fuel source. This may result in an opportunity to make greater CO2 savings than required by Policy R6. In terms of residential developments this should cover developments of 500 units or more that include other uses than solely housing.

For sites where a decentralised energy scheme is commercially viable, and it is the preferred option, it will be important to consider the build programme and at which stage in the development the energy scheme will become viable. It will not always be feasible to implement the full decentralised energy scheme, using renewable fuel, designed to serve the whole development for the first phase of development because the projected heat load will not exist to support the plant.

In the case that development will, once complete, make use of a decentralised heating or combined heat and power plant, and it has been calculated that, on completion of the development, there will be additional CO2 savings above those required by Policy R6, flexibility in the application of policy should be applied to the earlier phases that make use of temporary sources of heat. For example, installing a temporary small scale gas powered decentralised energy plant in advance of providing a larger scale renewable fuel powered decentralised energy plant.

4.2 Policy Requirement Low and Zero Carbon Generating Technologies

4.2.1 Legislation

Section 72 of the Climate Change (Scotland) Act 2009 requires Local Planning Authorities to “include policies requiring all developments in the local development plan area to be designed so as to ensure that all new buildings avoid a specified and rising proportion of the projected greenhouse gas emissions from their use, calculated on the basis of the approved design and plans for the specific development, through the installation and operation of low and zero carbon generating technologies.”

4.2.2 Development Plan Context

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires decisions on planning applications to be made in accordance with the Development Plan unless material considerations indicate otherwise. Upon adoption of the Aberdeen Local Development Plan in 2023, the Development Plan for Aberdeen will be comprised of National Planning Framework 4, the Aberdeen Local Development Plan 2023 and associated Aberdeen Planning Guidance.

National Planning Framework 4:

Policy 2 ‘Climate Mitigation and Adaption’ aims to encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change. Resultantly, emissions from development are minimised and our places are more resilient to climate change impacts.

Local Development Plan:

Policy R6 states that “All new buildings will be required to demonstrate that a proportion of the carbon emissions reduction standard set by Scottish Building Standards will be met through the installation of low and zero carbon generating technology”.

4.2.3 Building Standards Context

The Building Standards Technical Handbook December 2022: Domestic Buildings and Building Standards Technical Handbook December 2022: Non-domestic Buildings, Section 6: Energy was implemented on 1 February

2023. Section 6.1 Energy demand and carbon dioxide emissions focuses on the reduction of energy demand and associated greenhouse gas emissions arising from the use of heating, hot water, lighting, ventilation, and cooling systems in a new dwelling or building and large extension in a non-domestic setting. The mandatory standard 6.1 C states that every building must be designed and constructed in such a way that it is a nearly net zero building. The definition of nearly zero, as cited within the Building Standards Technical Handbook's is, "a building that has a very high energy performance where the 'nearly zero' or very low amount of energy required by the building should be covered, to a very significant extent, by energy from renewable sources, produced on site or nearby". Energy from renewable sources is further defined as "energy from renewable non-fossil sources, namely wind, solar, aero-thermal, geothermal, hydrothermal and ocean energy, hydropower, biomass, landfill gas, sewage treatment plant gas and biogases. In this context, current and ongoing decarbonisation of grid electricity is also now considered to contribute as a renewable source".

Building Standards Section 7: Sustainability makes reference to where Building Standards and Planning crosscut in relation to the obligations under Section 72 of the Climate Change (Scotland) Act 2009, they do so under Bronze Active Level and Silver Active level for both domestic and non-domestic buildings.

Policy R6: Low and Zero Carbon Buildings, and Water Efficiency of the Aberdeen Local Development Plan asks for a proportion of the carbon emissions reduction standard set by Scottish Building Standards will be met through the installation and operation of low and zero carbon generating technology. The implementation of this is outlined below.

As Aberdeen City has a Net Zero Target date of 2037, rather than the national target of 2045, consideration must be given as to how this will be achieved.

4.2.4 Implementation

For developments, the target is to at least meet the current Scottish building regulations' Target Emissions Rate (TER) and achieve the sustainability rating 'Gold' level for carbon dioxide reduction and energy efficiency, including through the installation of low and zero carbon generating technologies.

For non-domestic properties, Aspect Gold level 1: Carbon dioxide emissions is required to be achieved and includes the use of a low and zero carbon generating technology.

30% of the carbon dioxide emissions reduction standard set by the Scottish Building Standards Technical Handbooks December 2022, is to be met through the installation and operation of low and zero carbon generating technologies.

The equipment may be attached to the building or within the site boundary as shown on the planning application. This allows for the low and zero carbon generating technologies to benefit more than one building and being sited to maximise energy gain. The technologies eligible to meet the requirements of the policy are set out in Table 1. Additionally, consideration should be given to storage of surplus energy.

Table 1: Eligible Zero and Low Carbon Generating Technology

Biomass	Solar power	Air source heat pumps
Fuel cells	Photovoltaics	Combined heat and power
Micro-hydro	Ground source heat pumps	Heat exchange recovery systems
Micro-wind	Water source heat pumps	Geothermal
Solar Thermal	Passive flue gas heat recovery devices	District Heating

Applicants should consider how to meet the requirements of this guidance at an early stage of planning. It will be the responsibility of applicants to provide the necessary technical calculations in support of planning applications to demonstrate how the proposed development will satisfy the requirements of this guidance.

The policy target is specific to CO2 emissions from the energy performance. The assessment approach in this guidance therefore relates directly to this.

In order to demonstrate the appropriate reduction in CO2 emissions as a result of low and zero carbon generating technologies, the Standard Assessment Procedure energy rating (SAP) is required for dwellings and the Simplified Building Energy Model (SBEM) for all other developments. Other Dynamic Simulation Software may be used if agreed with the council.

4.3 Instances When Policy Will Be Relaxed

National planning policy states that energy efficiency is a vital component in achieving low carbon places. The Council recognises that developments such as Passive Housing aim to reduce their energy consumption significantly rather than installing LZCGT. Development will therefore be deemed to have complied with the requirement to install LZCGT if it can be demonstrated that the development will achieve a CO2 saving 15% greater than required by the current Building Standards (the minimum standard is likely to change over the lifetime of the APG as Building Standards are increased).

4.3.1 Justification

Section 44 of the Climate Change (Scotland) Act 2009 seeks to ensure that public bodies act in the way best calculated to contribute to the delivery of the carbon reduction targets and carry these out in the most sustainable way. In addition, the Net Zero Aberdeen Routemap identifies 'Buildings and Heat' as a strategic aim that seeks to reduce greenhouse gas emissions to net zero by 2045, with rapid decarbonisation across all sectors including many changes to the ways in which both power and heat is generated and used.

It is accepted that the most sustainable way in which the carbon emissions from new buildings can be saved is through improving the energy efficiency of the building. By reducing the energy demand of a building in the first instance, as far as is practicable, it becomes more feasible to then provide the lower energy requirements through low and zero carbon generating technologies.

By allowing the relaxation of policy, if a greater CO2 saving can be achieved, the Council will make a greater contribution towards the delivery of the Scottish Government's carbon reduction targets and achieve progress towards Aberdeen City's net zero targets.

4.4 Pre-Application Discussions

The installation of LZCGT can raise additional issues which need to be tackled at an early stage in planning a development. As an example, ground source heat pumps (which are one of the eligible technologies listed in Table 1), can cause significant damage to trees. Where trees are present on, or adjacent to the site where associated pipes are to be buried, a tree survey should be submitted along with the application highlighting the likely impact of the excavation works on the tree(s) and any mitigation proposed. The impact the excavation works and installation are likely to have on local hydrology should also be investigated.

Notably, there may be potential noise impacts on the amenity of the surrounding area from the installation of LZCGT, therefore a Noise Impact Assessment may be required to be submitted.

Micro-hydro schemes may require authorisation from SEPA under the Water Environment (Controlled Activities) (Scotland) Regulations 2005.

Before submitting your planning application, we encourage you to discuss your proposal with us. We can advise you of your project's compliance with planning policies and on detailed design matters. See our [pre-application advice service](#).

5. Sustainability Checklist

The Checklists provide a list of sustainability objectives and aspirations that should be considered at various stages of development. This document is designed to provide guidance on Aberdeen City Council's expectations for new development when applying local plan policies, in line with national planning policy. The purpose of the APG is to guide development. We do not intend to make the process burdensome; therefore, the submission of information should be proportionate and relevant to the development proposed.

The checklists reflect objectives for new developments across four broad categories (Water Efficiency; Energy Efficiency; Design; and Climate Resilience) and set out what applications are expected to deliver or are encouraged to consider through the design process. Not all requirements will be suitable for every development. If a 'requirement' is not relevant for the development, this can be explained within the 'evidence' section of the checklist.

The applicant is expected to complete and submit the relevant checklist with their planning application for validation. Separate checklists are provided for different applications. You can submit further information through statements/reports, but you should also complete the checklist. Given these issues should be considered from the outset of a project the checklist should be submitted with outline planning permission applications, with the information provided proportionate to the matters for consideration. Equally, with an approval of matters specified in conditions, and detailed planning permission applications, the checklist would need to be submitted to consider the matters to be determined. The relevant checklist should also be submitted with pre-application advice requests.

The checklists are generally aimed at new build residential and commercial development. However, applications for 'Householder' development are encouraged to consider the Householder checklist to inform important early decisions and to influence their project.

Sustainable construction and design should be considered from the outset of a project, these checklists offer a starting point in the bid to reduce carbon emissions. Application submissions should endeavour to demonstrate how these points have been considered. Incorporating these considerations will add value to new developments, benefitting users of the sites and sustainably securing the longevity of new developments.

The overarching purpose of the planning system is to contribute to the achievement of sustainable development. Several policies and documents set out requirements to assist in achieving this; however, the collective implementation of all policy documents and strategies are what will ensure that Aberdeen is genuinely delivering sustainable development.

Appendix 1 is for Major Applications, and should be used on applications which meet the following criteria:

- Residential: 50 or more dwellings / 2 hectares or more

- Commercial: 10,000m² or more floorspace / 2 hectares or more

Appendix 2 is for Minor Applications, and should be used on applications which meet the following criteria:

- Residential: up to 49 dwellings
- Commercial: under 9.999m² floorspace / less than 1.99 hectare

Appendix 3 is for Householder Applications and should be used on applications for the following:

- Alteration or extension of a single house
- Works within the boundary/garden of a house

Where a particular requirement is not applicable for an application, the reason for this should be described in the Evidence column.

Appendices

Appendix A: Sustainability Checklist for Major Developments

WATER EFFICIENCY				
	Requirements	Met	Evidence	Policies and Relevant Documents
Limit Use and Re-Use	Residential units will seek to ensure developments are designed to minimise water consumption rates in each household.	<input type="checkbox"/>		NPF4: Policy 1: Tackling the climate and nature crisis Policy 2: Climate Mitigation and Adaptation Policy 22: Flood Risk and Water LDP: NE4: Our Water Environment R6: Low and Zero Carbon Buildings, and Water Efficiency APG: Flooding, Drainage and Water Quality Resources for New Developments Other: Scottish Water, "Standard Advice Note and Process Guidance:
	Additional Sustainability Questions	Yes / No / NA	Evidence	
	Have water efficient appliances been included?			
	Has the Scottish Water "Surface Water Policy" document been consulted?			
	Can water recycling systems be implemented on site?			
	Is rainwater harvesting possible, if so, has it been implemented on site?			

				Surface Water Policy”
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ENERGY EFFICIENCY				
Efficiency	Requirements	Met	Evidence	Policies and Relevant Documents
	Seek to limit CO2 production to the minimum possible (operational and embodied carbon).	<input type="checkbox"/>		NPF4: Policy 1: Tackling the climate and nature crisis Policy 2: Climate Mitigation and Adaptation Policy 11: Energy Policy 19: Heating and Cooling LDP: R6: Renewable and Low Carbon Energy Developments APG: Resources for New Developments
	Achieve a ‘Gold’ standard sustainability level referred to in section 6.1 of the Building Standards Technical Handbook (December 2022).	<input type="checkbox"/>		
	Additional Sustainability Questions	Yes / No / NA	Evidence	
	Have energy efficient materials been considered and implemented for the construction of the development?			
	Could the development be equipped with smart meters?			
	If the home/commercial property will have built in appliances, will these be selected with energy efficiency in mind?			
	Will the development produce a positive / high energy rating?			
Reduce	Requirements	Met	Evidence	
	Ensure that the development takes every opportunity to reduce the amount of energy required in using the development	<input type="checkbox"/>		
	Take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption	<input type="checkbox"/>		
	Additional Sustainability Questions	Yes / No / NA	Evidence	
	Does the layout of the proposed construction maximise the natural light, while avoiding overheating?			

	Have light wells and skylights been considered?		
	Are so many artificial light sources necessary?		
	Will locally sourced suppliers be considered / used?		
Generation	Requirements	Met	Evidence
	Have you considered Energy Generating technology on the site?	<input type="checkbox"/>	
	Consult the Local Heat and Energy Efficiency Strategy when available.	<input type="checkbox"/>	
	Additional Sustainability Questions	Yes / No / NA	Evidence
	Does the Local Heat and Energy Efficiency Strategy identify the area to have potential for renewable energy on site?		
	Have these technologies been considered for inclusion in the development? <ul style="list-style-type: none"> • Solar water heating systems • Solar photovoltaic systems • Generation from biomass or bio fuels • Wind generated energy • Heat pumps • Battery energy storage systems 		
	Are there already sources of renewable energy which could be used to power the development?		

DESIGN				
Location and Layout	Requirements	Met	Evidence	Policies and Relevant Documents
	Provide a Transport Assessment (for 100+ dwellings) or a Transport Statement (for up to 99 dwellings)	<input type="checkbox"/>		NPF4: Policy 1: Tackling the climate and nature crisis Policy 2: Climate
	Provide a Travel Plan (for 100+ dwellings)	<input type="checkbox"/>		
	Are Sustainable Urban Drainage Systems (SUDS) incorporated to manage surface water drainage?	<input type="checkbox"/>		

	Are pollution (air, land or water) control measures incorporated adequately?	<input type="checkbox"/>		Mitigation and Adaptation Policy 12: Zero Waste Policy 13: Sustainable Transport Policy 14: Design, Quality and Place Policy 15: Local Living and 20-Minute Neighbourhoods LDP: D1: Quality Placemaking D2: Amenity D5: Landscape Design R3: New Waste Management Facilities R5: Waste Management Requirements for New Development R6: Low and Zero Carbon Buildings, and Water Efficiency T2: Sustainable Transport T3: Parking
	Additional Sustainability Questions	Yes / No / NA	Evidence	
	Do the location, layout and design of the development allow for 'Modal Shift' and designing out car dependency?			
	Has the Cycle Network been considered when deciding the layout of the proposal?			
	Does the location of the development allow for access to services and facilities (such as nursery, school, convenience store, GP practice, playground) by foot?			
	Does the layout prioritise the needs of pedestrians, cyclists, and users of public transport?			
	Is the development within easy walking distance of regularly served public transport provision? (Within 400m of bus stop and/or 800m of a railway station).			
	Have car club vehicles been considered?			
	Does the development provide adequate cycle parking, and include details of location, security and design?			
Features	Requirements	Met	Evidence	
	Adequately address the need to reduce resource and energy consumption	<input type="checkbox"/>		
	Well designed and easy to use waste and recycling facilities	<input type="checkbox"/>		
	Have the Six Qualities of Successful places been considered?	<input type="checkbox"/>		
	Additional Sustainability Questions	Yes / No / NA	Evidence	
	Does the development comply with the Electric Vehicle Charging			
			APG: Food Growing Landscape Resources for New Developments	

	Infrastructure section of the Transport and Accessibility APG?			Transport and Accessibility Waste Management Requirements for New Developments Other: Aberdeen Electric Vehicle Framework 2020-2030
	If the development provides above minimum car parking requirements have you submitted a justification for such?			
	Does the design provide space for storage for refuse and recycling to achieve increased level of household waste recycling?			
	Does the design allow for easy maintenance of its constituent parts?			
	Have you considered space for Working from Home?			
	Does the development protect the future amenity of residents?			
	Is amenity space provided within the development?			
	Does the proposal provide space for food growing?			
	Does the landscaping include space for edibles?			
	Is it possible to incorporate green walls or green roofs as part of the development?			
	Do any of the design features require ongoing management? If so is there a maintenance plan?			
Materials	Additional Sustainability Questions	Yes / No / NA	Evidence	
	Does the building fabric exceed the minimum regulations on thermal efficiency?			
	Have you designed with responsibly sourced materials?			
	Are the materials themselves for construction harmful to the environment in any way?			
Waste	Requirements	Met	Evidence	
	Provide a Site Waste Management Plan	<input type="checkbox"/>		

	Consider the Waste Hierarchy	<input type="checkbox"/>		
	Additional Sustainability Questions	Yes / No / NA	Evidence	
	Are there existing buildings on the site? Has their reuse and refurbishment been considered, to prevent any unnecessary demolition?			
	Have you designed for long-term use/recoverability/longevity/adaptability and flexibility?			
	Is the development being carried out in a way which produces the minimum of waste?			
	How will you minimise the quantities of new materials used?			
	Can the demolition material be repurposed for use in the development?			
	Are locally sourced materials used, to reduce the amount of travelling required?			

CLIMATE RESILIENCE				
	Requirements	Met	Evidence	Policies and Relevant Documents
Flooding	Submit a Flood Risk Assessment if required.	<input type="checkbox"/>		NPF4: Policy 1: Tackling the climate and nature crisis Policy 2: Climate Mitigation and Adaptation Policy 22: Flood Risk and Management LDP:
	Ensure there is no increase in surface water runoff from the development	<input type="checkbox"/>		
	Include a Sustainable Urban Drainage System (SUDS)	<input type="checkbox"/>		
	Additional Sustainability Questions	Yes / No / NA	Evidence	
	Have the SEPA Flood Maps been consulted, and the impact of flooding assessed?			
	Is there a Sustainable Drainage Scheme, supported by technical			

	reports and details of whole life management and maintenance?			NE4: Our Water Environment
	Does the proposal ensure there is no more than 20% impermeable surfaces throughout the development			
Heat Stress	Requirements	Met	Evidence	APG: Flooding, Drainage and Water Quality
	Assess the risk of overheating and drought	<input type="checkbox"/>		
	Additional Sustainability Questions	Yes / No / NA	Evidence	
	Does the development consider the effect of Global Warming?			
	Has the development been designed to minimise overheating?			
	Have natural ventilation and cooling techniques been considered?			

Appendix B: Sustainability Checklist for Minor Developments

Please note that submission of information should be proportionate to the scale of the development being proposed

WATER EFFICIENCY				
	Requirements	Met	Evidence	Policies and Relevant Documents
Limit Use and Re-Use	Residential units will seek to ensure developments are designed to minimise water consumption rates in each household.	<input type="checkbox"/>		NPF4: Policy 1: Tackling the climate and nature crisis Policy 2: Climate Mitigation and Adaptation Policy 22: Flood Risk and Water LDP: R6: Low and Zero Carbon Buildings, and Water Efficiency APG: Flooding, Drainage and Water Quality Resources for New Developments Other: Scottish Water, "Standard Advice Note and Process Guidance: Surface Water Policy"
	Additional Sustainability Questions	Yes / No / NA	Evidence	
	Have water efficient appliances been included?			
	Has the Scottish Water "Surface Water Policy" document been consulted?			

ENERGY EFFICIENCY				
Efficiency	Requirements	Met	Evidence	Policies and Relevant Documents
	Seek to limit CO2 production to the minimum possible (operational and embodied carbon).	<input type="checkbox"/>		NPF4: Policy 1: Tackling the climate and nature crisis Policy 2: Climate Mitigation and Adaptation Policy 11: Energy Policy 19: Heating and Cooling LDP: R6: Renewable and Low Carbon Energy Developments APG: Resources for New Developments
	Achieve a 'Gold' standard sustainability level referred to in section 6.1 of the Building Standards Technical Handbook (December 2022).	<input type="checkbox"/>		
	Additional Sustainability Questions	Yes / No / NA	Evidence	
	Have energy efficient materials been considered and implemented for the construction of the development?			
	Could the development be equipped with smart meters?			
Reduce	Requirements	Met	Evidence	
	Ensure that the development takes every opportunity to reduce the amount of energy required in using the development	<input type="checkbox"/>		
	Take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption	<input type="checkbox"/>		
	Additional Sustainability Questions	Yes / No / NA	Evidence	
	Will locally sourced suppliers be considered / used?			
Generation	Requirements	Met	Evidence	
	Have you considered Energy Generating technology on the site?	<input type="checkbox"/>		
	Additional Sustainability Questions	Yes / No / NA	Evidence	
	Are there already sources of renewable energy which could be used to power the development?			

DESIGN				
Location and Layout	Requirements	Met	Evidence	Policies and Relevant Documents NPF4: Policy 1: Tackling the climate and nature crisis Policy 2: Climate Mitigation and Adaptation Policy 12: Zero Waste Policy 13: Sustainable Transport Policy 14: Design, Quality and Place Policy 15: Local Living and 20-Minute Neighbourhoods LDP: D1: Quality Placemaking D2: Amenity D5: Landscape Design R5: Waste Management Requirements for New Development R6: Low and Zero Carbon Buildings, and Water Efficiency
	Provide a Transport Statement (for 5+ dwelling apps)	<input type="checkbox"/>		
	Additional Sustainability Questions	Yes / No / NA	Evidence	
Does the development provide adequate cycle parking, and include details of location, security and design?				
Features	Requirements	Met	Evidence	
	Adequately address the need to reduce resource and energy consumption	<input type="checkbox"/>		
	Well designed and easy to use waste and recycling facilities	<input type="checkbox"/>		
	Additional Sustainability Questions	Yes / No / NA	Evidence	
	Does the development comply with the Electric Vehicle Charging Infrastructure section of the Transport and Accessibility APG?			
	If the development provides above minimum car parking requirements have you submitted a justification for such?			
	Have you consulted the guidance for Waste and Recycling in new developments in the Waste Management APG?			
	Does the design allow for easy maintenance of its constituent parts?			
	Have you considered space for Working from Home?			
	Does the development protect the future amenity of residents?			
Is amenity space provided within the development?				

	Do any of the design features require ongoing management? If so is there a maintenance plan?			T2: Sustainable Transport T3: Parking
Materials	Additional Sustainability Questions	Yes / No / NA	Evidence	APG: Food Growing Landscape Resources for New Developments Transport and Accessibility Waste Management Requirements for New Developments
	Does the building fabric exceed the minimum regulations on thermal efficiency?			
	Are the materials themselves for construction harmful to the environment in any way?			
Waste	Requirements	Met	Evidence	
	Consider the Waste Hierarchy	<input type="checkbox"/>		
	Additional Sustainability Questions	Yes / No / NA	Evidence	
	Are there existing buildings on the site? Has their reuse and refurbishment been considered, to prevent any unnecessary demolition?			
	How will you minimise the quantities of new materials used?			
	Can the demolition material be repurposed for use in the development?			
Are locally sourced materials used, to reduce the amount of travelling required?				

CLIMATE RESILIENCE				
	Requirements	Met	Evidence	Policies and Relevant Documents
Flooding	Submit a Flood Risk Assessment if required.	<input type="checkbox"/>		NPF4: Policy 1: Tackling the
	Ensure there is no increase in surface water runoff from the development	<input type="checkbox"/>		

	Include a Sustainable Urban Drainage System (SUDS)	□		climate and nature crisis
	Additional Sustainability Questions	Yes / No / NA	Evidence	Policy 2: Climate
	Has the impact of flooding on the proposed development been considered?			Mitigation and Adaptation
	Is there a Sustainable Drainage Scheme, supported by technical reports and details of whole life management and maintenance?			Policy 22: Flood Risk and Management LDP: NE4: Our Water Environment APG: Flooding, Drainage and Water Quality

Appendix C: Sustainability Checklist for Householder Developments

Please note that the submission of information should be proportionate to the scale of the development being proposed.

DESIGN, EFFICIENCY AND CLIMATE RESILIENCE				
	Questions	Yes / No / NA	Evidence	Policies and Relevant Documents
Design	Does the proposal adequately address the need to reduce resource and energy consumption?			NPF4: Policy 1: Tackling the climate and nature crisis Policy 2: Climate Mitigation and Adaptation Policy 11: Energy Policy 12: Zero Waste Policy 13: Sustainable Transport Policy 14: Design, Quality and Place Policy 22: Flood Risk and Management LDP: Policy NE3: Our Natural Heritage NE4: Our Water Environment NE5: Trees and Woodland D1: Quality Placemaking D2: Amenity
	If proposing a new or replacement garage, does the development comply with the Electric Vehicle Charging infrastructure section of the Transport and Accessibility APG?			
	Does the design allow for easy maintenance of its constituent parts?			
	Are the materials themselves for construction harmful to the environment in any way?			
Efficiency	Does the design ensure that the development takes every opportunity to reduce the amount of energy required to 'use' the development?			
	Have Energy Efficient Materials been considered for the construction?			
Climate Resilience	Are existing mature trees and hedgerows or other habitats retained?			
	Ensure there is no increase in surface water runoff from the development.			
	Have water efficient appliances been considered?			
	Have you considered the Waste Hierarchy?			
	Are there existing buildings on the site? Has their reuse and refurbishment been considered, to prevent any unnecessary demolition?			
	How will you minimise the quantities of new materials used?			
	Can the demolition material be repurposed for use in the development?			
	Are locally sourced materials used to reduce the amount of travelling required?			
Are locally sourced materials used, to reduce the amount of travelling required?				

				<p>R3: New Waste Management Facilities</p> <p>R6: Low and Zero Carbon Buildings, and Water Efficiency</p> <p>APG: Flooding, Drainage and Water Quality Resources for New Developments Transport and Accessibility Trees and Woodland</p>
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ABERDEEN CITY COUNCIL

COMMITTEE	Planning Development Management
DATE	09 February 2023
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Draft Aberdeen Planning Guidance: Space Standards
REPORT NUMBER	PLA/23/050
DIRECTOR	Gale Beattie
CHIEF OFFICER	David Dunne
REPORT AUTHOR	Donna Laing
TERMS OF REFERENCE	5. Adopt non-statutory planning management guidance

1. PURPOSE OF REPORT

- 1.1 This report presents a draft Aberdeen Planning Guidance (APG) on Space Standards. The report seeks approval to undertake public consultation on the document, with the results of the consultation and any revisions to the document reported back to Full Council for approval before December 2023, as part of a wider report on all current guidance documents to support the Aberdeen Local Development Plan 2023.

2. RECOMMENDATION(S)

That the Committee:-

- 2.1 Approve the content of the draft Aberdeen Planning Guidance: Space Standards (Appendix 1) and adopt the draft document as Interim Planning Advice from the date of adoption of the Aberdeen Local Development Plan 2023;
- 2.2 Instruct the Chief Officer - Strategic Place Planning to, subject to any minor drafting changes, publish the draft Aberdeen Planning Guidance: Space Standards document for a six week period of public consultation, and for this consultation to be undertaken at the same time as the public consultation exercise on a number of associated Supplementary Guidance and Aberdeen Planning Guidance documents instructed by Council on 14 December 2022;

- 2.3 Instruct the Chief Officer – Strategic Place Planning to report the results of the public consultation and any proposed revisions to the draft Guidance on Space Standards to Council before December 2023 as part of the wider post-consultation report on all current draft guidance documents to support the Aberdeen Local Development Plan 2023; and,
- 2.4 Instruct the Chief Officer – Strategic Place Planning to consult the Strategic Environmental Assessment (SEA) Gateway on the associated SEA Screening Report for the draft Aberdeen Planning Guidance document: Space Standards, and to publicise the result of the Screening Determinations on the Council's website.

3. CURRENT SITUATION

Background

- 3.1 The Local Development Plan (LDP) focuses on the vision, spatial strategy and key policies and proposals for the future development of Aberdeen. Supporting guidance in connection with the Local Development Plan is used to provide more detail on how LDP policies and proposals will be implemented. The draft Aberdeen Planning Guidance: Space Standards presented in Appendix 1 would, upon adoption, form non-statutory guidance to support the LDP. Whilst not part of the statutory development plan, non-statutory guidance documents can nevertheless be treated as a material consideration in planning decisions and are a more flexible type of guidance which can be more readily prepared and updated to reflect changing circumstances.
- 3.2 The 2017 Local Development Plan was accompanied by a suite of policy-based Supplementary Guidance documents that were grouped into seven topic areas (Townscape and Landscape; Modifications to Existing Buildings; Retail and Commercial; Planning Obligations, Affordable and Specialist Housing; Transport, Air Quality and Noise; Natural Environment; and Resources). Under current planning legislation, these Supplementary Guidance documents are only valid for the lifespan of the 2017 Local Development Plan. As such, these documents will 'fall' when the new 2023 Local Development Plan is formally adopted, and it will no longer be possible to take them into account in planning decision making. The 2017 Supplementary Guidance will therefore need to be replaced with a new suite of supporting guidance for the 2023 Local Development Plan, including the planning guidance for Space Standards.
- 3.3 During the review of the Local Development Plan at Main Issues Report Stage, comments were sought on the possibility of setting minimum internal and external Space Standards. The results of the Main Issues Report consultation were presented as a background paper to the Aberdeen Local Development Plan 2020 at Full Council on 02 March 2020. The results of the consultation led officers to explore if developing a policy or a guidance document would be desirable.
- 3.4 The Aberdeen Planning Guidance provides further detail on Policy D2: Amenity of the Proposed Aberdeen Local Development Plan 2020 (as modified), which

will become the Aberdeen Local Development Plan 2023 when formally adopted. The Aberdeen Planning Guidance notes the role space standards have in ensuring positive impacts to placemaking, health and climate. Space standards ensure access to private open space for residents and the ability to ensure their home has good amenity and is adaptable to meet their future needs and demands; these can ensure a person has access to a pleasant living, working and social environment, which enriches their health and wellbeing, and daily life. The document also discussed orientation and garden space for residential homes and care homes, and provide guidance on conversion of units to housing.

Consultation

- 3.5 In order to make the best use of Council resources and to undertake a more straightforward consultation exercise for the public, it is intended, subject to approval, that the draft Aberdeen Planning Guidance: Space Standards document accompany and be part of the wider public consultation exercise on the suite of draft Supplementary Guidance and Aberdeen Planning Guidance documents already approved for public consultation by Council on 14 December 2022.
- 3.6 The 6-week period of public consultation proposed would commence in early 2023. The consultation documents will be made available for inspection online in accordance with relevant legislation. The consultation will also be publicised through means such as newspaper notice, the Local Development Plan newsletter, and the Council's website and social media platforms. Interested parties will be encouraged to submit comments via the Council's consultation hub (Citizen Space). All comments will be reviewed and taken into account to help formulate a final version of the Aberdeen Planning Guidance: Space Standards. Subject to approval, and to ensure a consistent resource efficient and simpler process, Recommendation 2.3 of this report recommends that any comments on the draft Aberdeen Planning Guidance: Space Standards will be reported back to Members at the same time as Officers report back on the suite of other supporting documents approved under report COM/22/284 to a future Council meeting before December 2023.
- 3.7 In order to avoid any gap in planning guidance until final versions are reported back to Members for approval, Members are also asked to adopt the draft Aberdeen Planning Guidance: Space Standards as Interim Planning Advice from the date of adoption of the 2023 Local Development Plan, as has been agreed for all other similar document per report COM/22/284 to Full Council.

4. FINANCIAL IMPLICATIONS

- 4.1 The cost of preparing and consulting on the document can be met through existing budgets.
- 4.2 As a major landowner in the City, proposals for the development of land and assets owned by Aberdeen City Council and any planning applications for development undertaken by or on behalf of the City Council will, where applicable, be subject to assessment against the proposed Aberdeen Planning

Guidance. This may have financial implications for the Council as a developer.

5. LEGAL IMPLICATIONS

- 5.1 There are no direct legal implications arising from this report. Whilst the proposed Aberdeen Planning Guidance will not form part of the statutory development plan, it is important that guidance on this topic is retained in a new non-statutory form. The document will be a material consideration to inform decisions on future planning applications in Aberdeen. Any person who is aggrieved by the content of the final adopted Aberdeen Planning Guidance may submit an application to the Court of Session to question its validity and to request that it be quashed in whole or in part.

6. ENVIRONMENTAL IMPLICATIONS

- 6.1 The draft Aberdeen Planning Guidance: Space Standards has been subject to a Strategic Environmental Assessment (SEA) screening process in accordance with relevant legislation, and the SEA screening reports will be subject to consultation with statutory consultation bodies.
- 6.2 A Habitats Regulations Appraisal (HRA) is not required for the Draft Guidance on Space Standards as it does not specifically recommend any actions or projects.

7. RISK

Category	Risks	Primary Controls/Control Actions to achieve Target Risk Level	*Target Risk Level (L, M or H) *taking into account controls/control actions	*Does Target Risk Level Match Appetite Set?
Strategic Risk	Ensuring this Aberdeen Planning Guidance is up to date and relevant to coincide with adoption of the new Local Development Plan.	Adopt this draft Aberdeen Planning Guidance on an interim basis following adoption of new Local Development Plan. Ensure that robust and transparent consultation is undertaken in a timeous manner on the draft guidance documents, and ensure that final versions of the	L	Yes

		guidance are adopted timeously.		
Compliance	Ensuring that clear guidance is given on Space Standards to assist in the assessment and determination of planning applications.	Adopt draft Aberdeen Planning Guidance on an interim basis following adoption of new Local Development Plan. Ensure that robust and transparent consultation is undertaken in a timeous manner on the draft guidance documents and ensure that final versions of the guidance are adopted timeously.	L	Yes
Operational	Ensuring this Aberdeen Planning Guidance is timeously published and adopted to support the new Local Development Plan and avoid delays in the issuing of planning application determinations.	Adopt this draft Aberdeen Planning Guidance on an interim basis following adoption of new Local Development Plan. Ensure that robust and transparent consultation is undertaken in a timeous manner on the draft guidance document, and ensure that the final version of the guidance is adopted timeously.	L	Yes
Financial	Not having timeously published and adopted this supporting guidance for the new Local Development Plan could lead to uncertainty at planning application stage and potentially lead to more staff time being	Adopt this draft Aberdeen Planning Guidance on an interim basis following adoption of new Local Development Plan. Ensure that robust and transparent consultation is undertaken in a timeous manner on the draft guidance document, and ensure that the final version of the guidance is adopted timeously.	L	Yes

	spent processing applications.			
Reputational	The planning authority has consistently reviewed the Local Development Plan and supplementary guidance within the statutory review period. Failure to continue this could damage the Council's reputation as a planning authority.	Adopt this draft Aberdeen Planning Guidance on an interim basis following adoption of new Local Development Plan. Ensure that robust and transparent consultation is undertaken in a timeous manner on this draft guidance document, and ensure that the final version of the guidance is adopted timeously.	L	Yes
Environment / Climate	Ensuring that planning frameworks take into consideration the relevant environmental and climate change legislation at the point of their development and production.	Ensure that robust and transparent consultation with statutory agencies is undertaken on the draft guidance document. Carry out Strategic Environmental Assessment Screening Reports for the draft guidance document.	L	Yes

8. OUTCOMES

<u>COUNCIL DELIVERY PLAN 2022-2023</u>	
	Impact of Report
Aberdeen City Council Policy Statement <u>Working in Partnership for Aberdeen</u>	<p>The proposals within this report support the delivery of the following aspects of the policy statement:-</p> <ul style="list-style-type: none"> • Vibrant city – make Aberdeen a more attractive place to live, work, study and visit. • Homes for the future - Support the adaption of homes to accommodate people's changing needs, and to support the building of more

	homes that are future-proofed for accessibility.
<u>Aberdeen City Local Outcome Improvement Plan 2016-26</u>	
Prosperous People Stretch Outcomes	The proposals within this report support the delivery of LOIP Stretch Outcome 4 and 11 by ensuring homes are flexible and have access to private external outdoor space.
Prosperous Place Stretch Outcomes	The proposals within this report support the delivery of LOIP Stretch Outcome 15 by ensuring homes have access to private external outdoor space.
Regional and City Strategies <u>City Strategies and Strategic Plans</u> Local Development Plan	The proposal within this report supports the emerging Aberdeen Local Development Plan 2023 by ensuring that all new developments are designed to have sufficient internal and external space.

9. IMPACT ASSESSMENTS

Assessment	Outcome
Integrated Impact Assessment	Not required.
Data Protection Impact Assessment	Not required.
Other	N/A

10. BACKGROUND PAPERS

- 10.1 [Proposed Aberdeen Local Development Plan 2020 \(as modified\)](#)
- 10.2 [COM/22/284: Aberdeen Local Development Plan 2023 – Draft Aberdeen Planning Guidance and Supplementary Guidance](#)

11. APPENDICES

- 11.1 Appendix 1 – Draft Aberdeen Planning Guidance 2023: Space Standards.

12. REPORT AUTHOR CONTACT DETAILS

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Aberdeen Planning Guidance: Space Standards

Table of Contents

1.Introduction	Page 1
1.1 Status of Aberdeen Planning Guidance	Page 1
1.2 Introduction to Topic / Background	Page 1
1.3 Climate Change	Page 1
2.Aberdeen Planning Guidance	Page 2
2.1 Internal floor space	Page 2
2.2 Private Open Space	Page 3
2.3 Private and shared gardens for flats	Page 4
2.4 The length of private gardens	Page 5
2.5 Residential Homes and Care Homes	Page 5
2.6 Conversions	Page 5

1. Introduction

1.1 Status of Aberdeen Planning Guidance

This Aberdeen Planning Guidance (APG) supports the Development Plan and is a material consideration in the determination of planning applications.

This APG expands upon the following Aberdeen Local Development Plan policies:

- Policy D2: Amenity
- Policy H4: Housing Mix and Need

1.2 Introduction to Topic / Background

Space standards have several positive effects, such as good placemaking, better health and wellbeing for residents and users and being climate change ready. Space allows flexibility within units to adapt an internal space to meet the needs of a home environment and circumstance and within outside space, allows for a number of differing uses, be it access to open space, the ability to grow food, or hang washing. Access to open space has proven benefits to improve the mental and physical health and wellbeing of individuals.

1.3 Climate Change

The document aligns the United Nations Sustainable Development Goals such as Goal 3 good health and wellbeing, Goal 11 Sustainable cities and communities. The provision of internal space enables adaptability and flexibility of the internal layout for the lifetime of the inhabitant and of the building.

Aberdeen Adapts Goal 1: Protecting buildings and historic assets notes the benefits of green space and permeable surfaces around buildings, to absorb rainfall and reduce flood risk. Providing green space in the immediate vicinity of a building within a development will ensure this goal.

2.Aberdeen Planning Guidance

2.1 Internal floor space

A housing mix is required to meet the diverse housing need in the area; this includes older people and disabled people. Where possible, housing units should demonstrate a design with accessibility and future adaptability in mind. A mix of unit sizes and housing types will have a positive impact on ensuring the delivery of varied and sustainable communities. This mix should respond to the differing needs of residents, immediate site conditions and citywide objectives. As a general principle an inclusive approach to design should be taken to ensure that buildings are accessible to as wide a range of people as possible. Solutions to make houses accessible should be integral to a design rather than an afterthought added in order to meet duties under building standards or other legislation.

The housing mix should reflect market and affordable housing contributions from developments over 50 units, and for developments of fewer than 50 units, a suitable mix of dwelling types and tenures will be provided in the interests of placemaking and local housing need and demand.

In order to ensure satisfactory amenity, dwellings should not fall below the following minimum internal floor areas:

52m² One bedroom dwelling;

66m² Two bedroom dwelling;

91m² Three bedroom dwelling;

100m² Four bedrooms dwelling

For affordable housing there are further defined space standards. These are required to be met.

2.2 Private Open Space

Provide well defined, functional, good quality private gardens to all houses and ground floor flats

There should be a clear distinction between public and private spaces, defined by appropriate boundaries such as walls, railings or hedges both to the street edge and between feus.

Private and communal gardens should be designed for use by residents for a range of functions, including space for play, seating, food growing, tree planting and drying laundry. Outdoor taps and/or rainwater harvesting may be needed. Wooden fencing can be used to separate private back gardens but should not be used in the public realm.

Consideration should be given to different heights of fencing to allow the communication between neighbours and to add some visual interest.

A key factor in ensuring space is usable is its capacity to receive sunlight. This will be affected by the position of existing and proposed buildings, as well as tree planting.

New development has to be adaptable. To help meet the changing needs of residents, it is beneficial for there to be sufficient space in gardens for houses to be extended while retaining reasonably sized gardens. Developers should demonstrate how this can be achieved.

Ground floor flats should generally be provided with private gardens of a minimum depth of 3m, which open directly on to communal gardens. Where this is not the case, patio doors and a defined threshold space should be provided.

Private front gardens have an important role in softening urban environments by providing planting on streets. They also provide an intermediate space between the public realm and the privacy of dwellings. The impact of driveways on the continuity of boundary treatments and street tree planting should be considered.

Where private gardens cannot be provided or where their depth is limited (for example less than 3m), there will be a greater need for street trees to be provided.

Private communal grounds should be well proportioned, well orientated and secluded from vehicles. Narrow peripheral spaces, subject to overshadowing will not be acceptable. Residents should not normally have to cross streets and car parking to access private communal greenspaces. The provision of private communal gardens for Houses of Multiple Occupation is encouraged.

Where it is difficult to achieve the areas normally required for private open space - for example, because of a need to adhere to a spatial pattern in an area, the inclusion of balconies or roof terraces may be seen as a mitigating measure. Where they are included, it should be demonstrated that they will benefit from adequate sunlight or have an outstanding view, preserve reasonable privacy and have an area that is not less than 5% of the net floor area of the dwelling.

The size of gardens can contribute to the character and attractiveness of an area. This is particularly the case in villa areas. Gardens of a similar size to neighbouring gardens are likely to be required in order to preserve the character of the area.

2.3 Private and shared gardens for flats.

This drawing is sliced through a courtyard development to show its interior and street side. It shows small private front gardens with private rear gardens opening on to a communal space. Additional space is also required in gardens where there is insufficient natural sunlight. North facing gardens should be longer to compensate for this (see Aberdeen Planning Guidance: Amenity for sunlight calculations). Private garden grounds need to be of an adequate width and shape to be attractive and useable for residents. More information can be found in the Aberdeen Planning Guidance: Landscape.



2.4 The length of private gardens

Gardens should be designed to allow them to be used for a range of activities and for houses to be adapted and extended over time. Rear gardens of houses up to 2 storey in height should be an average length of at least 9 metres and houses of more than 2 storey should have garden lengths of at least 11 metres. This also ensures that neighbouring amenity can be protected. Excessive changes in level should not be taken up across private back gardens. Where housing is set out across sloping ground, useable terraced space should be provided. High retaining walls should be avoided. More information can be found in the Aberdeen Planning Guidance: Landscape.



2.5 Residential Homes and Care Homes

Particular attention should be paid to the orientation of care homes and long term residential homes. Residents should be able to access a garden space that is attractive, welcoming, well lit by natural light throughout the year, and which allows a circuitous walking route to be created.

2.6 Conversion

Reusing and converting existing building stock is encouraged, particularly as it is a more sustainable approach than demolition and rebuild. Each proposal will be considered on an individual, case-by-case basis. Conversions can present a unique challenge due to the previous use, scale, design and surrounding context of the existing building. The space standards noted above should still be achieved wherever possible in conversions, but the Council acknowledges that due to various factors such as: historic interest, statutory designations and the location and floorplates of existing buildings, it may be necessary to compromise on the floor areas where there is no feasible alternative or where other benefits would be achieved (for example the retention of historic fabric and/or floor plan). Where minimum space standards cannot be achieved in conversions, the amenity for occupants should be mitigated and enhanced in other ways, for example by ensuring a good outlook, ample daylight receipt, access to private external amenity space etc). In all circumstances an appropriate quality of amenity must be achieved, on balance.

Given the often complex nature of conversions, applicants are strongly encouraged to utilise the Council's Pre-Application Enquiry service prior to the submission of a formal planning application. Further details of the pre-application service can be found on the Council's website: <https://www.aberdeencity.gov.uk/services/planning-and-building/planning-applications/apply-planning-permission/pre-application-advice>

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