

Public Document Pack



To: Councillor McRae, Convener; Councillor Greig, Vice-Convener; and Councillors Alphonse, Boulton, Clark, Copland, Farquhar, Lawrence and Macdonald.

Town House,
ABERDEEN 12 June 2024

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

The Members of the **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE** are requested to meet in **Committee Room 2 - Town House** on **THURSDAY, 20 JUNE 2024 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>

ALAN THOMSON
INTERIM CHIEF OFFICER – GOVERNANCE

B U S I N E S S

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 15 May 2024 - for approval (Pages 7 - 14)

COMMITTEE PLANNER

- 5.1. Committee Planner (Pages 15 - 18)

GENERAL BUSINESS

- 6.1. Planning Appeal Update (Pages 19 - 20)

WHERE THE RECOMMENDATION IS ONE OF APPROVAL

- 7.1. Detailed Planning Permission for the change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 4 people - Flat f, 37 Holburn Street Aberdeen (Pages 21 - 34)

Planning Reference – 240227

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

[Link.](#)

Planning Officer: Esmond Sage

- 7.2. Section 42 (Variation to Conditions) - Variation of condition 3 (Scale of Development - Residential) of application reference to increase the maximum number of residential units from 80 to 99 - Land south of North Deeside Road Milltimber (Pages 35 - 54)

Planning Reference – 240488/S42

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

[Link.](#)

Planning Officer: Scott Leitch

- 7.3. Planning Permission in Principle for erection of 19no. self-build dwelling houses with associated landscaping, access and infrastructure - Woodend, Culter House Road, Aberdeen Peterculter (Pages 55 - 72)

Planning Reference – 210889

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

[Link.](#)

Planning Officer: Dineke Brasier

OTHER REPORTS

- 8.1. Draft Aberdeen Planning Guidance: Health Impact Assessments - CR&E/24/190 (Pages 73 - 110)

DATE OF NEXT MEETING

- 9.1. Thursday 22 August 2024

Integrated Impact Assessments related to reports on this agenda can be viewed [here](#)

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 067344 or email lymcbain@aberdeencity.gov.uk

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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, 15 May 2024. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor McRae, Convener; Councillor Greig, Vice Convener; and Councillors Alphonse (for all items except item 7), Blake (as substitute for Councillor Boulton), Clark, Copland, Farquhar, Lawrence (for items 1 to 7) and Macdonald.

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 AND CONNECTIONS

1. Councillor Blake, intimated a transparency statement in regards to item 7.2 on the agenda, (Erinvale, Anguston Road Peterculter) as she was a service user of the cattery, however she did not consider that this required her to declare an interest for that item, and she would therefore remain in the meeting and participate in the determination of the application.

Councillor Alphonse declared an interest in regards to item 8.1 on the agenda (Alba Gate, Stoneywood Park) as she knew the architect for the application, who was due to speak at the Committee. Councillor Alphonse advised that she would leave the meeting when the application was considered and would take no part in the determination of the application.

MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 18 APRIL 2024

2. The Committee had before it the minute of the previous meeting of 18 April 2024, for approval.

The Committee resolved:-

to approve the minute as a correct record.

COMMITTEE BUSINESS 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 committee business planner.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

15 May 2024

PLANNING APPEAL UPDATE

4. The Committee had before it a report by the Chief Officer – Strategic Place Planning, which provided an update in relation to various planning appeals.

The report informed members about planning appeals and notifications in relation to Aberdeen City Council decisions that the Scottish Government's Division for Planning and Environmental Appeals (DPEA) had received or decided since the last Planning Development Management Committee meeting and also listed appeals that were still pending.

The Committee resolved:-

to note the information.

458 KING STREET ABERDEEN - 240314

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 change of use from house (use class 9) to House in Multiple Occupation (HMO) at 458 King Street Aberdeen, 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.

(02) CYCLE STORAGE

The house in multiple occupation hereby approved? shall not be brought into use unless details of proposed on site secure cycle storage facilities have been submitted to and approved in writing by the Planning Authority. The approved use shall not take place unless the required cycle parking facilities have been implemented on site and are subsequently retained.

Reason – In the interest of provision of sustainable transport facilities.

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

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15 May 2024

The Committee then heard from Kevin Taylor, applicant, who spoke in support of the application.

The Committee resolved:-

to approve the application conditionally.

ERINVALLE, ANGUSTON ROAD, PETERCULTER ABERDEEN

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

That the application for a Section 42 (Variation to Conditions) - removal of condition 1 of planning ref A6/0654 (dwelling house to be occupied by person employed full time in cattery and equestrian business on property known as Erinvale Cattery & Livery) at Erinvale, Anguston Road, Peterculter Aberdeen, be approved subject to the following condition:-

Condition

(01) OCCUPANCY OF DWELLINGHOUSE

Part A – The dwellinghouse shall not be occupied by any person other than a person employed full-time in the cattery and equestrian business on the property known as Erinvale Cattery and Livery and located at Upper Anguston and the dependants, widow or widower of such a person.

Part B – In the event that the cattery and equestrian business close, from the date the business ceases to operate, Part A of this condition shall no longer apply.

Prior to the business closing, but no sooner than 14 days before the event, the applicant shall notify the planning authority of the intention to close the cattery and equestrian business and the date on which it will cease operation.

Reason – to restrict the occupancy of the house as considered necessary to support the development of new houses in the green belt where they are necessary, whilst protecting the green belt from erosion by unnecessary development, in accordance the aims of Policy 8 (Green Belts) of National Planning Framework 4 and Policy NE2 (Green Belts) of the Aberdeen Local Development Plan.

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

The Committee then heard from Lesley Nicol, applicant, who spoke in support of the application.

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The Committee resolved:-

to approve the application with the condition amended to read:-

(01) OCCUPANCY OF DWELLINGHOUSE

Part A - The dwellinghouse shall not be occupied by any person other than a person employed full-time in the cattery business on the property known as Erinvale Cattery and located at Upper Anguston and the dependants, widow or widower of such a person.

Part B - In the event that the cattery business closes, from the date the business ceases to operate, Part A of this condition shall no longer apply.

Prior to the business closing, but no sooner than 14 days before the event, the applicant shall notify the planning authority of the intention to close the cattery business and the date on which it will cease operation.

Reason - to restrict the occupancy of the house as considered necessary to support the development of new houses in the green belt where they are necessary, whilst protecting the green belt from erosion by unnecessary development, in accordance the aims of Policy 8 (Green Belts) of National Planning Framework 4 and Policy NE2 (Green Belts) of the Aberdeen Local Development Plan.

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

ALBA GATE, STONEYWOOD PARK ABERDEEN - 231422

7. 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 existing building and re-development of site to include change of use to form a mixed-use of 4 business units (class 4), 2 ancillary cafe/restaurant units (class 3) with drive thru takeaway (sui generis), electric vehicle charging hub, car parking, soft landscaping and associated works, at Alba Gate, Stoneywood Park Aberdeen, be refused for the following reasons:-

The proposed development would incorporate a drive-through lane associated to one of the Class 3 units. Policy 27 (City, town, local and commercial centres), criterion (d) of National Planning Framework 4 (NPF4) states that drive-through developments will only be supported where they are specifically supported in the Local Development Plan. The Aberdeen Local Development Plan 2023 (ALDP) has no provision for drive-through developments, therefore the proposed drive-through aspect of the proposed development is contrary to Policy 27 of NPF4.

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15 May 2024

Furthermore, the proposed drive-through would encourage customers to travel to the site by car, rather than by more sustainable and active modes of transport. Whilst there would likely be a proportion of custom arising from passing trade captured by the drive-through, it is reasonable to expect that the new food & drink drive-through use would also generate new vehicular trips in itself. As such, and given customers of the adjacent EV charging hub would be unlikely to utilise the drive-through lane (instead entering the premises on foot whilst their cars charge), it is considered that the drive-through lane would not be necessary to support the viability of the EV charging hub, would not sufficiently minimise travel to the site by private car and would therefore also not minimise greenhouse gas emissions, contrary to the aims and requirements of Policies 1 (Tackling the climate and nature crises), 2 (Climate mitigation and adaptation) and 13 (Sustainable transport) of NPF4 and Policy T2 (Sustainable Transport) of the Aberdeen Local Development Plan 2023.

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

The Committee then heard from Dr Bill Harrison, speaking on behalf of the local Community Council and Mr David Barr. They both spoke in support of the application and asked that it be approved.

The Committee then heard from Elaine Farquharson-Black, speaking on behalf of the applicant and was supported by various individuals involved with the proposed application.

The Convener moved, seconded by the Vice Convener:-

That the Committee refuse the application in line with the recommendation.

Councillor Farquhar, seconded by Councillor Clark, moved as an amendment:-

That the application be approved for the following reasons:-

Minded to approve for the reasons given to support the Class 3, Class 4 and EV charging element so the proposal given in the Committee report and, in relation to the drive thru element, the following reasons.

Despite the non-compliance of the drive-through lane associated to Class 3 Unit 2 with Policy 27 of National Planning Framework 4, and the tension with Policies 1, 2 and 13 of National Planning Framework 4, and Policy T2 of the Aberdeen Local Development Plan (ALDP), the provision of the drive-through lane is necessary in order to enable the commercial viability of the Electric Vehicle charging hub, which would provide wider community benefits in relation to encouraging the use of more sustainable forms of private vehicular transport and which is a significant factor weighing in favour of the application. The Class 3 uses would also, despite not complying with Policy B1 of the ALDP, provide new food & drink facilities for the benefit of the local community.

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Conditions to be delegated to officers but to include a condition requiring the EV charging units to be brought into use prior to first operation of the drive thru element of the proposal.

On a division, there voted – for the motion (4) – the Convener, the Vice Convener and Councillors Copland and Macdonald – for the amendment (4) – Councillors Blake, Clark, Farquhar and Lawrence.

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.

PLANNING GUIDANCE

8. The Committee discussed planning guidance and the issue of drive thru restaurants in regards to National Planning Framework 4.

The Committee resolved:-

to request that the Chief Officer – Strategic Place Planning, investigate the possibility of putting in place guidance to clarify the issue of drive thru restaurants in the context of Policy 27(d) of National Planning Framework 4 and report back to this Committee in due course.

PLANNING ENFORCEMENT ACTIVITY REPORT - APRIL 2023 TO MARCH 2024 - CR&E/24/148

9. The Committee had before it a report by the Chief Officer – Strategic Place Planning, which informed members of the planning enforcement work that had been undertaken by the Planning Service from 1st April 2023 to 31st March 2024.

Appendix 1 identified enforcement cases which had been investigated with a view to determining whether a breach of planning control had taken place and whether it was expedient to take enforcement action. It also detailed those cases that had been resolved and identified those that had resulted in formal enforcement action.

The report recommended:-

that the Committee note the content of the report.

The Committee resolved:-

- (i) to approve the Planning Enforcement Charter; and
- (ii) to note the report.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

15 May 2024

ABERDEEN PLANNING GUIDANCE: SHORT-TERM LETS - CR&E/24/143

10. The Committee had before it a report by the Chief Officer – Strategic Place Planning, which updated members on a recent period of public consultation on the draft Aberdeen Planning Guidance covering the topic of Short-term Lets.

The report presented a summary of the comments received during the public consultation along with officer responses to the consultation comments and modifications that were proposed following the consultation.

The report also sought approval to adopt the final Aberdeen Planning Guidance: Short-term Lets as non-statutory planning advice to support the Local Development Plan 2023.

The report recommended:-

that the Committee –

- (a) note the comments received during the recent public consultation on the draft Aberdeen Planning Guidance on Short-term Lets and approve officers' responses to the consultation comments, as outlined in Appendix 1; and
- (b) agree the final Aberdeen Planning Guidance: Short-term Lets, as set out in Appendix 2, and approve its adoption as non-statutory planning advice to support the Local Development Plan 2023

The Committee resolved:-

to approve the recommendations.

- **Councillor Ciaran McRae, Convener**

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	A	B	C	D	E	F	G	H	I
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			20 June 2024						
4	Woodend - Culter House Road - 210889	To approve or refuse the application for erection of 19no. self-build dwelling houses with associated landscaping, access and infrastructure		Dineke Brasier	Strategic Place Planning	Place	1		
5	APG: Health Impact Assessments	To ask to consult		Donna Laing	Strategic Place Planning	Place	5		
6	Land South of North Deeside Road, Milltimber, Aberdeen - 240488	To approve or refuse the application for Section 42 (variation to conditions) - Variation of condition 3 (Scale of Development - Residential) of application reference 200535/PPP to increase the maximum number of residential units from 80 to 99		Gavin Clark	Strategic Place Planning	Place	1		
7	Flat F, 37 Holburn Street Aberdeen - 240336	To approve or refuse the application for change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 4 people		Esmond Sage	Strategic Place Planning	Place	1		
8			22 August 2024						
9	Land at Rigifa, Cove Road - 231336	To approve or refuse the application for the erection of battery storage units with associated infrastructure, control building, switch room, inverter containers, lighting, fencing and associated works including access road		Gavin Clark	Strategic Place Planning	Place	1		
10			19 September 2024						
11			07 November 2024						
12			05 December 2024						

	A	B	C	D	E	F	G	H	I
	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									
13	Draft Aberdeen Guidance Wind Turbine	At the Council meeting on 3 November 2023, it was agreed to instruct the Chief Officer - Strategic Place Planning to update the draft Aberdeen Planning Guidance on Wind Turbine Development in light of consultation responses received and the policy shift within NPF4 and incorporate it within draft Aberdeen Planning Guidance on Renewable Energy Development, a draft of which should be reported to the Planning Development Management Committee within 12 months.		David Dunne	Strategic Place Planning	Place	5		
14			Future applications to PDMC (date of meeting yet to be finalised).						
15	Rosehill House, Ashgrove Rd West - 230414	To approve or refuse the application for McDonald's Restaurant with drive thru		Lucy Greene	Strategic Place Planning	Place	1		
16	Waterton House Abereen - 230297	To approve or refuse the application for PPP for 16 residential plots		Lucy Greene	Strategic Place Planning	Place	1		
17	Land at Persley Croft, Parkway - 231134	To approve or refuse the application for Battery energy storage system (BESS) development with a capacity up to 49.9MW including erection of welfare unit, substation and fencing; demolition of an existing buildings and associated Infrastructure		Matthew Easton	Strategic Place Planning	Place	1		
18	19 South Avenue - 231605	To approve or refuse the application for sub-division of existing feu and erection of 2no. Semi-detached dwelling houses with associated car parking, landscaping and access		Gavin Clark	Strategic Place Planning	Place	1		
19	Land At Coast Road St Fittick's Park/ Gregness Headland/ Doonies - 231371	To approve or refuse the application for proposed business / industrial development (Class 4/5/6); road infrastructure; active travel connections; landscaping and environmental works		Lucy Greene	Strategic Place Planning	Place	1		

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Planning Development Management Committee – 20 June 2024

Planning Appeals Update

This report informs Planning Development Management Committee (PDMC) members about planning appeals and notifications in relation to Aberdeen City Council decisions that the Scottish Government’s Division for Planning and Environmental Appeals (DPEA) has received or decided since the last PDMC meeting. It also lists appeals that are still pending.

Appeals Determined

Type of appeal	Planning Permission	Application Reference	231018/DPP
Address	693 George Street		
Description	Change Of Use from Class 1A (Shops, Financial Professional and Other Services) to Hot-Food Takeaway (Sui Generis) and Installation of Kitchen Extract Vent to Rear Elevation (Part-Retrospective)		
History	<p>Refused by PDMC of 14 March 2024 against officer recommendation.</p> <p>Grounds of refusal were road safety risk and detriment to amenity contrary to APGs on “Harmony of uses” and “Noise”.</p>		
DPEA Decision	<p>Appeal allowed. Planning permission granted.</p> <p>Use is acceptable in principle within a predominantly residential area in that suitable mitigation measures can be put in place to address potential noise and odour impacts without adverse effects on residential amenity. The use would not adversely affect road safety given the range of measures in place to safeguard pedestrians and road users navigating the junction.</p>		
DPEA weblink	Scottish Government - DPEA - Case Details (scotland.gov.uk)		

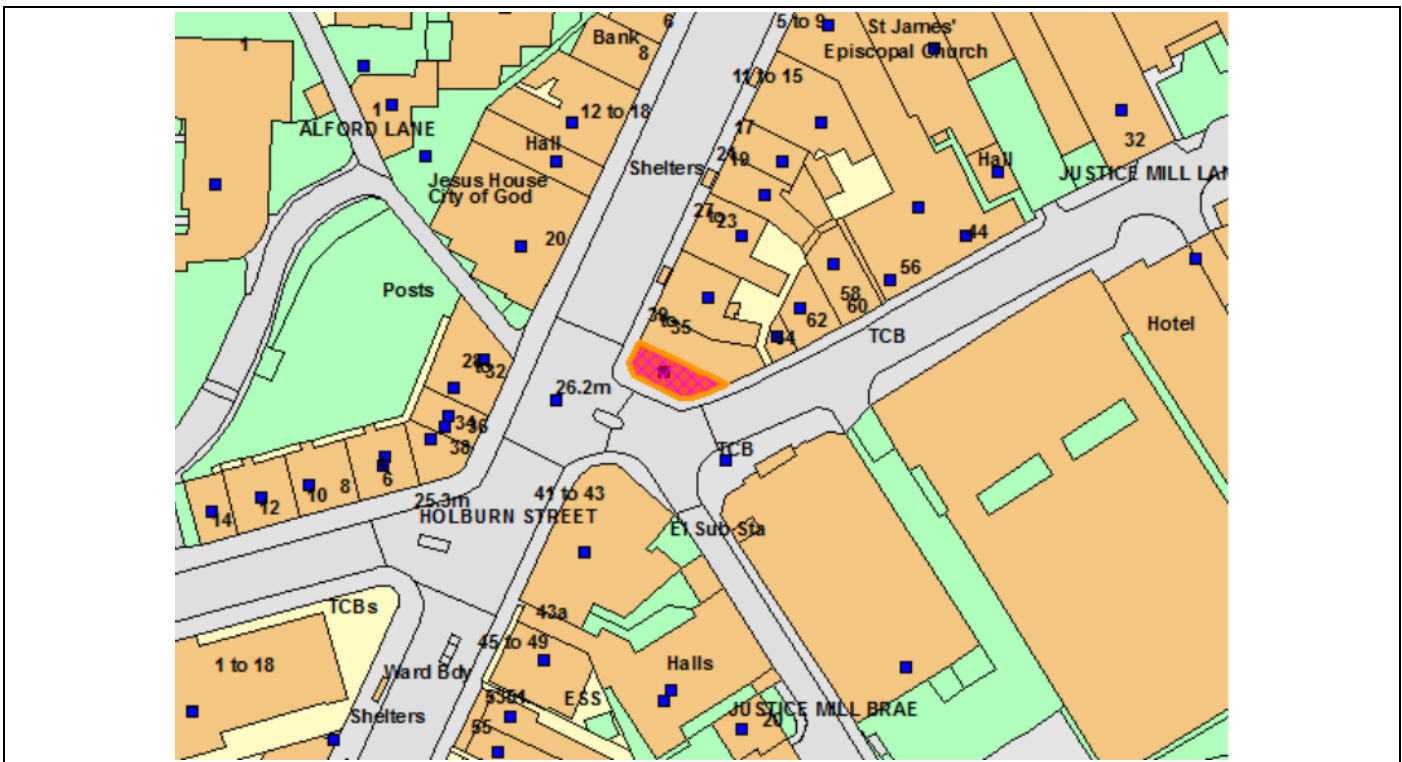
Type of Appeal	Certificate of Lawfulness	Application Reference	231216/CLE
Address	First Floor Left, 23 Hollybank Place		
Description	Existing Use of Flat as Short Term Let Accommodation (Sui Generis) with Maximum Occupancy of 2 People		
History	Refused by officers under delegated powers		
DPEA Decision	On the balance of probability, the use as a short-term let entails a materially different pattern of use than that associated with its occupation by permanent residents. This amounts to a material change of use which requires planning permission. As planning permission has not been granted, the use is not established and is not lawful.		
DPEA weblink	Scottish Government - DPEA - Case Details (scotland.gov.uk)		

Appeals Pending

Type of appeal	Enforcement Notice	Application Reference	N/A
Address	Land to rear of 6 Craigden.		
Description	Change of Use from Public Open Space to Private Gated Communal Garden and the Erection of Associated Enclosure Fence with Gate without the benefit of planning permission.		
History	Refusal of change of use application (221307/DPP) upheld by the Local Review Body last year. The Enforcement Notice subject to this appeal was subsequently served.		
DPEA weblink	Scottish Government - DPEA - Case Details (scotland.gov.uk)		

 <p>ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Planning Development Management Committee</h2> <p style="margin: 5px 0 0 0;">Report by Development Management Manager</p> <p style="margin: 5px 0 0 0;">Committee Date: 20 June 2024</p>
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Site Address:	Flat F, 37 Holburn Street, Aberdeen AB10 6BS
Application Description:	Change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 4 people
Application Ref:	240227/DPP
Application Type	Detailed Planning Permission
Application Date:	27 February 2024
Applicant:	L7 Property LTD
Ward:	Torry/Ferryhill
Community Council:	City Centre



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RECOMMENDATION

Approve Conditionally.

APPLICATION BACKGROUND

Site Description

The property is a residential flat on the third floor of a 4-storey traditional granite tenement (with a small fifth turret storey), which comprises six flats across the first, second and third floors above a pub on the ground floor. The property is towards the south-western edge of the city centre and lies on a thoroughfare into Union Street. The street is characterised by residential tenements with retail and food/drink uses on the ground floor. In addition, there are standalone non-residential uses nearby, including a gym, church, and hotel. The property is on a street corner and is accessed via Holburn Street running along its western boundary; to the south runs Justice Mill Lane; to the east are the rears of neighbouring properties on Justice Mill Lane; and to the north is an adjoining tenement.

The property is within a Controlled Parking Zone (CPZ) and waste is managed through communal domestic street bins.

The flat shares a landing with another flat and comprises 2 bedrooms, a kitchen/living room, bathroom and hallway. It is single aspect towards the west with views onto Holburn Street. At first floor level, the property has access to a communal roof terrace with views over Justice Mill Lane.

Relevant Planning History

None.

APPLICATION DESCRIPTION

Description of Proposal

It is proposed to change the use of the residential flat to short-term let with a maximum occupancy of 4 people. The property would be let out for a minimum of 3 nights with access facilitated by a key lockbox. There would be no alteration to existing parking arrangements. Waste would continue to be managed through the communal domestic street bins until the commercial status of the property was determined.

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=S9IMTWBZKLK00>

STL Checklist

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because it is being recommended for approval and has been the subject of six or more timeous letters of

representation that express objection or concern about the proposal, in accordance with paragraph 2.a) v. of the Consolidated Schemes of Delegation for Planning and Related Applications.

CONSULTATIONS

Aberdeen City Council (ACC) - Roads Development Management Team – No objection. Has advised that 1 parking permit is available to the property within the CPZ, and that should the application be approved, the correct business permit will be required.

ACC - Waste and Recycling – No objection. Has advised that the current communal domestic street bins may be used until the commercial status is determined. They further advise of the requirements under The Waste (Scotland) Act 2012 that apply to all businesses regarding separation of waste for recycling and the storage and uplift of commercial waste.

City Centre Community Council – No comment received.

REPRESENTATIONS

A total of 6 written representations (6 objections) has been received. The matters raised can be summarised as follows:

- a) Intensification from what was originally a 1-bedroom flat;
- b) Negative impact on noise and resident safety through access to communal stairwell;
- c) Objection to the fitting of a keysafe without permission, indicating that future amenity issues arising from the development would not be addressed;
- d) Negative impact on insurance;
- e) Negative impact on property values and leasing marketability;
- f) Negative impact on housing supply;
- g) Negative impact on parking availability;
- h) Negative impact on privacy from use of the communal roof terrace;
- i) Potential negative impact on operations of the neighbouring pub below the tenement;
- j) Negative impact on waste facilities and their capacity;
- k) Excessive clustering of short-term accommodation facilities in the area (with reference to Park Inn hotel and the recent conversion of Skene House from serviced short-term accommodation to mainstream residential use).

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.

Development Plan

National Planning Framework 4

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 2 (Climate Mitigation and Adaptation)
- Policy 3 (Biodiversity)
- Policy 12 (Zero Waste)
- Policy 13 (Sustainable Transport)
- Policy 14 (Design, Quality and Place)
- Policy 27 (City, Town, Local and Commercial Centres)
- Policy 30 (Tourism)

Aberdeen Local Development Plan 2023

- Policy D1 (Quality Placemaking)
- Policy D2 (Amenity)
- Policy R5 (Waste Management Requirements for New Developments)
- Policy H2 (Mixed Use Areas)
- Policy VC1 (Vibrant City)
- Policy VC2 (Tourism and Culture)
- Policy VC4 (City Centre and Retail Core)
- Policy VC6 (West End Area)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)

Aberdeen Planning Guidance

- Short-term Lets

Other National Policy and Guidance

- Scottish Government publications:
 - Circular 1/2023: [Short-Term Lets and Planning](#)
 - Short Term Lets: [Business and regulatory impact assessment – November 2021](#)
 - Scottish Government – [Research into the impact of short-term lets on communities across Scotland – October 2019](#)

Other Material Considerations

- City Centre Masterplan

EVALUATION

Provision of Short Term Let accommodation and impacts on character & amenity

Policy 27 (City, Town, Local and Commercial Centres) of National Planning Framework 4 (NPF4) states:

a) Development proposals that enhance and improve the vitality and viability of city, town and local centres, including proposals that increase the mix of uses, will be supported.

c) Development proposals for non-retail uses will not be supported if further provision of these services will undermine the character and amenity of the area or the health and wellbeing of communities.

Policy 30 (Tourism), paragraph (e) of NPF4 states:

e) Development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in:

- i. An unacceptable impact on local amenity or the character of a neighbourhood or area; or*
- ii. The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits*

Policy VC1 (Vibrant City) of the ALDP states:

Proposals for new development, or expansion of existing activities, in the city centre, which support its vibrancy and vitality throughout the day and/or into the evening will be supported in principle.

Proposals will contribute towards the wider aims of the City Centre Masterplan and its vision for the city centre.

The applicant/agent must demonstrate that any adverse impacts can be mitigated and, where applicable, that suitable residential amenity is achieved or maintained.

The application site lies in the West End Area as shown on the ALDP Proposals Map. ALDP Policy VC6 (West End Area) states:

Applications for all development, including changes of use, must take into account existing uses and avoid undue conflict with the adjacent land uses and amenity.

The application site lies within a Mixed Use Area, as zoned in the ALDP Proposals Map. Policy H2 (Mixed Use Areas) of the ALDP also requires all new development in such areas to take into account the existing uses and character of the surrounding area and to avoid direct conflict with adjacent land uses and amenity.

Relevant to these considerations and others are the general principles of placemaking, which are elaborated in Policy D1 (Quality Placemaking) of the ALDP. Policy D1 requires all developments to demonstrate the six essential qualities of successful places: to be distinctive, welcoming, safe and pleasant, easy to move around, adaptable, and resource-efficient. Policy 14 (Design, Quality and Place) of NPF4 sets out similar criteria which do not conflict with those of Policy D1. The proposal is of a character and scale such that it does not conflict with the criteria to be distinctive, welcoming, or resource-efficient. The criteria to be safe and pleasant, easy to move around and adaptable will be considered in further detail through the evaluation.

Contribution towards the vitality, viability and vision for the city centre

The City Centre Masterplan (CCMP) identifies culture and tourism as contributing towards the vitality and vibrancy of the city centre, particularly in terms of creating visitor attractions and events that bring people into the city centre, comprising both local residents and tourists from further afield. In order to facilitate tourism to the city centre, it is important to ensure that a variety of different types of tourism accommodation are available and Short-Term Lets are one such type of accommodation that can be preferable to certain types of tourist or business traveller than a traditional hotel or guesthouse arrangement. It is thus considered that the provision of additional tourist accommodation within the city centre is compliant with the vision for the city centre as set out in the CCMP, and that the accommodation would likely provide benefits to the city centre hospitality sector,

including the evening economy. Thus, the proposed change of use is generally compliant with the requirements of Policies 27(a) of NPF4 and VC1 of the ALDP.

Impact on character and amenity of the area

The application property is situated within the city centre, as zoned in the ALDP Proposals Map. At ground floor level along the eastern side of Holburn Street are various shops, salons, bars and restaurants. Bars and takeaways are also nearby on Justice Mill Lane to the east of the property, and nearby are two churches, a gym, hotel, and offices. As a result, the surrounding area contains a wide mix of uses, including potentially noisy evening uses, as well as a high level of through-road traffic; thus, the area is significantly more vibrant and noisier than a typical, quiet suburban residential street.

Concerns have been raised in a letter of representation that the development would contribute to an excessive clustering of short-term accommodation uses in the area, with reference in particular to the Park Inn hotel on Justice Mill Lane. The conversion of Skene House opposite the property from serviced apartments to mainstream residential flats in 2023 (application reference 211803/DPP) is cited in the letter as evidence that there has been an unsustainable saturation of short-term accommodation in the area.

The Scottish Government's publication on 'Short Term Lets: Business and regulatory impact assessment' from November 2021 acknowledges that short-term lets make a distinctive contribution in comparison to mainstream hotels, thereby attracting a wider range of tourists, especially those on lower budgets who may not otherwise stay in the area. The change of use to Skene House may indicate that there may recently have been an unmarketable excess of short-term let accommodation in the area, but this is not conclusive. It should be further noted that the 35 serviced apartments at Skene House were not a like-for-like business model in comparison to an equal number of independent short-term let units. As Skene House was a single business, a certain consistent level of occupancy of these units would have been required to achieve a viable business, which may explain its transition into mainstream residential use, rather than clustering per se. There are now far fewer short-term lets in the vicinity and the small-scale character of the development as a single unit with a maximum occupancy of four people would not have a significant impact on the number of short-term let units in the area, nor cause excessive clustering of such uses.

The proposal comprises a two-bed unit with a proposed maximum occupancy of four people at any one time. While occupancy by four people may result in a greater intensity of regular use than may be expected by a 2-bedroom residence in this location, any increase in activity or comings and goings compared to permanent mainstream residential use would be unlikely to have any significant impact on the character of the area, given its busy mixed character. Additionally, no external alterations are proposed, therefore it is considered the character of the area would be preserved.

Policy D2 (Amenity) of the ALDP requires developments to secure sufficient amenity for the property and neighbours in terms of noise, light, and air quality. In terms of impacts on amenity, the property shares an entrance door and stairwell with five other properties in mainstream residential use. In general, it is considered that the use of properties as STLs within residential flatted buildings could result in increased harm to the amenity of neighbouring properties, beyond that which would typically be expected from a property in mainstream residential use, particularly due to the following:

- the potential for noise from increased coming and goings via the communal entrance and stairwell due to frequent customer turnovers (check-ins and check-outs) and cleaning between occupancies;
- the potential for noise from customer activities within the property, particularly in the quieter, more sensitive late evening and early morning periods – especially if used as a 'party flat';

- the potential for the disturbance of privacy and the perceived impact on safety resulting from the use of communal areas (including gardens) by transient persons unknown to permanent residents.

This is supported by The Scottish Government's publication on 'Short Term Lets: Business and regulatory impact assessment' from November 2021, which identifies potential negative impacts of STLs in high-density areas as 'the daily disruption and stress caused by constant "visitor use", rather than residential use – noise, disturbance, buzzers, door knocking, littering, anti-social behaviour, the loss of a sense of community and security where the majority in both the close, and within the wider local community.'

Concerns around noise, anti-social behaviour, safety and privacy have also been raised by letters of representation. In particular, there are concerns that the fitting of a lockbox to the front door without permission indicates irresponsibility on the part of the operator and the possibility anti-social behaviour would not be satisfactorily addressed or prevented, and privacy concerns regarding the roof terrace and a bedroom window in the tenement.

In this instance, the proposed STL is a two-bedroom flat on the third floor, sharing a landing with one other flat, with a stated maximum occupancy of four people at any one time. Being on the third floor, intrusion of guests into the communal residential area would extend almost the full height of the stairwell.

Due to the small scale of this development, it is considered unlikely that the flat would be used for the hosting of parties or other events of an anti-social nature that could harm the amenity of neighbouring properties in terms of noise from activities within the property during the more sensitive late night and early morning periods. Such activities could nevertheless take place in the property if operated as mainstream residential accommodation. Relevant here is the concern raised in a letter of representation that the proposal is over-development of the flat, having originally been a 1-bedroom property converted to 2 bedrooms with an integrated kitchen/living room. There do not appear to have been changes in internal partitions and such works are possible within a residential flat without planning permission. The resulting 2 bedrooms are approximately 14.7 and 8.2 square metres respectively, which are considered sufficient to accommodate 4 persons. Furthermore, the kitchen/living room, at approximately 22 square metres, is of a reasonable size to accommodate up to 4 occupants. As such, there would not be a significant intensification of occupancy relative to residential use.

With regards to the lockbox and the operator, the fitting of the lockbox is not a material consideration to this application and is a civil matter between property owners in the tenement. The fitness and suitability of the operator is not a matter for the planning authority but for licensing, and any anti-social behaviour or excessive noise caused by occupants of the short-term let could be addressed with Police Scotland and/or Aberdeen City Council's Environmental Health team.

The tenement's communal amenity ground is a terrace on the roof of the ground floor pub which extends out to Justice Mill Lane. The sightlines from the terrace are primarily onto the public road or to the rooftops and gables of neighbouring properties to the north. A letter of objection has stated that a neighbouring bedroom looks onto the terrace, with potential impact on privacy. A site visit has found that while windows for habitable rooms do look onto the terrace, these are at a height where there would not be significant impact on privacy caused by users of the terrace looking in. A letter of representation has also raised concerns that plant servicing the pub is located on the terrace and could be subject to misuse. This is a civil matter and not a material consideration to the application. The terrace is mostly hard surfacing with potted plants and a bench, and as such it is not anticipated that customers staying at the property on a short-term basis would be likely to use the terrace for

any significant periods of time, if at all, particularly if the property is used by tourists or business travellers, who would be more likely to be out sightseeing or working during the day.

The application property is situated on the third-floor level of the building. It is therefore considered that the impacts on amenity from the use of the property as an STL would most likely arise from the increased probability of noise emissions affecting the occupants of the other flats, especially Flat 5 on the same landing, from regular arrivals and departures via the hallway, and to the impact on safety and security (either actual or perceived) from the use of the communal entrance and hallway by transient non-residents.

Nevertheless it is considered that the small-scale nature of the application property (with a maximum of four customers when in use and periods of time when the property will likely not be in use), combined with the vibrant and busy context of the surrounding area, would be sufficient to ensure that its use as an STL would not cause any significant harm to the amenity of the neighbouring mainstream residential properties within the building, beyond the impacts to amenity which could occur if the property were to remain in mainstream residential use for 4 inhabitants. Although a reduction in safety and security for the permanent residents in the building resulting from the use of the property as an STL could occur, it is considered that any such reduction would be relatively minor and mitigated by appropriate management of the property – ensuring that the risk of actual harm to safety and security would be low. Appropriate management of the property is a matter for licensing. The granting of planning permission for the application property would result in one of the six properties in the building being in authorised STL use, therefore most flats in the building would remain in mainstream residential use. There are no proposed internal alterations to the property, and so it could readily be reverted to residential use if required, ensuring that it is adaptable under Policy D1 of the ALDP.

It is therefore considered that the use of the property as an STL would not cause significant harm to either the character or amenity of the area, in accordance with Policies 27(c) and 30(e)(i) of NPF4 and Policies D2, VC1, VC6 and H2 of the ALDP. It would further be considered safe and pleasant and adaptable under Policy D1 of the ALDP.

Provision of Short Term Let tourist accommodation and local economic benefits

Policy VC2 (Tourism and Culture) of the ALDP states that:

‘Proposals for new, or expansion of existing, visitor attractions and facilities capable of strengthening the appeal and attraction of Aberdeen to a wide range of visitors will be supported.

Proposals should complement existing visitor facilities and be sequentially located in the city centre, or on a site allocated for that use in this Plan, unless activity and locality specific issues demonstrate that this is impracticable.’

The use of the property as an STL offers a different type of visitor accommodation to hotels and guesthouses that can be more attractive for certain visitors, particularly families and business travellers / contract workers who may be staying in the city for several weeks. The Scottish Government’s publication on ‘Short Term Lets: Business and regulatory impact assessment’ from November 2021 states:

‘Short-term lets make an important contribution to the tourist economy because they can:

- a) offer visitors a unique tourist experience through a host's local knowledge, increasing the attractiveness of Scotland as a place to visit,*

- b) *offer accommodation in places not served by hotels and hostels, for example, and therefore help with dispersal of visitors from "hotspot" areas,*
- c) *offer more affordable accommodation, helping to attract tourists that may have a lower budget, and*
- d) *provide additional capacity to accommodate tourist or other visitor demand in areas with a high demand over a short period of time (for example, to accommodate tourists during the Edinburgh Festival or the Open golf tournament).'*

Although it is not possible to precisely quantify or demonstrate the local economic benefits that would be derived from the use of the application property as an STL, as required by Policy 30(e)(ii) of NPF4, given the likely use of the property by tourists and/or business travellers it is envisaged that customers of the property would be likely to spend money in the local tourism and hospitality sectors, to the benefit of those businesses. This is backed up in general terms by the Scottish Government's 'Research into the impact of short-term lets on communities across Scotland' publication, produced in October 2019, which states in Key Findings - Chapter 5:

'The positive impacts of STLs most commonly identified related to the local economic impacts associated with the tourism sector.'

The application property lies within the city centre, as defined in the ALDP Proposals Map, therefore the proposed use of the property as an STL is compliant with the aims of Policy VC2 of the ALDP.

Housing

Along with consideration under NPF4 Policy 30(e), concerns regarding the proposal's impact on housing supply have been raised in the letters of representation.

Although there is housing need in Aberdeen, there is not currently understood to be any significant pressure placed on local housing need from the number of STL's in Aberdeen, as is experienced elsewhere in Scotland (for example Edinburgh and the Highlands & Islands in particular), therefore it is considered that the loss of residential accommodation resulting from the use of the property as an STL would not have any significant impact on local housing need – ensuring that the proposals are generally compliant with the aims of Policy 30(e)(ii) of NPF4.

However, it is recognised that housing need and demand can be subject to significant change over time, as demonstrated by such matters being periodically reviewed and quantified through Housing Need and Demand Assessments and addressed through the Development Plan process.

In relation to the duration of planning permissions for Short Term Lets, the Scottish Government Circular 1/2023 (Short-Term Lets and Planning) notes that:

4.14 Planning authorities can impose a condition when granting planning permission to require the permitted use to be discontinued after a specified period – this is known as "planning permission granted for a limited period".

4.15 Planning authorities may consider applying a discontinuation condition of 10 years, or such other time period as they consider appropriate, when granting planning permission for short term letting in a control area (or outside, if they see fit).

The grant of planning permission for the use of the property as an STL on a permanent basis would result in the permanent loss of residential accommodation in a sustainable location. As such, it is

considered necessary in this instance to grant planning permission for a time-limited period of five years, which is the time period between the publication of Housing Need and Demand Assessments:

- To ensure that local housing need, demand and supply can be considered for any future applications for the continued use of the property as an STL;
- To allow for the site to be automatically returned to residential use upon the expiry of the permission (unless a new consent is granted in the meantime); and
- To further consider the demonstrable local economic benefits of the property's use as an STL at the time of any further planning application.

Transport & Accessibility

Policy 13 (Sustainable Transport) of NPF4 and Policy T2 (Sustainable Transport) of the ALDP both promote and encourage the use of sustainable and active modes of travel where possible, as opposed to private vehicle trips. This is further supported by the requirement of Policy D1 of the ALDP for developments to promote easy of moving around. Policy T3 (Parking) of the ALDP requires new developments in the city centre to be car free, given the access to active travel and public transport options. Concerns have been raised in the letters of representation that the proposal would have a negative impact on the current availability of parking at the site.

The application property is situated within the city centre (as defined in the ALDP Proposals Map). As such, the many amenities in the city centre are within walking distance of the property, as are the city's main bus and railway stations and multiple bus routes serving various areas of the city, including the airport. Customers would be able to utilise permit holder on-street car parking but nevertheless it is anticipated that the majority of customers staying at the property on a short-term basis would be tourists or business travellers, the majority of whom could reasonably be expected to arrive in the city by plane, train or bus and access the property sustainably, not generating any traffic or requiring any car parking. Roads Development Management has further confirmed that there would not be a net detriment in the parking requirement between the existing and proposed uses. The proposals are therefore compliant with Policies 13 of NPF4 and T2 and T3 of the ALDP and is easy to move around under Policy D1 of the ALDP.

Waste Management

Policy 12 (Zero Waste) of NPF4 and Policy 5 (Waste Management Requirements for New Development) of the ALDP both require developments that generate waste and/or recyclables to have sufficient means for the appropriate storage and subsequent collection of that waste and recyclable materials. Concerns have also been raised in letters of representation that the proposed STL would exceed existing bin capacity on the street.

Although the property would be a business and would therefore not pay Council Tax, customers of the STL would be able to utilise existing on-street domestic general waste and mixed recycling bins situated on Holburn Street, subject to the applicant paying a financial contribution towards the collection of the waste, via a business waste contract with the Council, in lieu of not paying Council Tax. Therefore, waste and recyclables generated by the customers of the property can be adequately stored and collected and an advisory note has been added for the applicant to be aware of in relation to entering into the required business waste contract with the Council. This arrangement has been confirmed by the Waste and Recycling team, who have not identified any issues specific to the street in relation to storage capacity. The financial contribution, as a contribution towards the cost incurred by ACC of storing and managing waste, would go towards addressing any waste capacity issues. Alternatively, should the operator choose not to contract waste services with ACC, they could contract private waste management, in which event the communal domestic street bins would no longer be used by customers of the short-term let. The proposals are therefore acceptable

in accordance with Policies 12 of NPF4 and R5 of the ALDP.

Tackling the Climate and Nature Crises, Climate mitigation and Biodiversity

Policy 1 (Tackling the Climate and Nature Crises) of NPF4 requires significant weight to be given to the global climate and nature crises in the consideration of all development proposals. Policy 2 (Climate Mitigation and Adaptation) of NPF4 requires development proposals to be designed and sited to minimise lifecycle greenhouse gas emissions as far as possible, and to adapt to current and future risks from climate change. Policy 3 (Biodiversity) of NPF4 requires proposals for local development to include measures to conserve, restore and enhance biodiversity, proportionate to the nature and scale of development.

The proposed development, comprising the change of use of an existing property, with no associated external alterations, is sufficiently small-scale such that it would not make any material difference to the global climate and nature crises nor to climate mitigation and adaptation, nor are there any opportunities to minimise greenhouse gas emissions given the nature of the proposals. Therefore, the proposals are compliant with Policies 1 and 2 of NPF4. The proposed development would be wholly internal, small-scale and does not offer the opportunity for any biodiversity gain and the proposals are thus considered to be acceptable, despite some minor tension with Policy 3 of NPF4.

Matters raised in Representations

Several of the matters raised by representations have been addressed as material considerations in the foregoing evaluation. They are reiterated and summarised below along with other matters raised:

- a) Intensification from what was originally a 1-bedroom flat;
 - a. Works to convert the kitchen into a bedroom and integrate the kitchen and living room are possible and permissible for the flat as a residential dwelling. The resulting two bedrooms are each appropriately sized for the proposed maximum occupancy of 4 people.
- b) Negative impact on noise and resident safety through access to communal stairwell;
 - a. There would be a potential increase in noise and negative impacts on resident safety as a result of the development, which is acknowledged to apply to short-term lets in tenements in general. Given the small-scale of the development and its city centre location, it is considered that the impact is not significantly greater than if the property were in mainstream residential use.
- c) Objection to the fitting of a keysafe without permission, indicating that future amenity issues arising from the development would not be addressed;
 - a. This is a civil matter and is not a material consideration to the application. The operation of the short-term let is a matter for licensing and not for the planning authority. Should there be concerns with how the short-term let is being managed or operated and any consequences on amenity, this can be addressed through the licensing regime and with ACC's Environmental Health Service and Police Scotland.
- d) Negative impact on insurance;
 - a. This is not a material consideration to planning.
- e) Negative impact on property values and leasing marketability;
 - a. This is not a material consideration to planning.
- f) Negative impact on housing supply;
 - a. There is currently inadequate data on the impact of short-term lets on Aberdeen's housing supply. A condition restricting the use as a short-term let to five years is considered reasonable and necessary to establish the proposal's impact. At that

stage, should renewal of the planning permission be sought, it could be assessed more comprehensively against NPF4 Policy 30(e)(ii).

- g) Negative impact on parking availability;
 - a. It is envisaged given the nature of the development and its siting in the city centre, that the majority of the customers would not arrive by car. There would be no more significant intensification of car use in comparison to residential mainstream use, and the same number of parking permits (that is, 1) would be available to the property.
- h) Negative impact on privacy from use of the communal roof terrace;
 - a. There are no habitable rooms at eye-level in relation to the terrace. Its setting and arrangement, as well as the property's situation close to public green spaces, are such that it is unlikely customers would use the terrace for extended periods of time.
- i) Potential negative impact on operations of the neighbouring pub below the tenement;
 - a. This is a civil matter and not a material consideration to planning.
- j) Negative impact on waste facilities and their capacity;
 - a. Waste and Recycling has not identified an issue for this area. Any impact on waste facilities would be addressed through a financial contribution to ACC or through the private contracting of waste management.
- k) Excessive clustering of short-term accommodation facilities in the area (with reference to Park Inn hotel and the recent conversion of Skene House from serviced short-term accommodation to mainstream residential use).
 - a. Short-term lets are acknowledged to provide a form of visitor accommodation that is distinctive from hotels and which does not target the exact same market. The proposed short-term let would be small-scale and not have a significant impact on the provision of short-term let accommodation in the area.

RECOMMENDATION

Approve Conditionally.

REASON FOR RECOMMENDATION

Due to the size of the property and the stated maximum occupancy, combined with the number of other properties in the building and the city centre context of the wider area, it is considered that its use as Short Term Let (STL) accommodation would not have a significant adverse impact on the character or amenity of the area, nor on the amenity of the immediate neighbouring properties within the application building, beyond what could typically be expected if it were to be used as mainstream residential accommodation, in accordance with Policy H2 (Mixed Use Areas), Policy VC4 (City Centre and Retail Core) and Policy VC6 (West End Area) of the Aberdeen Local Development Plan 2023 (ALDP) and Policy 27 (City, Town, Local and Commercial Centres) of National Planning Framework 4 (NPF4). The property's use as an STL would likely provide some local economic benefits, potentially to the tourism and hospitality sectors, without causing any significant harm to local housing need through the loss of residential accommodation, in accordance with Policy 30 (Tourism) of NPF4.

The development would provide tourist accommodation within walking distance of the city centre and in a sustainably accessible location with good public transport links to the city centre, the airport and the city's main bus and railway stations, in accordance with Policy 13 (Sustainable Transport) of NPF4 and Policy T2 (Sustainable Transport) of the ALDP. Parking requirements would not be intensified from the current use, in accordance with Policy T3 (Parking) of the ALDP. The STL would be sited within walking distance of the city centre, which would be readily accessible via sustainable

and active modes of travel, therefore the proposed development is considered to be acceptable despite some minor tension with Policy VC2 (Tourism) of the ALDP.

The property therefore would not have a significant detrimental impact on amenity and would meet the six qualities of successful places, in accordance with Policy D1 (Quality Placemaking) and Policy D2 (Amenity) of the ALDP and Policy 14 (Design, Quality and Place) of NPF4.

The development has sufficient means for the adequate storage and collection of any waste and recyclables generated, in accordance with Policy 12 (Zero Waste) of NPF4 and Policy R5 (Waste Management Requirements for New Development) of the ALDP.

The proposed development, comprising the change of use of an existing property, with no associated external alterations, is sufficiently small-scale such that it would not make any material difference to the global climate and nature crises nor to climate mitigation and adaptation, nor are there any opportunities to minimise greenhouse gas emissions given the nature of the proposals, therefore the proposed development is compliant with Policies 1 (Tackling the Climate and Nature Crises) and 2 (Climate Mitigation and Adaptation) of NPF4. There is no opportunity to enhance on-site biodiversity, therefore the proposals are acceptable, despite some minor tension with Policy 3 (Biodiversity) of NPF4.

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) TIME LIMIT ON SHORT-TERM LET USE

The hereby approved use of the property as Short-Term Let accommodation shall expire 5 years following the date of the grant of permission as stated on this notice, unless a further planning permission has been granted for continued use of the property as Short-Term Let accommodation in the meantime. Should no further planning permission be granted then the property shall revert to mainstream residential use as a flat after the aforementioned 5-year period.

Reason: In order to allow the local housing need and demand situation and the local economic benefits derived from the use of the property as a Short Term Let to be reassessed in 5 years' time, to ensure that the loss of the property as residential accommodation would remain compliant with Policy 30 of NPF4.

ADVISORY NOTES FOR APPLICANT

(01) COMMERCIAL USE OF COMMUNAL DOMESTIC STREET BINS

As Short Term Let accommodation comprises a commercial use, business rates are payable by the operator, rather than Council Tax. In the absence of a Council Tax payment which would cover the cost of the collection of waste from the on-street bins, the operator is required to enter into a contract

with Aberdeen City Council's Business Waste & Recycling team, to enable the lawful use of the on-street bins by customers of the property, if they haven't done so already.

Further information is available on the Council's website at:

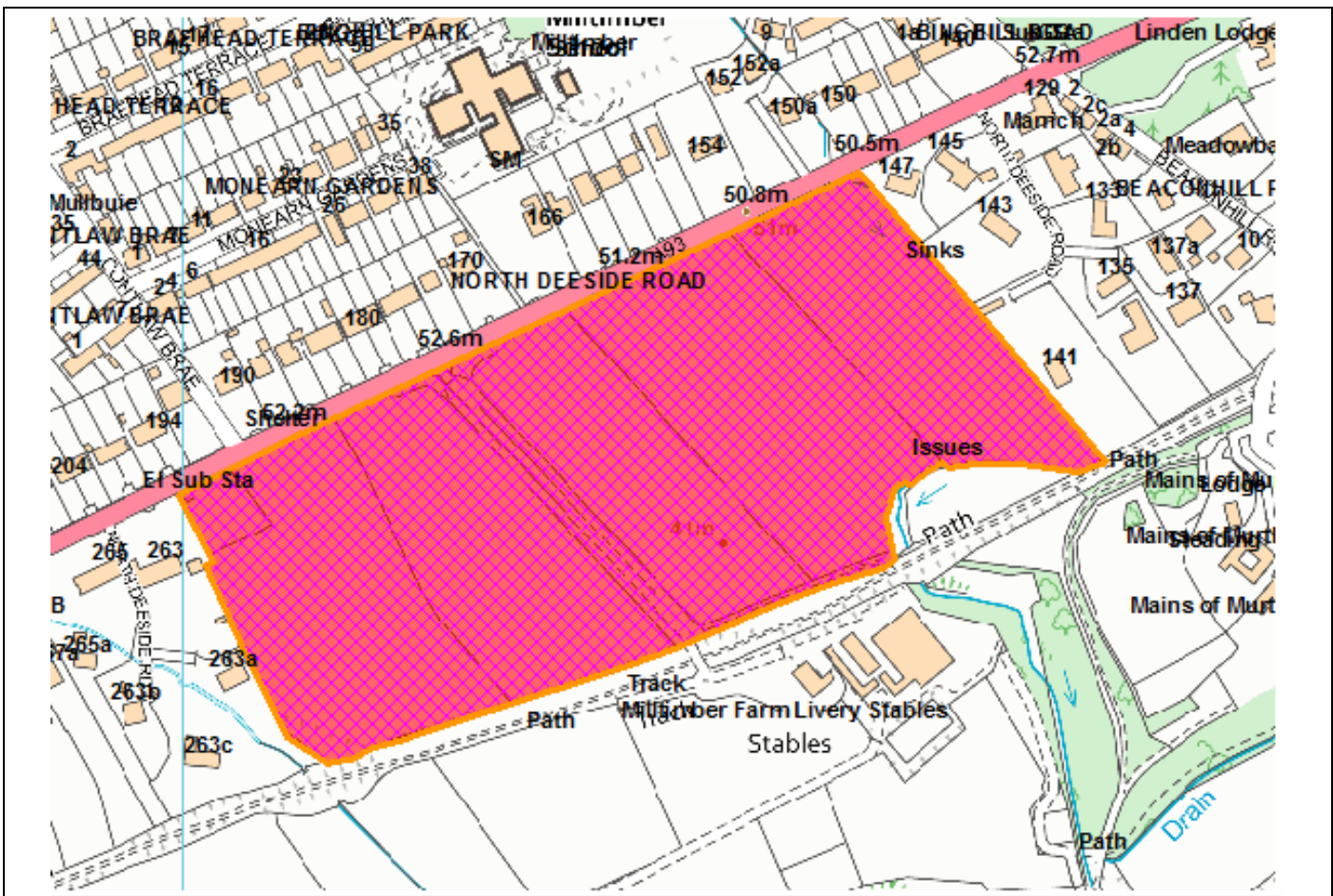
<https://www.aberdeencity.gov.uk/services/bins-waste-and-recycling/business-waste>

The operator can contact the Council's Business Waste & Recycling team at:

businesswaste@aberdeencity.gov.uk

 <p>ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Planning Development Management Committee</h2>
	<p>Report by Development Management Manager</p>
	<p>Committee Date: 20th June 2024</p>

Site Address:	Land South of North Deeside Road, Milltimber, Aberdeen
Application Description:	Variation of condition 3 (Scale of Development - Residential) of application reference 200535/PPP to increase the maximum number of residential units from 80 to 99
Application Ref:	240488/S42
Application Type	Section 42 (Variation to Conditions)
Application Date:	19 April 2024
Applicant:	Bancon Homes
Ward:	Lower Deeside
Community Council:	Cults, Bieldside and Milltimber



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RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

The application site extends to approximately 9.1 hectares and is located on the southern side of North Deeside Road, on the southern edge of the settlement of Milltimber. The site is bound by North Deeside Road (A93) and residential properties to the north, the Deeside Way, a small former quarry and open space to the south, and further residential properties set in generous plots further to the east and west. An access road leading to Milltimber Farm Livery Stables (located to the south of the Deeside Way) runs through the centre of the site.

The site itself is largely grassed pasture in equestrian use but includes some planting, particularly along the boundaries and central access road. The site slopes down from north to south towards the Dee Valley. There are several boundary treatments, including post-and-wire fencing and drystone dykes to the northern boundary.

The application site is allocated as 'OP114 Milltimber South' in the Aberdeen Local Development Plan 2023 as a 'Mixed-Use Opportunity for 60 houses and 1,225 square metres of ancillary office/retail space'. Planning Permission in Principle (PPiP) having previously been granted, on appeal, for a mixed-use development as described below.

Relevant Planning History

- Planning Permission in Principle (Ref: 200535/PPP) for 'the construction of residential led mixed use development of up to 99 residential units and retail of up to 2,000 sqm, with associated infrastructure, access, landscaping, drainage, SUDS and open space' was refused unanimously by the Planning Development Management Committee in November 2020. This refusal was subsequently appealed to the Planning and Environmental Appeals Division of the Scottish Government, where the appeal was allowed, following the conclusion of a legal agreement in December 2021. Conditions 3 and 4 on the PPP restrict the level of residential development to a maximum of 80 units and 1,225 sqm of retail space respectively within the overall development site.
- An application for approval of matters specified in condition (Ref: 220865/MSC) was approved by the Planning Development Management Committee in November 2022 in relation to conditions: 1 (Design); 2 (Access Junction); 5 (Landscaping); 6 (Trees); 8 (CEMP); 9 (Air Quality/Dust); 11 (Noise Impact Assessment); 12 (LZCT Statement); 13 (Watercourse); 14 (Watercourse, SEPA); 15 (Green Measures); 16 (BHMP); 17 (Archaeology); 18 (Badger Survey), 19 (Surface Water), 20 (Scottish Water); 21 (Residential Travel Pack) for erection of 75 residential units in connection with planning permission in principle ref. 200535/PPP. A subsequent application for the approval of matters specified in condition (Ref: 230139/MSC) was approved under delegated powers in March 2023 in relation to condition 23 (provision of Broadband) for erection of 75 residential units in connection with planning permission in principle ref. 200535/PPP. The approval of these applications allowed the developer to commence the approved development of 75 houses. These applications did not include the eastern part of the PPiP site, that is within different ownership and earmarked for commercial use and five residential units.
- An application (Ref: 230019/MPO) for the modification of planning obligation associated with 200535/PPP to allow the removal of Clause 10 (secondary education contribution) was approved under delegated powers on 10th April 2023.

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 to allow the development to be carried out without compliance with Condition 3 of planning permission in principle Ref: 200535/PPP. Condition 3 relates to the number of residential dwellings to be accommodated on site and advises:

“That notwithstanding the description provisions of “up to 99 residential units” of the Planning Permission in Principle hereby approved, no more than 80 residential units shall be built on the development site and the detailed residential development proposals to be considered through any subsequent related applications for Matters Specified in Conditions shall not exceed a combined maximum of 80 residential units. Reason: It has not been demonstrated that the site is capable of accommodating in excess of 80 residential units.”

The applicants are seeking to either amend or remove the above condition and have submitted supporting information to demonstrate that up to 99 units could be accommodated on the application site. They have done this by reducing the overall footprint of the dwellings and introducing a number of smaller house types to reflect the current housing market. The layout is discussed further in the below evaluation.

Amendments

The applicants have submitted a revised indicative layout to show how 99 units could be accommodated on site. The revised indicative layout shows a lower density of units in the north east part of the site, suggested for affordable housing and smaller house types along the southern boundary. The Design Statement and Planning Statement have also been updated to reflect the revised layout and comments received from consultees.

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=SC6XGBBZME500>

- Design Statement (updated May 2024);
- Planning Statement (updated May 2024);
- Pre-Application Consultation Report Addendum;
- Transport Assessment.

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because the proposal is a major development, has been subject to an objection from Cults, Bieldside and Milltimber Community Council and has been subject to 17 timeous letters of objection. Consequently, the proposals fall outwith the Scheme of Delegation.

Pre-Application Consultation

Pre-Application Consultation was undertaken prior to the submission of Planning Permission in Principle application 200535/PPP and included the submission of a Proposal of Application Notice (October 2019), two public events in November and December 2019, a presentation to Cults,

Bielside and Milltimber Community Council in November 2019 and a presentation to the Council's Pre-Application Forum in December 2019.

Prior to the submission of the current application the applicants held a meeting with two members of Cults, Bielside and Milltimber Community Council on 17th April 2024 to discuss the proposed amendments.

CONSULTATIONS

ACC - Developer Obligations – note that this application is has been made under Section 42 for non-compliance with Condition 3 of the existing planning permission (Ref: 200535/PPP) which restricts the development to 80 units despite the Decision Notice describing the development as being “up to 99 units”. The description of development contained within the existing Section 75 legal agreement also includes the same description as the Decision Notice, as being up to 99 units. The existing S75 legal agreement is therefore capable of accommodating the uplift in development sought through this Section 42 application. As the existing payment clauses are structured around per unit payments, the per unit payment can be applied to 99 units just as it could to 80. The increased impact from the additional housing numbers would therefore be proportionately captured within the current legal agreement without further modification as payment would be made in arrears on the basis of completed units (up to a maximum of 99).

ACC - Roads Development Management Team – note that the submitted Transport Assessment evidences that the proposed number of units would have no adverse impact on the surrounding road network. They have also noted that the two accesses to the site remain acceptable and confirmed that they have no objection to the application.

ACC - Waste and Recycling – have no objections to the application, noting that the developer should meet the conditions associated with the previous permission on site.

ACC - Housing – have advised of general housing requirements for development, but noted that there is currently little demand for two bed units and that the proposed affordable housing units should proportionally reflect the development. They also note that family sized houses are in greatest need and therefore the development should provide affordable houses, which would adequately reflect the development as a whole. They have also noted that a minimum of four of the affordable housing units should be wheelchair accessible.

ACC - Schools Estates Team – advise that the site falls within the school catchment area for Milltimber School and Cults Academy. Note that pupil numbers at both schools are nearing school capacity, so any increase in housing units within this site may require contributions from the developer to assist with the cost of reconfiguring the schools to provide the additional pupil capacity required.

Cults, Bielside and Milltimber Community Council – object to the application. Consider that the existing planning consent on site should prevail and note the allocation of the site for up to 60 houses and 1225sqm of retail/ commercial space. They would also request the submission of a refreshed Masterplan for the site, including the land in the eastern section of the site, to remove any uncertainty over the overall scope of the development.

REPRESENTATIONS

17 letters of representation, all objecting to the application have been received. The matters raised are summarised and responded to in the section of this report titled “*matters raised in representation*”.

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 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 or amended conditions or to approve planning permission unconditionally. Alternatively, the planning authority can refuse the application, which would result in the conditions on the original application remaining.

Development Plan

National Planning Framework 4

National Planning Framework 4 (NPF4) is the long-term spatial strategy for Scotland and contains a comprehensive set of national planning policies that form part of the statutory development plan.

- Policy 14 (Design, Quality and Space)
- Policy 16 (Quality Homes)

Aberdeen Local Development Plan (2023)

- Policy D1 (Quality Placemaking)
- Policy D2 (Amenity)
- Policy D4 (Landscape)
- Policy H2 (Mixed Use Areas)
- Policy H3 (Density)
- Policy H4 (Housing Mix)
- Policy H5 (Affordable Housing)
- Policy I1 (Infrastructure Delivery and Planning Obligations)
- OP114 (Milltimber South)

Aberdeen Planning Guidance

- Landscape
- Amenity & Space Standards
- Planning Obligations (Supplementary Guidance)

Other Material Considerations

- Milltimber South Masterplan and Design and Access Statement (September 2020) – part of planning permission 200535/PPP.

EVALUATION

Principle of Development

The Aberdeen Local Development Plan 2023 identifies the application site as Opportunity Site 114 – Milltimber South, for an indicative development of 60 houses and 1,225 square metres of ancillary retail/office space and sets out the requirement for a masterplan. The site also benefits from a mixed-use policy and land designation (Policy H2 – Mixed Use Areas), which advises that applications for development within such areas must take account of the existing uses and character of the surrounding area and avoid undue conflict with adjacent land uses and amenity. It goes on to state that, where new housing is proposed, a satisfactory residential environment should be created which should not impinge upon the vitality and operation of existing businesses in the vicinity and conversely, where new business/ commercial uses are permitted, development should not adversely affect the amenity of people living and working in the area. Therefore, the issues to be considered are the additional 19 units, whether these can be accommodated within the application site in an acceptable layout and whether the proposals would have any adverse impact on the amenity or infrastructure of the surrounding area. These issues will be discussed further in the below evaluation.

Layout, Siting and Design

NPF4 Policy 14 (Design, Quality and Place) states that *“Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale”* and *“Development proposals will be supported where they are consistent with the six qualities of successful places: healthy, connected, pleasant, distinctive, sustainable, adaptable”* whilst Policy D1 (Quality Placemaking) of the ALDP 2023 advises that *“all development must ensure high standards of design, create sustainable and successful places and have a strong and distinctive sense of place which is a result of detailed contextual appraisal.”*

In the assessment of the previous planning application in principle for the site (200535/PPP) it was considered that a maximum of 80 dwellings would be acceptable on site, as the applicants had not adequately demonstrated that 99 dwellings (as they had applied for at the time as a maximum level of development set through the PPIP application) could be accommodated within the development envelope. This view was shared by the Scottish Government Reporter in applying Condition 03 to the 200535/PPP approval on appeal (PPA-100-2117). The Reporter also stated in the appeal decision that *‘I do not believe that a development of 80 houses would represent over-development as contended by the council.’* and that *‘On the basis of those restrictions (conditions 2 and 3) I am satisfied that the general principle, nature and scale of the development are consistent with the allocation of site OP114 in the ALDP.’*

The previous layout, as considered through 200535/PPP and the subsequent 220865/MSC approval comprised 80 units, based on a mix of eight 1-bed cottage flats, eight 2-bed cottage flats, four 3-bed dwellings, thirty 4-bed dwellings and twenty-five 5-bed units. The proposals also indicated five units which would follow within a later phase by a separate developer. In terms of the current application the proposals, (which have been amended since the original submission), comprise the provision of eight 1-bed cottage flats, eight 2-bed cottage flats, nine 3-bedroom dwellings (a total of 25 units to be affordable), 59 4-bedroom dwellings and ten five bed dwellings. Five dwellings are also included within the later phase of development as before, resulting in a maximum total of 99 units. The proposals therefore propose an improved mix of properties with less 5-bed detached houses and a

small number of semi-detached properties in the north-eastern corner of the site. The proposals would therefore provide an acceptable housing mix, from a planning perspective and would ensure compliance with Policy H4 (Housing Mix) of the ALDP 2023.

In terms of layout, when compared with the previous approvals it is clear from the submitted information that the size of the dwellings, in terms of plot coverage, has reduced to allow for the increase in housing numbers, whilst not increasing the developable area. The applicant's supporting statement has indicated that the approved units (under application 220865/MS) resulted in a total development floorspace figure of approximately 12,798sqm whereas the proposed layout would cover an area of approximately 12,732sqm, resulting in a small reduction in the overall scale of development, due to the smaller house types used, notwithstanding the increase in the overall number of houses.

In terms of design principles, the overall layout remains largely the same, with slight amendments to the orientation and layout of dwellings. The road layout would also not be altered. The proposals would also result in increased areas of open space within the development with the supporting information indicating that due to the use of smaller house types, this would increase from 4.085 hectares to approximately 4.262 hectares and would result in an open space requirements well within the adopted APG guidance. It is also noted that materials would generally remain as existing, although finalised details in this regard would be covered via any future application for approval of matters specified in condition.

It is, therefore, concluded that the applicants have adequately demonstrated that the additional 19 units could be successfully accommodated within the application site and that the development has been designed with due consideration for its context and would not have an adverse impact on the character or the appearance of the surrounding area. Whilst the site is allocated for 60 homes, and 99 are now proposed the view is that this uplift in numbers could be accommodated within the application site without detriment to surrounding amenity and would fit in with the general character of properties in the surrounding area and the general character of the development set out in the Masterplan agreed through the original PPI application that was previously approved.

The proposals, in principle would therefore comply with Policies 14 and 16 of NPF4 and with Policies H2 (Mixed Use Areas) D1 (Quality Placemaking), D2 (Amenity), D4 (Landscape), H2 (Mixed Use Areas) and H3 (Density) of the ALDP 2023 and its associated APG: Landscape and Amenity & Space Standards, as well as with the overall allocation of the site as detailed in OP114 – Milltimber South

Developer Obligations/ Affordable Housing

Policy I1 (Infrastructure Delivery and Planning Obligations) of the ALDP 2023 advises that *“to create sustainable communities, development must be supported by the required infrastructure, services and facilities to deliver the scale and type of developments proposed. Where development either individually or cumulatively will place additional demands on community facilities or infrastructure that would necessitate new facilities or exacerbate deficiencies in existing provision, the developer will be required to meet or contribute to the cost of providing or improving such infrastructure or facilities”* whereas Policy H5 (Affordable Housing) advises *“housing developments of five homes or more are required to contribute no less than 25% of the total number of homes as affordable housing. Affordable housing requirements will be delivered on-site.”*

In this regard, it is noted that the previous development for 80 dwellings was to provide financial contributions totalling £1,483,092.80 and provided 25% affordable housing indicatively set in the north-eastern section of the application site (totalling 20 units) which were to be operated by a Registered Social Landlord. The current proposal seeks consent for an additional 19 units.

The proposals have been subject to consultation with colleagues in Developer Obligations, who have undertaken various assessments in relation to the development as proposed and have noted that the description of development contained within the existing Section 75 legal agreement also includes the same description as the Decision Notice, as being up to a maximum of 99 residential units. The existing S75 legal agreement is therefore capable of accommodating the uplift in development sought through this Section 42 application. As the existing payment clauses are structured around per unit payments, the per unit payment can be applied to 99 units just as it could to 80. The increased impact from the additional housing numbers would therefore be proportionately captured within the current legal agreement without further modification as payment would be made in arrears on the basis of completed units (up to a maximum of 99). The proposals would therefore be in compliance with Policy I1 (Infrastructure Delivery and Planning Obligations) and its associated Supplementary Guidance: Planning Obligations.

In terms of affordable housing, the proposals now include 25 units in the north-eastern section of the site which includes eight 1-bed cottage flats, eight 2-bed cottage flats, nine 3-bedroom dwellings. Whilst the comments of the Housing Service are noted, the layout, from a planning perspective is considered to be acceptable and would be a betterment in terms of affordable housing provision to what has previously been consented on site (eight 1-bed cottage flats, eight 2-bed cottage flats, four 3-bed dwellings). The proposals would provide 25% affordable housing on site and would therefore be in general compliance with Policy H5 (Affordable Housing) of the ALDP 2023.

Other Conditions

Planning Permission in Principle 200535/PPP was subject to various conditions covering matters in relation to detailed design of the dwellings, roads, landscaping, tree protection, contaminated land, the submission of a construction environment management plan, low and zero carbon, a noise assessment, air quality dust risk assessment, dust management plan, the route of the watercourse, enhancement of the water environment, green and blue measures, the requirement for a bird hazard management plan, archaeological works, badger protection, surface water drainage, wastewater connections, travel plans, ecological compliance and the requirement for full fibre broadband. These conditions all remain valid and given that the approval of this application would result in a new Planning Permission in Principle, they are proposed to be attached to the current permission as detailed fully at the end of this report.

Matters Raised by Community Council

It is noted that Cults, Bielside and Milltimber Community Council have objected to the application. They considered that the most recent planning decision (being the approval of 80 houses on the development site) should prevail. As discussed above, it is considered that that, following consideration of the indicative layout and supporting information provided through the current application, 99 houses can now be accommodated on the site without detriment to amenity, being of an appropriate layout and design and without detriment to local infrastructure.

It is also noted that the retail/ commercial space remains within the development site, although no changes to this are proposed through the current application. It is also considered that the Design Statement and Planning Statement are appropriate and a revised masterplan is not required in this instance, as the design parameters agreed through that document remain. The masterplan retains the requirement for the retail/ commercial space in the eastern section of the site.

Matters Raised in Representations

1. There are sufficient sites for housing within the Aberdeen city area, including within Milltimber and building on areas of flood risk should be discouraged. Empty properties should be redeveloped before this site is developed. *Response: the site is allocated for housing and commercial use in the Aberdeen Local Development Plan and the applicants have previously demonstrated that a development could be provided without a risk of flooding. An evaluation in relation to the additional 19 units has been provided above.*
2. Concerns about the proposed increase in number of housing units, which will introduce even more properties into the application site and there is no position for the developer to re-apply for an increase over the approved allocation and it therefore must be refused. Local residents were not in favour of the original development, and the developer should not be requesting further residential properties on site. If the developer cannot develop the land in terms of the previously approved scheme, then the development should not go ahead. Noted the levels of objection to the previous scheme. *Response: the developer is within their rights to apply for additional planning units within the site and the Planning Authority have an obligation to determine the current application. An assessment in relation to the additional 19 units has been provided above.*
3. The proposal fails to comply with NPF4, which targets areas of past decline, and there are more suitable areas within the area with brownfield designations. *Response: the aims of NPF4 are noted, however the site is allocated for housing and commercial use in the Aberdeen Local Development Plan.*
4. The site should be re-designated as Green Belt and Green Space Network and concerns raised in relation to the loss of green space. *Response: the site has a complex history, with previous requests to remove the allocation from the currently adopted ALDP 2023. The site is current allocated for housing and commercial use in the Aberdeen Local Development Plan.*
5. Query in relation to potential loss of retail/ mixed use space and whether this area would be converted to housing and whether the developer should re apply for housing only. Concerns also raised as to whether the housing should be approved without the required amenities. *Response: the retail/ mixed use element still forms part of the planning permission in principle.*
6. The original planning condition was established to mitigate issues such as impacts on the local community (doctors, dentists, primary and secondary education), increased traffic, noise pollution and impact on local services and should therefore be retained and insufficient justification has been submitted by the developer to remove the condition. *Response: the proposals have been assessed by colleagues in Developer Obligations, which has included consultation with colleagues in Housing and Education who are content that, via the provision of the required developer obligations, that the additional 19 units could be provided without a detrimental impact on amenity. Colleagues in Roads have also raised no objection to the application.*
7. The provision of one-bed properties is not in keeping with the vision of family living and the Milltimber area has a number of smaller properties designed for this purpose. Once bed flats are not required. *Response: the previous proposals included eight one bed units, as does the current application. This would allow for a mixture of residents to live within the development.*

8. Concerns in relation to the access to the site and the impacts on access to properties on the northern side of North Deeside Road. Request that the access road is moved further to the east as it is opposite an existing driveway and concerns about existing/ entering the site during rush hour and whether there would be a further requirement for traffic signals. Concerns about the location of the proposed accesses and their proximity to each other. Impacts on public transport, including bus routes/ children accessing bus stops. *Response: the two site accesses have previously been agreed and are not being altered through the current application. Colleagues in Roads Development Management have raised no objection to the application. A safe route to school will be required to be submitted as part of a future Matters Specified in Condition application and the site will be afforded close access to public transport.*
9. The 25% increase in housing numbers will bring an increase in noise impacts, as well as landscape/ visual impacts and ecological matters. Impact on air quality during construction. Concerns also raised in regards to the health and well-being of local residents, and the River Dee Special Area of Conservation. Mature screening would be required to be effective from day one. *Response: it is considered that the additional 19 houses could be provided on site. The applicants will need to adequately demonstrate, through the submission of an application for the approval of matters specified in conditions, that there would be no adverse visual impact, no adverse impact on protected species and to ensure there would be no impact on the River Dee SAC (through the submission of a Construction Environment Management Plan.*
10. The site is susceptible to flooding and will likely require the installation of flood barriers, which will have an adverse visual impact on neighbouring properties. Properties in the surrounding area will also be more vulnerable to flooding. Concerns also raised regarding impact on drainage and water pollution. *Response: this matter was raised during the previous application, and the applicant submitted further details to confirm that this matter was acceptable. Further details will be required at MSC stage to ensure that the site can be adequately drainage and would not be susceptible to flooding.*
11. The provision of 99 units would have an adverse impact on the area, with the density of development greater than those found in the surrounding area. The proposed smaller houses will also be out of character with properties in the surrounding area. The previous dwellings were more in keeping with the scale and size of properties in the surrounding area. *Response: this matter has been discussed in greater detail in the above evaluation.*
12. Concerns about the location of the affordable housing units, the level of density proposed for these and its location in proximity to North Deeside Road. *Response: the location of the affordable housing units is as previously agreed, an amended layout has been provided to alter the mix slightly and provide additional semi and detached units.*
13. Impacts on tourism due to the loss of views. *Response: the applicant had previously demonstrated that the development could be provided without adversely impacting on the views from North Deeside Road and will be required to do this again in any future MSC application. It is anticipated that this will be possible, and the proposals will not adversely impact on tourism.*
14. Request that Aberdeen City Council seek a judicial review of the examination of the Aberdeen Local Development Plan 2017, which resulted in the site being allocated for housing, seeking relief from the normal three-month limit on the grounds that the situation is inequitable and

unfair to the community. Noting that a number of the reporters views at the time of examination were flawed. *Response: it is not possible for the Planning Authority to seek a judicial review in relation to the allocation of the site in 2017.*

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

The applicants have adequately demonstrated, though the submission of supporting information, that an additional 19 residential units could be accommodated within the development site without having an adverse impact on residential amenity or the character of the area or development and would result in a wider range of housing options that previously proposed. Whilst the allocation of the site for a maximum of 60 units is noted, the proposed layout is considered to be acceptable, and the provision of previously agreed developer obligations and adherence to the existing S75 legal agreement would ensure that there was no adverse impact on surrounding infrastructure. The proposals would therefore be in general accordance with Policies 14 (Design, Quality and Space) and 16 (Quality Homes) of National Planning Framework 4 and with Policies D1 (Quality Placemaking), D2 (Amenity), D4 (Landscape), H2 (Mixed Use Areas), H3 (Density), H4 (Housing Mix), H5 (Affordable Housing), I1 (Infrastructure Delivery and Planning Obligations) OP114 (Milltimber South) of the Aberdeen Local Development Plan 2023, its associated Aberdeen Planning Guidance in relation to Landscape and Amenity & Space Standards and the Supplementary Guidance in relation to Planning Obligations. The Planning Authority are therefore content that condition 3 can be removed.

CONDITIONS

1. MATTERS REQUIRING FURTHER APPROVAL

That application(s) for approval of matters specified in condition containing details of the specified matters listed below shall be submitted for consideration by the planning authority, in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended). No development within or outwith any particular block or area shall take place unless a matters specified in conditions application comprising the detailed layout and design of roads, buildings and other structures for that particular block or area has been submitted to and approved in writing by the Planning Authority. The application shall comprise:

- (i) A detailed levels survey of the site and cross sections showing proposed finished ground and floor levels of all buildings relative to existing ground levels and a fixed datum point.
- (ii) Details of the layout and finish of roads, visibility splays, footpaths, pedestrian connection across North Deeside Road, and cycle paths including the identification of safe routes to school from the development.
- (iii) Details of layout, design and external appearance of buildings and ancillary structures; vehicular and motorcycle parking; short and long term secure cycle parking; electrical vehicle charging facilities in accordance with the associated Supplementary Guidance; storage and collection arrangements for waste and recyclables; boundary enclosures around individual homes and other premises; and details of play zones and play equipment to be provided.

Reason: Permission for the development has been granted in principle only and subsequent approval is required for these matters in accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. ACCESS TO NORTH DEESIDE ROAD

No development shall take place unless a matters specified in conditions application comprising a detailed scheme showing the precise location, layout, design and construction method of the proposed access junctions to North Deeside Road (A93), including layouts, capacity, distribution, operational flow and detailed cross-sections has been submitted to and approved in writing by the Planning Authority; no individual residential property or commercial unit shall be occupied unless the relevant scheme is fully implemented in accordance with the approved plans, unless the Planning Authority has given written approval for a variation.

Reason: in the interests of road safety.

3. SCALE OF DEVELOPMENT (COMMERCIAL)

That notwithstanding the description provisions of “retail of up to 2,000 sqm” of the Planning Permission in Principle hereby approved, no more than 1,225 square metres gross floor area (GFA) of commercial use shall be built on the development site and the detailed commercial development proposals to be considered through any subsequent related applications for Matters Specified in Conditions (MSC) shall not exceed a combined maximum of 1,225 square metres gross floor area (GFA).

Reason: To ensure accordance with the OP114 Milltimber South allocation of the Aberdeen Local Development Plan 2023.

4. LANDSCAPING SCHEME

No development shall take place unless a matters specified in conditions application comprising 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:

- (i) Existing landscape features and vegetation to be retained.
- (ii) The location of new (trees, shrubs, hedges, grassed areas and water features)
- (iii) A schedule of planting to comprise species, plant sizes and proposed numbers and density.
- (iv) The location, design and materials of all hard-landscaping works including (walls, fences, gates, street furniture and play equipment)
- (v) An indication of existing trees, shrubs, and hedges to be removed.
- (vi) A programme for the completion and subsequent maintenance of the proposed landscaping.

All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of 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.

In addition, prior to the commencement of the implementation of the approved scheme, detailed proposals for a programme for the long term management and maintenance of all the approved landscaped and open space areas within the development shall be submitted for the further written approval of the Planning Authority. Thereafter, all management and maintenance of the landscaped and open space areas shall be implemented, in perpetuity, in accordance with the approved programme.

Reason: To ensure the implementation 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 and to ensure that the landscaping is managed and maintained in perpetuity.

5. TREE PROTECTION MEASURES

No development shall take place unless a matters specified in condition application comprising a scheme/ details 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 to, and approved in writing by, the Planning Authority and 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.

6. TREES – STORAGE OF MATERIALS

That no materials, supplies, plant, machinery, spoil, changes in ground levels or construction activities shall be permitted within the protected areas specified in the aforementioned scheme of tree protection without the written consent of the Planning Authority and no fire shall be lit in a position where the flames could extend to within 5 metres of foliage, branches or trunks.

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

7. CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN

No development shall take place (including site stripping, service provision or establishment of site compounds) unless a matters specified in conditions application comprising a site-specific Construction Environmental Management Plan(s) (the "CEMP") has been submitted to and approved in writing by the Planning Authority in consultation with SEPA. The CEMP must address the following issues (i) surface water management including construction phase SUDS; and (ii) site waste management including details of re-use on-site and off-site disposal of demolition materials. Thereafter development shall be undertaken in accordance with the approved CEMP.

Reason - In order to minimise the impacts of necessary demolition / construction works on the environment.

8. LOW AND ZERO CARBON

No development shall take place unless a matters specified in conditions application comprising a scheme detailing compliance with the Council's Resources for New

Development Supplementary Guidance has been submitted to and approved in writing by the Planning Authority. Thereafter no units shall be occupied unless any recommended measures specified within that scheme for that unit for the reduction of carbon emissions have been implemented in full.

Reason - to ensure that the development complies with requirements for reductions in carbon emissions specified in the City Council's relevant published Aberdeen Planning Guidance: Resources for New Development.

9. NOISE ASSESSMENT

No development shall take place unless a matters specified in conditions application comprising a Noise Impact Assessment (NIA) has been submitted to and approved in writing by the Planning Authority. The NIA shall evaluate the impact on road traffic and quarrying operations on the development and shall be carried out in accordance with a methodology agreed with the Council's Environmental Health service. This assessment should:

- (i) Be in accordance with Planning Advice Note (PAN) 1/2011 Planning and Noise and its accompanying Technical Advice Note.
- (ii) Identify the existing sources of noise potentially impacting on the proposed development
- (iii) Detail the noise mitigation measures to reduce noise from the existing noise sources to an acceptable level to reasonably protect the amenity of the occupants of the proposed residences.
- (iv) The methodology for the noise assessment should be submitted and agreed in writing with the Environmental Protection Team in advance of the assessment.

Reason: in order to protect residents of the development from roads and quarrying noise.

10. AIR QUALITY (DUST) RISK ASSESSMENT

No development shall take place (including site stripping or service provision) unless a matters specified in condition application comprising the submission of an Air Quality (Dust) Risk Assessment for the construction phase of development has been submitted to and approved in writing by the Planning Authority. Such risk assessment shall be carried out by a suitably qualified consultant in accordance with the Institute of Air Quality Management document "Guidance on the Assessment of Dust from Demolition and Construction 2014". Thereafter development shall be carried out in accordance with the approved plan.

Reason: in order to control air pollution from dust associated with the development in accordance with Policy WB2 – Air Quality of the Aberdeen Local Development Plan 2023.

11. DUST MANAGEMENT PLAN

No development (including site stripping or service provision) shall take place unless a matters specified in condition application comprising the submission of a Dust Management Plan for the construction phase of development has been submitted to and approved in writing by the planning authority. Such management plan shall specify dust mitigation measures and controls, responsibilities, and any proposed monitoring regime. Thereafter development (including demolition) shall be undertaken in accordance with the approved plan.

Reason - In order to control air pollution from dust associated with the construction of the development in accordance with Policy WB2 – Air Quality of the Aberdeen Local Development Plan 2023.

12. ROUTE OF WATERCOURSE

No development shall take place unless a matters specified in conditions application comprising the results of an investigation to prove the existence and route of the watercourse/drain through the eastern part of the site. Thereafter no development shall take place over any culverted watercourse/drain. Priority will be given to de-culverting any watercourse/drain and the creation of blue-green infrastructure along its route. Details of such an investigation shall be submitted to, and approved in writing by the Planning Authority, in consultation with SEPA.

Reason: In order to protect and enhance the water environment.

13. ENHANCEMENT OF THE WATER ENVIRONMENT

No development shall take place unless a matters specified in conditions application comprising:

- a) An investigation of and where viable, detailed information relating to the realignment of any watercourses on site.
- b) 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 unless otherwise agreed with the Planning Authority in consultation with SEPA.

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

Reason: to improve and protect the water environment and to prevent an increase in flood risk.

14. GREEN AND BLUE MEASURES

No development (including site stripping, service provision or establishment of site compounds) shall commence on site unless an application for approval of matters specified on conditions comprising a schedule of green measures. The schedule, detailing the measures that have been investigated and will be implemented on site, should be submitted prior to the commencement of development on site for the written approval of the Planning Authority, in consultation with SEPA and implemented in full.

Reason: to ensure adequate protection of the water environment and contribute to and enhance the natural environment in accordance with National Planning Framework 4 and the relevant policies of the Aberdeen Local Development Plan 2023.

15. BIRD HAZARD MANAGEMENT PLAN

No development (including site stripping, service provision or establishment of site compounds) shall commence on site unless a matters specified in conditions application comprising a bird hazard management plan has been submitted to and approved in writing by the planning authority, in consultation with Aberdeen International Airport. The submitted

plan shall include details of monitoring of any standing water within the site temporarily or permanently and management of any flat/ shallow/ pitched/ green roofs on buildings within the site which may be attractive to nesting, roosting and loafing birds. The management plan shall comply with Advice Note 8 “Potential Bird Hazards from Building Design” and thereafter the agreed measures shall be implemented in full.

Reason - to avoid endangering the safe movement of aircraft and the operation of Aberdeen Airport through the attraction of birds.

16. PROGRAMME OF ARCHAEOLOGICAL WORKS

No development shall take place unless a matters specified in conditions application comprising an archaeological written scheme of investigation (WSI) has been submitted to and approved in writing by the Planning Authority and a programme of archaeological works has been carried out in accordance with the approved WSI. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be occupied unless a post-excavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the Planning Authority. The PERD shall be carried out in complete accordance with the approved details.

Reason – to safeguard and record the archaeological potential in the area.

17. BADGER PROTECTION PLAN

No development shall take place unless a matters specified in conditions application comprising a badger survey and badger protection plan for that area has been submitted to and approved in writing by the Planning Authority. The protection plan must include (i) the measures required to protect badgers during development and any licensable activities required to allow the development to proceed, (ii) appropriate buffer zones to be established around any known active setts in order to avoid disturbance and (iii) details of how badger habitat (including foraging areas and connectivity between identified setts) shall be retained and/ or created as part of the development. Any required mitigation measures to minimise disturbance to badgers must be identified and be in accordance with NatureScot best practice guidance.

Reason – in order to mitigate any potential impact on protected species.

18.SURFACE WATER DRAINAGE

No development within any particular block or area shall take place unless a matters specified in conditions application comprising a detailed scheme for surface water drainage for that particular block or area has been submitted to any approved in writing with the Planning Authority. The scheme shall (i) detail two levels of sustainable drainage (SUDS) treatment (or three levels for industrial hard standing areas) for all areas of roads/ hardstanding/ car parking and one level of SUDS treatment for roof run-off; (ii) include source control; and (iii) shall be development in accordance with the technical guidance contained in the SUDS manual. Thereafter development shall be implemented in accordance with the agreed scheme.

Reason – in order to ensure adequate protection of the water environment from surface water run-off.

19.WASTEWATER CONNECTIONS

No development within any particular block or areas shall take place unless a matters specified in conditions application comprising a scheme for the connection of buildings to the public waste water system for that particular block has been submitted to any approved in writing by the Planning Authority. The scheme shall include confirmation from Scottish Water that connections can be made and any necessary upgrades to the public wastewater system are in place. Thereafter, no building shall be occupied unless connection has been made to the pubic wastewater network in accordance with the approved details.

Reason – in order to ensure the sewage is satisfactory treated and disposed of.

20.RESIDENTIAL TRAVEL PACK/ GREEN TRAVEL PLAN

No development within any particular block shall take place unless a matters specified in conditions application comprising either a residential travel pack (in the case of residential development) or a green travel plan (in the case of commercial development) for that particular block has been submitted to and approved in writing by the Planning Authority. Each residential travel pack shall identify details of different travel options available in the area in order to discourage the use of the private car. The approved travel pack shall be supplied to the first occupants of every residential unit within that block on occupation. Each travel plan shall identify measures to be implemented in order to discourage the use of the private car as well as the duration of the plan, system of management, monitoring, review and reporting and thereafter shall be implemented as approved.

Reason: in order to reduce dependency on the private car for travel.

21. COMPLIANCE WITH ECOLOGICAL REPORT

The development hereby approved shall be undertaken in complete accordance with the Updated Ecological Appraisal (Brindley Associates – October 2019 – Rev A – submitted under application 200535/PPP) hereby approved unless the Planning Authority have provided written agreement on a variation to the approved scheme.

Reason: to ensure that the development is carried out in accordance with the recommendations of the report.

22.FULL FIBRE BROADBAND

No unit shall be occupied unless a matters specified in conditions application detailing a scheme for the provision of a full fibre broadband connection to each flat for that phase or block has been submitted to and approved in writing by the planning authority. Thereafter the scheme shall be implemented as approved and all flats provided with a full fibre broadband connection.

Reason – in order to provide all flats with access to high-speed communications infrastructure, in accordance with the requirements of Policy CI1 (Digital Infrastructure) of the Aberdeen Local Development Plan 2023.

ADVISORY NOTES FOR APPLICANT

DETAILED PLANNING APPLICATIONS

It should be noted that detailed planning applications for the site are unlikely to be considered acceptable in planning terms unless they comply with the framework established through this Planning Permission in Principle and ensure that the maximum thresholds of residential units and commercial space specified in the PPI are adhered to.

WASTE MANAGEMENT REQUIREMENTS

Each new house will each be provided with: 1 x 180 litre wheeled bin for general waste; 1 x 240 litre co-mingled recycling bin for recycling and 1 x 240litre wheeled bin for food and garden waste (kitchen caddy, bioliners and associated information will be provided as well). The following costs will be charged to the developer: Each 1280l bin cost £413.60; each food waste container costs £514.49 and each 180l or 240l bins cost £35.00.

All the waste containers must be presented on the kerbside only on the collection day and must be removed from the kerbside as soon as possible. No containers should be permanently stored on the kerbside.

No excess should be stored out with the containment provided. Information for extra waste uplift is available to residents at either www.aberdeencity.gov.uk/wasteaware or by phoning 03000 200 292.

Further information can be found in the Waste Supplementary Guidance available at: <https://www.aberdeencity.gov.uk/sites/aberdeen-cms/files/7.1.PolicySG.ResourcesForNewDevelopmentTC.P.4.8.9.12.13.pdf>

Developers must contact Aberdeen City Council a minimum of one month before properties will be occupied. Bins MUST be on site prior to residents moving into properties. A Purchase Order should be raised with Aberdeen City Council using the above details and we will provide further guidance for purchasing the bins.

WASTE MANAGEMENT REQUIREMENTS – RETAIL ELEMENT

Business premises need to be provided with a bin store to allocate, within the property, the waste and recycling bins.

Commercial waste bins cannot be stored on the street any day of the week as per Council Policy 2009 (Obstructions- Commercial Waste Bins). Infringement on the Council Policy can lead to a fine of £500 per bin as adopted by the Enterprise, Strategic Planning and Infrastructure Committee on 29th August 2013

There are many waste contract collection providers operating in Aberdeen and each one provides different collection of waste and recycling services. For this reason, business premises need to liaise with their waste contract collection to ensure the correct management of their waste.

Business premises have a legal Duty of Care covering all the waste they produce. This means that it is the Business premises responsibility to manage and dispose of any waste correctly.

The Waste (Scotland) 2012 requires that all businesses from 1st January 2014 are required to separate paper, cardboard, glass, plastic and metals for recycling. Some businesses will additionally be required to separate their food waste (where food waste >5kg per week).

General tips for site and hopefully the chosen waste collection contractor will detail this but for access, the following is needed:

- An area of hard standing at storage and collections point(s)
- Dropped kerb at proposed bin collection point
- Yellow lines in front of bin collection point
- Bin storage areas to ideally be provided with a gully and wash down facility for the interest of hygiene

For further independent guidance about waste and recycling provision, storage and collection please refer to the following document: http://www.lgcplus.com/Journals/3/Files/2010/7/14/ADEPTMakingspaceforwaste_000.pdf and additional Trade Waste information can be found in the Waste Supplementary Guidance available at <https://www.aberdeencity.gov.uk/sites/default/files/7.1.PolicySG.ResourcesForNewDevelopmentT.C.P.4.8.9.12.13.pdf>

POLICE SCOTLAND

The developer should liaise with the Police Scotland Architectural Liaison Officer service at each stage of the development, for the purposes of designing out crime using the principles of Crime Prevention through Environmental Design (CEPTED). It is also encouraged that the applicant attain the 'Secured By Design' award and recommend that the development achieves the Police SBD accreditation as part of the planning conditions.

USE OF CRANES

Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4 "Cranes and Other Construction Issues".

HOUSING

Social housing is in great demand across the city; therefore, the preference would be for on-site delivery of social housing. It is recommended that the developer enters into early discussions with a Registered Social Landlord (RSL) to secure the sale of these units. The developer should also contact the Housing Strategy Team to determine an appropriate mix of house size and types prior to the submission of any future Approval of Matters Specified in Conditions applications. The size and type should reflect the development as a whole.

HOURS OF CONSTRUCTION

In order to protect amenity of the occupants of the neighbouring residences from noise produced as a result of demolition, site/ground preparation works, and construction works, operations creating noise which is audible at the site boundary should not occur outside the hours of 07:00 to 19:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

ROADS CONSTRUCTION CONSENT

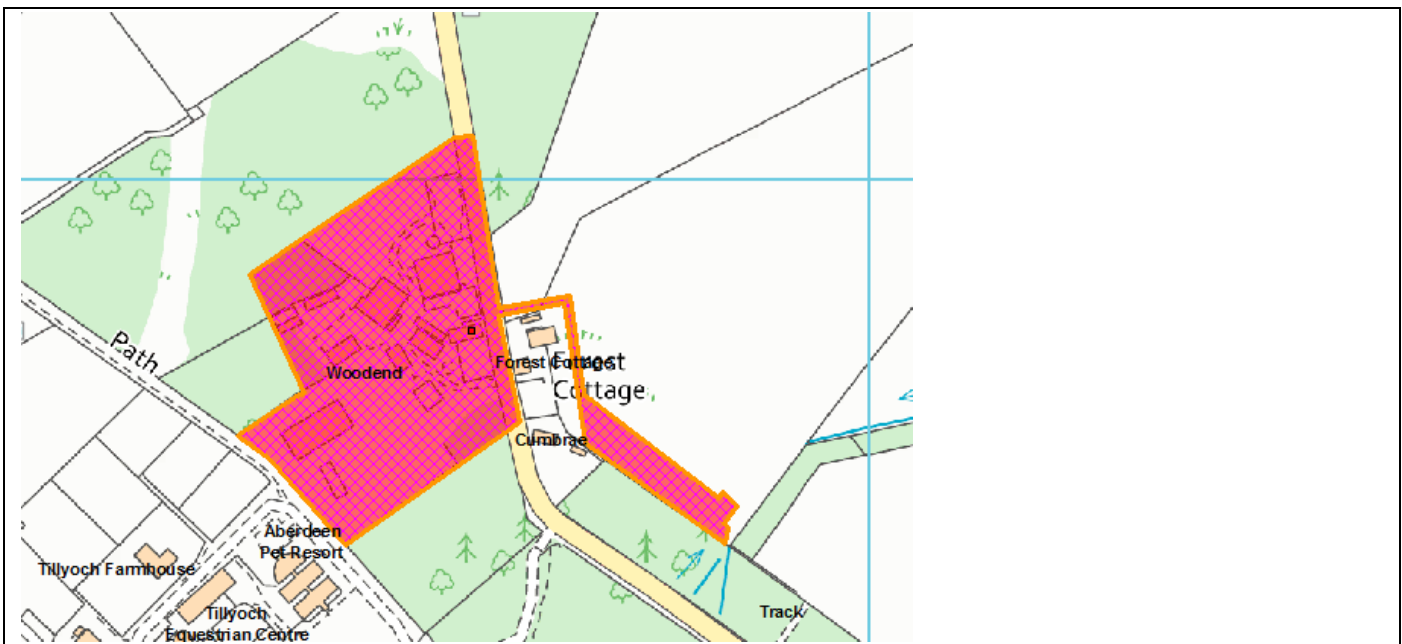
The proposed road works shall be subject to a Section 21 Roads Construction Consent (RCC) procedure and require to be designed and constructed to Aberdeen City Council standards. The applicant shall require discussing this matter further with Colin Burnet on (01224) 522409.

BATS IN DEVELOPMENT

Please note there is a possibility that bats may be present on the site. All bats and their breeding or resting places (i.e. roosts) are protected by law. It is an offence to disturb, injure or kill any bat or to damage, destroy or obstruct access to a bat roost. Damage does not have to be deliberate to be considered an offence. Work that may impact on bats and their roosts can only be carried out under licence. If evidence of bats is discovered works must cease immediately and the advice of Scottish Natural Heritage (NatureScot) must be sought.

 <p>ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Planning Development Management Committee</h2>
	<p>Report by Development Management Manager</p>
	<p>Committee Date: 20 June 2024</p>

Site Address:	Woodend, Culter House Road, Aberdeen Peterculter AB14 0NS
Application Description:	Erection of 19no. self-build dwelling houses with associated landscaping, access and infrastructure
Application Ref:	210889/PPP
Application Type	Planning Permission in Principle
Application Date:	18 June 2021
Applicant:	John Adam And Son
Ward:	Lower Deeside
Community Council:	Culter



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RECOMMENDATION

Approve Conditionally & Legal Agreement

APPLICATION BACKGROUND

Site Description

The application site is located to the west of Culter House Road, c.350m to the north of the residential area of Peterculter. It is located in the green belt, and is allocated in the 2023 Aberdeen Local Development Plan as OP109 considered suitable for a residential development of no more than 19 dwellings.

The application site has an irregular shape, extending to c.2.5ha to the west of Culter House Road, which would include the main developable area, and a spur on the east side of Culter House Road, which would provide space for drainage arrangements.

The site is occupied by a collection of buildings, including the original farmhouse, agricultural buildings and polytunnels in various states of repair.

To the north and south of the main site are woods, with fields belonging to the Tillyoch equestrian centre to the west. Across the road, the eastern part of the site is bounded by agricultural fields to the north and east with woodland to the south, and by the properties of Forest Cottage and Cumbrae to the west.

Relevant Planning History

- 111144 – Planning permission in principle for a proposed residential development comprising 14 dwelling houses and associated landscaping and open space was refused on 2nd April 2012;
- 121581 – Planning permission in principle for a proposed residential development was refused on 25th July 2013;

APPLICATION DESCRIPTION

Description of Proposal

Planning permission in principle is sought for the construction of a total of 19 dwellings, with details submitted for roads layout, strategic landscaping and layout of residential plots. It is anticipated by the applicant that these will be sold off for self-build, with each plot developed on an individual basis by the future owner, subject to a subsequent 'Matters Specified in Condition' application for an individual plot.

The plots are arranged into four groups in a 'courtyard pattern', with a single vehicular access coming off Culter House Road, which forms a loop centrally in the site. Off this main access road, four secondary accesses would be formed to connect to parking areas serving the individual residential plots. The residential plots are set in three groups of four and one group of seven, with areas of strategic landscaping marking out the individual 'courtyards'. An area of 5-10m wide around the site's perimeter is excluded from development to allow for a biodiversity corridor and tree protection area. Pedestrian access to this perimeter zone is provided through each individual courtyard. In the centre of the development site, within the loop in the access road, is an area of communal amenity space.

Whilst the application is for planning permission in principle, and the details submitted do not include information on design, scale and massing of properties, the application is accompanied by a 'Design Code' which provides parameters for future owners of the individual plots to ensure that, given that the proposal is proposed as a self-build development, there is an element of future consistency across the site.

To the east of Culter House Road is provision for a foul water treatment plant and SUDS basin designed to accommodate the development.

Amendments

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

- Significant amendments to proposed site layout, including vehicular access and plot layout;
- Introduction of 'Zone of Influence' perimeter along edge of site;
- Further clarification on and adjustments to 'Design Code'.

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=QUUHEDBZKWF00>

- Design Code, by MAC Architects;
- Drainage Strategy Assessments, by Goodson Associates, dated 10th June 2021 and updated 10th November 2023;
- Ecological Assessment, by Countrywise, dated 25 May 2021;
- Supporting Planning Statement, by Savills, dated June 2021;
- Transport Statement, by Goodson Associates, dated 15th June 2021;
- Tree Survey, Arboricultural Impact Assessment and Tree Protection Plan, by Tay Ecology, dated 24th May 2021.

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because the Culter Community Council has objected to the application, and it is recommended for approval.

Hierarchy of Development

The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 describes and assigns classes of development to the categories of national, major and local developments. Scottish Government Circular 5/2009 explains how the hierarchy of developments regulations should be applied across these development types, and provides criteria as to when a development is considered 'major', with the additional requirements of submission of a pre-application notice and pre-application consultation report.

For a housing development, the criteria are:

- a. The development comprises 50 or more dwellings; or
- b. The site area exceeds 2ha.

This second part is caveated in the Scottish Government Circular 5/2009 by the following: *'When considering whether a housing proposal is a major development under the terms of the second threshold only the area subject to the construction of buildings, structures or erections should be taken into account'*.

In this case, the developable area comprises the area covered by the residential plots, vehicular access and central amenity space, with the perimeter 'Zone of Influence' and area to the east of Culter House Road which is set aside for drainage excluded. As such, the developable area would extend to c.1.9ha, with a proposed development of 19 properties, and would thus constitute a local

development.

CONSULTATIONS

ACC - Developer Obligations – Developer obligations are required for Core Path Network: £6,696; Healthcare Facilities: £10,386; and Open Space: £3,294. A minimum of 25% of units should be delivered as affordable housing, which equates to 4.5 units in this instance. For developments of fewer than 20 units, the provision of affordable housing may be on-site, off-site or through a commuted sum payment. Any commuted sum would be based on the rate for affordable housing plots in the suburban sub-market area, and would be calculated as $4.5 \times £47,500 = £213,750$.

ACC - Environmental Health – No observations

ACC - Housing – As per policy H5 of the 2023 ALDP, an affordable housing contribution of 25% is required, which equates to 4.5 units. For developments of less than 20 units, the provision of affordable housing may be on-site, off-site or commuted payments.

ACC - Roads Development Management Team – The site is in a rural location, and is not well served for pedestrian access along Culter House Road as there is no footway or street lighting. Therefore there would be a heavier reliance on private vehicular trips than other residential developments. Proposed upgrades to an existing path through the local woodland area of Culter House Road are welcomed, but would not be considered a 'Safe Route to School'. Given its location, it is not considered possible to provide a 'Safe Route to School' for children walking or cycling to work. In terms of cycling, this shall be on-street via Culter House Road until it can tie in within North Deeside Road and Deeside Way. Culter House Road is lightly trafficked allowing for safer cycle use and the limited trips associated with the size of the site.

ACC - Schools Estates Team – The site falls within the catchment zones for Culter School and Culter Academy. School roll forecasts indicate that there is sufficient capacity at both schools to accommodate the number of pupils expected to be generated from the proposed development.

ACC - Waste And Recycling – No objection. Hard standing areas should be provided for each plot to position bin on service collection day.

NatureScot – Agrees with conclusion of the Habitats Regulations Appraisal. No further comments.

Scottish Water – No objection. The proposed development will be fed from Invercarnie Water Treatment Works. There is no public Scottish Water, waste water infrastructure within the vicinity of this proposed development. The applicant is therefore advised to investigate private treatment options.

Culter Community Council –

Initial comments:

Objection. The self-build model is an attractive alternative to the conventional provision of housing. It is considered that improvements are required before planning permission could be granted:

1. There is no affordable housing proposed. This is in breach of policy H5 and D1. It is noted that the applicant proposes a commuted sum to cover affordable housing, but this is very low in today's market;
2. The proposal to install gates would make this a gated community, which would not be welcoming;
3. On energy consumption, the applicant declares that individual plot-holders will need to demonstrate compliance with Building Regulations. There is no clear mechanism proposed to ensure that these are applied;

4. The proposals for walking and cycling access to public transport and to the main village of Culter do not appear to meet the policy D1 criteria 'Easy to get to, prioritising sustainable and active travel, and providing well-connected links'.

Additional comments:

Maintains objection. The proposal for 19 homes is consistent with the Local Development Plan and redevelopment of what is partially brownfield land is welcome. The self-build model is an attractive alternative to the conventional provision of housing. It is considered that improvements are required before planning permission could be granted:

The revised drawings show a layout which is more 'liveable', especially for children playing outside, and there is much greater detail on services and infrastructure on the site. The entrance gates have been removed, and this is a noticeable improvement. There has been no update to the Design Code or other documents, so most concerns raised in previous representation remain:

1. No affordable housing. It is noted that the current proposal does have a couple of smaller plots, although these are still far from any sense of 'affordable';
2. There is no commitment to low-energy housing;
3. The location of the site militates against the use of public transport, or active travel except for leisure.

REPRESENTATIONS

One letter of objection, and 21 letters of support were received during the initial representation period. No further letters, either of objection or support, were received during the second representation period.

The following matters were raised in the letter of objection:

1. The entrance gates would set a terrible precedent for socially divisive gated communities if approved;
2. The idea of 'self-build eco homes' is intriguing but a clear design code will be needed to ensure that the houses are built to appropriate safety, sustainability and construction standards and are visually acceptable;

The following matters were raised in the letters of support:

1. Innovative proposal due to the self-build nature of the development;
2. Proposal would provide a range of opportunities, and would be great for families;
3. The idea of a gated, safe community of individual self builds will be unique in the Culter area and unlike conventional housing developments with rows and rows of similar houses;
4. Proposed development would sit well within the surrounding woodland;
5. Proposal would have a positive impact on biodiversity;
6. Improvements to footpaths between the development and the village would not just benefit residents of the proposed development, but also others living in Culter and the surrounding area;

MATERIAL CONSIDERATIONS

Legislative Requirements

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that where

making any determination under the planning acts, regard is to be had to the provisions of the Development Plan; and, that any determination shall be made in accordance with the plan, so far as material to the application, unless material considerations indicate otherwise.

Development Plan

National Planning Framework 4

National Planning Framework 4 (NPF4) is the long-term spatial strategy for Scotland and contains a comprehensive set of national planning policies that form part of the statutory development plan.

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 2 (Climate Mitigation and Adaptation)
- Policy 3 (Biodiversity)
- Policy 4 (Natural Places)
- Policy 6 (Forestry, Woodland and Trees)
- Policy 13 (Sustainable Transport)
- Policy 14 (Design, Quality and Place)
- Policy 15 (Local Living and 20 Minute Neighbourhoods)
- Policy 16 (Quality Homes)
- Policy 18 (Infrastructure First)

Aberdeen Local Development Plan (2023)

- Policy LR1 (Land Release Policy)
- Policy NE3 (Our Natural Heritage)
- Policy NE4 (Our Water Environment)
- Policy NE5 (Trees and Woodland)
- Policy D1 (Quality Placemaking)
- Policy D2 (Amenity)
- Policy D4 (Landscape)
- Policy D5 (Landscape Design)
- Policy H3 (Density)
- Policy H5 (Affordable Housing)
- Policy R5 (Waste Management Requirements for New Developments)
- Policy R6 (Low and Zero Carbon Buildings and Water Efficiency)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)
- Policy I1 (Infrastructure Delivery and Planning Obligations)

Supplementary Guidance

Planning Obligations

Aberdeen Planning Guidance

Affordable and Specialist Housing
 Amenity and Space Standards
 Flooding, Drainage and Water Quality
 Landscape
 Materials

Natural Heritage
Transport and Accessibility
Trees and Woodlands

EVALUATION

Principle of Development

The application site is allocated in the 2023 Aberdeen Local Development Plan (2023 ALDP) as OP109 and considered suitable for a residential development of up to 19 homes. The site was first included as an opportunity site in the 2017 Aberdeen Local Development Plan. The Reporters in their examination of the 2017 Aberdeen Local Development Plan acknowledged that the site was located outside the established residential area of Peterculter, and would be reliant on the use of the private car, which would be contrary to local and national planning policies promoting sustainable transport methods. However, they noted that the derelict buildings on the site detract from the amenity of the surrounding area, and that no improvement would be likely to occur without redevelopment of the site. They continued with setting out that redevelopment of the site could make a positive contribution to the surrounding area and would provide a contribution to the slight housing shortfall in greenfield housing land at the time.

Policy LR1 (Land Release Policy) of 2023 ALDP sets out that housing development on existing allocated sites will be approved in principle within areas designated for housing. Policy 16 (Quality Homes) part (a) of NPF4 sets out that development proposals for new homes on land allocated for housing in LDPs will be supported.

The proposal seeks planning permission in principle for a development of a total of 19 properties. The supporting information sets out that the plots would be developed as 'self-build', where each plot would be sold off individually with the current applicant responsible for providing infrastructure and services, and each individual purchaser responsible for further development of the plot and property. In general, Policy 16 (Quality Homes) part (c) of NPF4 encourages proposals that increase choice for new homes and includes schemes for self-build homes. Taking account of the above, the principle of the proposed residential development for a total of 19 dwellings is considered acceptable and in compliance with these policies. Whilst the applicant has specified this current proposal is for self-build plots where single residential plots are sold off to allow individual properties to be built by the future purchasers, this would not preclude the sale of several or all plots to a single party.

Siting and Design

Policy 14 (Design, Quality and Place) of NPF4 sets out that all development will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. Policy D1 (Quality Placemaking) of 2023 ALDP sets out that all development must follow a thorough process of site context appraisal to arrive at an appropriate proposal, taking cognisance of specific characteristics of the surrounding area. All proposals will be considered against the following six essential qualities: distinctive; welcoming; safe and pleasant; easy to move around; adaptable; and resource efficient. Policy D4 (Landscape) of 2023 ALDP recognises that landscapes provide a distinct 'sense of place' that should not be adversely affected by development, whilst policy D5 (Landscape Design) of 2023 ALDP sets out that all development proposals will be designed with an effective, functional and attractive landscape framework supported by clear design objectives.

The application site is set in a rural location, c.350m to the north of the main residential area of Peterculter, but visually clearly distinct from this built-up area. The site itself is currently occupied by the farmhouse itself, a collection of farm buildings of a variety of ages, design and scale, and a selection of dilapidated polytunnels. Culter House Road is a narrow road providing a through route

between the B979 Malcolm Road to the west and the Deeside junction of the AWPR to the east, with no direct vehicular route from Culter House Road into the main settlement of Peterculter. The vehicular route from the development site to Peterculter would involve either going north along Culter House Road towards the B979 Malcolm Road and south towards the settlement, or east following Culter House Road until its junction with the AWPR Deeside Road sliproad, turning south to North Deeside Road and then west towards Peterculter. It is noted that a potential shorter route along Bucklerburn Road and School Road would necessitate using private roads with this section of Bucklerburn Road in a very poor state of repair and generally inaccessible for normal cars. As such, even though the site is relatively near to the settlement of Peterculter, there are no clear vehicular links to this existing residential settlement and this is reflected in the rural character of the application site. To the north, and south and part of the west, the site is bounded by woodlands, including ancient woodlands. Further to the north and to the east are agricultural fields, whilst further to the south, Culter House Road has a sylvan character. Whilst at a relatively short distance from the edge of Peterculter, the woodlands and character of Culter House Road in this location provide a clear visual barrier between the application site and Peterculter, further emphasising its rural location and character.

The proposed site layout submitted as part of this application provides details of the plot layout, strategic landscaping, boundaries, vehicular access and infrastructure and areas of open space, including a buffer zone around the perimeter of the site.

The proposed layout would see a single vehicular access from Culter House Road, located midway along the eastern boundary and running to a point centrally within the site, where it loops around a small central green space. From this access road, a total of four smaller private roads would run to four different courtyards. Each courtyard would be fronted by, and provide access to, a set of four to seven residential plots, varying in size from c.550m² to c.1100m². The four 'courtyards' would be separated by strategic, structural landscaping consisting of hedges. A pedestrian link would run through each individual courtyard to a buffer zone of strategic landscaping – 5m to 10m in depth – running along the north, west and south perimeter of the site. The eastern boundary with Culter House Road would be made up of a stone wall with hedge and timber fencing to provide sufficient screening to properties.

The proposed site layout, which separates the site into four 'courtyards' would reflect the agricultural heritage of the surrounding area, and would take cognisance of its rural nature. The 5m-10m wide mature landscape buffer to the perimeter of the site would see sufficient distance retained to the existing mature woodlands, whilst ensuring that the development would sit comfortably within the application site. The main function of this buffer zone is to protect the ancient woodlands outside the application site and to introduce valuable biodiversity habitat into the site. Whilst this area would be mainly untouched, there could be some additional tree planting where necessary, and the buffer zone would be separated from the rear boundary of residential plots by a hedge, which would form part of the strategic landscaping plan. Additional strategic landscaping would be between the various courtyards, along the central access road, and along the frontage with Culter House Road providing a softer setting for the overall development and ensuring that the development would sit well within its setting, thus contributing to an improvement to visual amenity as set out by the Reporter when the site was first allocated in the 2017 Aberdeen Local Development Plan. Whilst the locations and general criteria for strategic landscaping are included in the current application, details and timing will require to be agreed through a subsequent Matters Specified in Conditions (MSC) application, which will also need to include a detailed landscaping scheme for the central open space.

The position and alignment of the access road and secondary accesses into the 'courtyards', the positions of the courtyards, the plot boundaries, size and extent of each individual plot and the location and extent of the buffer zone is set out in this current application and will all be fixed, if this application is approved, with final details of site wide roads and drainage infrastructure, perimeter

planting and the phasing of the delivery of these elements to be the subject of a separate MSC application.

Turning to the individual properties, the current application does not include details of scale, siting and design of each property. Whilst a drawing has been submitted showing a potential footprint for individual dwellings, this is labelled 'indicative' and thus gives an indication of how dwellings could potentially be positioned within each plot, but does not form part of the assessment and determination of this application. Thus the details shown are likely to be subject to change following submission of future MSC applications for detailed scale, siting and design of individual properties. The applicant has stated that their intention is to sell plots on an individual basis, and for each dwelling to come forward as a unique self-build project. To assist this process and to ensure a comprehensive, cohesive final development which respects the rural setting of the site whilst providing flexibility for each individual to create their own unique dwelling, the applicant has submitted a 'Design Code' which sets out the main parameters in relation to scale, massing and design elements including guidelines on appropriate external materials for individual properties. It is recommended this Design Code is included as part of a suitably worded condition to ensure that MSC applications for future dwellings would need to adhere to these design parameters.

Subject to the proposed conditions and requirements for subsequent MSC applications, it is considered that the proposal takes sufficient cognisance of its rural setting and would provide a good quality development in compliance with Policy 14 (Design, Quality and Place) of NPF4 and Policies D1 (Quality Placemaking), D4 (Landscape) and D5 (Landscape Design) of 2023 ALDP.

Density

In terms of density, Policy H3 (Density) of 2023 ALDP sets out that the Council will seek an appropriate net density of development on all housing allocations and windfall sites. For all residential development over 1ha, the net density is generally sought at no less than 50 dwellings per hectare. In this case, the development site extends 1.9ha and a total of 19 dwellings are proposed, resulting in an overall density of 10 dwellings per hectare. Whilst this is significantly less than the 50 dwellings per hectare as set out in the above policy, it is considered that, due to its rural location and other environmental constraints, the site was considered suitable for a development of up to 19 dwellings as part of the development plan process. This low density is therefore considered acceptable in this instance, even though it does not strictly comply with the criteria as set out in Policy H3 of 2023 ALDP.

Residential Amenity

Policy D2 (Residential Amenity) of 2023 ALDP seeks to ensure that all developments achieve a good level of residential amenity, both within the property and externally. In this case, the proposed site layout would see the creation of four individual 'courtyards' fronted by four to seven residential plots. Each plot would extend between c.550m² and c.1100m². Due to the proposed courtyard layout, size of plots and the parameters as set out in the proposed 'Design Code' as discussed above, the dwellings can be positioned in such a way that they would not result in excessive overlooking or overshadowing, whilst ensuring sufficient garden space to provide sufficient external amenity space.

In addition to private external garden space, the proposed site layout includes a communal space within the centre of the site, and pedestrian access to the perimeter along the north, west and south boundary. Access to this perimeter is provided through each courtyard. Taken together, the proposal would achieve a high quality of residential amenity, exceeding the expectations of Policy D2 (Residential Amenity) of 2023 ALDP.

Access and sustainable transport

Both Policy 13 (Sustainable Transport) of NPF4 and Policy T2 (Sustainable Transport) of 2023

ALDP seek to reduce reliance on the private car. Policy 15 (Local Living and 20 Minute Neighbourhoods) of NPF4 seeks to create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by walking, wheeling or cycling or using sustainable transport options.

As set out above, the site is in a rural location and removed from the main residential area of Peterculter. There is no pavement or cycle path along Culter House Road and whilst narrow, this road is subject to the national speed limit. Furthermore, whilst not directly connecting to Peterculter, Culter House Road does provide access to the Aberdeen Western Peripheral Route – Deeside junction, and is relatively busy at times. As such, it is not a safe, comfortable route for walking or cycling. In terms of linkages with Peterculter, there are existing tracks through woodlands between Tillyoch and School Road, an aspirational Core Path along Bucklerburn Road and a rough track across Ardbeck Hill, but these are not necessarily maintained and are not lit. In addition, many of these tracks run over private land, including Ardbeck Hill and the woodland between Tillyoch and School Road. As such, they would function more as leisure walking routes than a functional route to schools, shops and public transport. Furthermore, the distance from the site to the nearest bus stop in Johnston Gardens; Culter Primary School and leisure centre on Coronation Road; and Culter District Centre centred on North Deeside Road are c.1.6km; c.2.1km and c.2.1km respectively. The development is thus reliant on private car use and would not contribute to the development of connected and compact neighbourhoods, given the distance between the application site and the nearest local facilities, and the lack of good, safe sustainable travel routes. Taking account of the above, there is also no safe route to school.

In an attempt to mitigate these matters to some extent, the applicant has included indicative proposals in relation to the creation of a pedestrian route between the application site and the main residential area of Peterculter. This would provide the option of a segregated walking route to the east of Culter House Road, where it would link into Ardbeck Hill further to the south. It is noted that the land to the east of Culter House Road is within control of the applicant, whereas the land on Ardbeck Hill is not. Whilst there are existing walking routes across Ardbeck Hill, it has not been evidenced by the applicant that such upgrades could be delivered, as the land is not identified as being within the applicant's control. In addition, in any case, due to the location of the proposed paths through the woods and rough ground, with Ardbeck Hill forming part of the Peterculter Local Nature Conservation Site and the land to the east of Culter House Road considered an ancient woodland, any construction of a footpath would need to be light weight and could not include any lighting to ensure no adverse impact on existing habitats. As such, the delivery of such a route might, at worst, not be feasible and, at best, would not result in a pedestrian connection to the settlement of Peterculter that could be considered a 'Safe Route to School'. Given that the proposed pedestrian route would not alleviate the fact that there would be no 'Safe Route to School' it is not considered essential to attach a condition requiring its implementation.

As such, despite proposed improvements to existing walking routes, due to the distance between the application site and the main residential area of Peterculter, the proposed development would be reliant on the use of the private car and would not be in a position to promote the use of sustainable and active travel methods. In addition, it would not contribute to the development of 20-minute neighbourhoods and local living. As such, the proposal would not meet the requirements of Policy 13 (Sustainable Travel) and Policy 15 (20-Minute Neighbourhoods and Local Living) of NPF4 and Policy T2 (Sustainable Travel) of 2023 ALDP. However, consideration is given to the inclusion of the site as an opportunity site for residential development of up to 19 houses. It is however acknowledged, as set out previously, that the Reporter in their assessment of the site for the 2017 Aberdeen Local Development Plan, acknowledged that it would be reliant on the use of the private car and would conflict with both national and local policies in relation to sustainable travel. However, in their assessment, they concluded that the benefit of a small scale development on the site, which currently detracts from the character of the surrounding area, would significantly improve the

amenity of the surrounding area, and that this would outweigh the conflict with sustainable transport policies. This assessment remains a material consideration in this instance, and the inclusion of the site in the 2023 Aberdeen Local Development Plan, which was adopted after NPF4, would therefore outweigh the conflict with Policy 13 (Sustainable Travel) and Policy 15 (20-Minute Neighbourhoods and Local Living) of NPF4 and Policy T2 (Sustainable Travel) of 2023 ALDP.

Parking and Access

A single vehicular access is proposed from Culter House Road. This access road would loop through the development, and would include four spurs into the individual 'courtyards'. It has not been confirmed whether it is proposed to adopt this road. The indicative roads design would be acceptable, with further details secured through a subsequent MSC application, including details of the design of the junction onto Culter House Road.

The indicative layout shows that all plots could be served by two to four parking spaces. Given the size of the individual houses is not confirmed at this stage, this figure is indicative and would be acceptable. It is noted that as part of a subsequent MSC application for the detailed design of each individual house, relevant parking standards as specified in Aberdeen Planning Guidance: 'Transport and Accessibility', including on EV-charging, will need to be applied. Therefore, based on the current level of information provided and required as part of this application for planning permission in principle, the proposal meets the requirements of Policy T3 (Parking) of 2023 ALDP and Aberdeen Planning Guidance: 'Transport and Accessibility'.

Trees and Woodlands

Policy 6 (Forestry, Woodland and Trees) of NPF4 aims to protect and expand forests, woodland and trees. It further sets out in Policy 6(b)(i) that development proposals will not be supported where they will result in *'any loss of ancient woodlands, ancient and veteran trees, or adverse impact on their ecological condition'*.

Policy NE5 (Trees and Woodland) of 2023 ALDP sets out that development should not result in the loss of, or damage to, trees and woodlands. However, where tree removal takes place or is necessary for good arboricultural reasons, replacement planting will be required to ensure an overall net gain in tree cover. In addition, buildings and infrastructure should be sited to allow adequate space for a tree's natural development, taking into account the predicted mature height, canopy spread and future rooting environmental.

Whilst the woodlands do not encroach into the site, immediately to the north, south and parts of the west boundaries are areas of woodland included in the ancient woodland inventory, and are protected by Tree Preservation Orders (TPO) 210 to the south and 244 to the north and west. The TPOs do not extend into the site.

Trees are predominantly located along the perimeter of the site, with some clusters of predominantly self-seeded silver birches in the western half of the site. Two Category-B copper beeches are located in the garden of the existing farmhouse. The proposed site layout includes a 10m wide exclusion zone for development along the north, south and west boundaries with a section of the north west boundary having an exclusion zone of 5m. This adequately protects the trees located near the site boundary – both within and outside the site. It is proposed to fell all trees positioned more centrally within the site, including the copper beeches, to allow for the development. Whilst no replacement planting has been proposed at this stage, it is considered that the site layout allows for sufficient opportunities for additional tree planting within the central communal area, the exclusion zone along the boundaries and within individual plots, and that this can be secured through further MSC applications.

The proposed 10m exclusion zone should be sufficient to ensure the development has no adverse

impact on the ancient woodlands surrounding the site, and would ensure that there is sufficient space for dwellings to be located within their individual plots without being located in the tree's zone of influence. Some tree protection is indicated on the proposed site layout drawing, however, additional detail can be submitted through a further MSC application.

On the basis of the above, and whilst acknowledging that there is a loss of trees within the more central part of the development site, it is considered that the proposal is generally compliant with Policy 6 (Forestry, Woodland and Trees) of NPF4 and Policy NE5 (Trees and Woodland) of 2023 ALDP subject to the further MSC applications as set out above.

Natural Heritage

Policy 3 (Biodiversity) part (c) of NPF4 sets out that proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity. Measures should be proportionate to the nature and scale of development. In part (d) it continues that any potential adverse impacts will be minimised through careful planning and design. Policy 4 (Natural Places) part (f) of NPF4 sets out that development proposals that are likely to have an adverse effect on species protected by legislation will only be supported where the proposal meets relevant statutory tests. These policies are mirrored by Policy NE3 (Natural Heritage) of 2023 ALDP which similarly seeks protection of protected species and designated sites.

The application is supported by an Ecological Assessment and additional Badger Survey. The Peterculter Local Nature Conservation Site (LNCS) stretches from Lochnagar Road to the south, to the edge of Bucklerburn Road to the west, to Guttrie Hill to the east and the southern boundary of, but does not extend into, the application site to the north. The LNCS is mainly designated due to upland birch woodland and other pine woodland, and provides habitat for various protected species, including red squirrels, badgers and bats. The Ecological Assessment found badgers using the site and the wider LNCS, with traces of red squirrels in the woodlands surrounding the site. The site was surveyed for their suitability for bat roosts. Due to their construction, all agricultural buildings were considered not to have bat roosting potential. A further sunset and sunrise bat survey was carried out on the farmhouse. Whilst the site was visited by bats during the survey, none of these were found roosting in the farmhouse.

As such, the main impact of the development on protected species was the potential presence of badgers and a separate further badger survey and species protection plan was submitted. Proposals are included as part of this second document to ensure no adverse impact on this protected species, which has been accepted by NatureScot in correspondence with the applicant.

The proposed site layout shows location of areas of strategic landscaping along the site boundaries, main access road running through the site and between the four courtyards in addition to the retention of the 5/10m wide zone of influence along the site's perimeter. Subject to a detailed landscaping scheme and use of suitable, native species, these areas can be designed to create additional habitat and enhance biodiversity across the site.

On that basis, it is considered that the proposal would not have an unacceptable detrimental impact on protected species or the surrounding Peterculter Local Nature Conservation Area and adequately seeks to enhance biodiversity and would meet requirements as set out in Policy 3 (Biodiversity) and Policy 4 (Natural Places) of NPF4 and Policy NE3 (Natural Heritage) of 2023 ALDP.

Other Matters

Drainage

The site is not connected to public waste water infrastructure and a private treatment of both foul and surface water is proposed. Policy NE4 (Our Water Environment) of 2023 ALDP sets out that private waste water treatment systems will only be acceptable outside settlement boundaries and only

if there is no connection to public sewers. Furthermore, all new developments are required to incorporate adequate SUDS systems to manage surface water.

The application is supported by a drainage strategy assessment. This document sets out that foul and surface water would be collected separately, and would run to a detention basis and treatment plant to the east of the main development site in land controlled by the applicant, from where treated water would be discharged in the Buckler Burn further to the south. This would be considered acceptable and in line with Policy NE4 of 2023 ALDP, given that the site is located outwith the settlement boundary of Peterculter, and there is no connection to the public sewer.

Waste

All properties would require three individual bins as per general Aberdeen City Council requirements. These bins would be stored within the curtilage of each individual property. Whilst no details have been submitted as to where within the plots bin storage will be, it is considered that plots are of a sufficient size to adequately provide space for bin storage. On collection days, occupiers of the houses will need to take their individual bins to a collective bin stance at the end of the private road serving each courtyard. A total of four bin stances are shown on the proposed site plan, with bin lorries using the internal loop road to service. Swept path drawings showing bin lorries can navigate the loop road have been submitted, and are accepted.

On that basis, the proposal would comply with Policy R5 (Waste Management Requirements for New Developments) of 2023 ALDP in principle, with details of bin storage to be submitted as part of subsequent MSC applications for each plot.

Low and Zero Carbon Building and Water Efficiency

Policy R6 (Low and Zero Carbon Building and Water Efficiency) of 2023 ALDP sets out that all new buildings will be required to demonstrate that a proportion of carbon emissions reduction standard set by Scottish Building Standards will be met through the installation and operation of low and zero carbon generating technology. This will be controlled through the building standards process and there is no additional condition required to ensure compliance with this policy.

Tackling the Climate and Nature Crises and Climate Mitigation

Consideration must be given to Policy 1 (Tackling the Climate and Nature Crises) and Policy 2 (Climate Mitigation and Adaptation) of NPF4. Policy 1 gives significant weight to the global climate and nature crises in order to ensure that it is recognised as a priority in all plans and decisions. Policy 2 states that emissions from new development are minimised as far as possible.

In this case, the site is an allocated brownfield development site, currently occupied by a collection of agricultural and horticultural buildings in various state of repair and the original farmhouse. None of the agricultural buildings would be suitable for conversion. The site would be clear, including demolition of the farmhouse to allow for the redevelopment of the site to take place. Whilst there is an environmental cost to the clearance of the site, it would result in a better, more efficient layout and use of the site and would result in the construction of additional residential units on an allocated brownfield site in accordance with other policies both in NPF4 and 2023 ALDP as discussed above. It is further considered that the overall layout of the site would see a strong buffer zone between the proposed residential plots and the edge of the site leading into the woodlands to the north, west and south and would include strong strategic landscaping through the use of native species and structural hedges along the main access road and between 'courtyards'.

However, as set out previously, there is a clear conflict with Policy 13 (Sustainable Travel) and Policy 15 (Local Living and 20-Minute Neighbourhoods) of NPF4 given that the proposal would be reliant on the use of private cars. This unsustainable location would create tension with Policy 1 (Tackling the Climate and Nature Crises) and Policy 2 (Climate Mitigation and Adaptation) of NPF4.

Developer Obligations and Affordable Housing

Policy 16 (Quality Homes) part (e) of NPF4 and Policy H5 (Affordable Housing) of 2023 ALDP set out that proposals for private market housing will only be supported where at least 25% of all units will be provided as affordable housing. Aberdeen Planning Guidance: 'Affordable and Specialist Housing' sets out that affordable housing on sites with fewer than 20 units can be provided on-site, off-site or through a commuted sum. In this instance, a commuted sum of £213,750 towards affordable housing delivery in the suburban housing market area has been agreed.

In line with Policy 18 (Infrastructure First) of NPF4 and Policy I1 (Infrastructure Delivery and Planning Obligations), the following further monetary contributions are required:

- Core Path Network - £6,696. Contribution required towards the enhancement of Core Path 51 and/or Aspirational Core Path 4, which are located in close proximity to the development;
- Healthcare Facilities - £10,386 Contribution required towards internal reconfiguration works to increase capacity at Peterculter Medical Practice or other such healthcare facilities serving the development; and
- Open Space - £3,294. Contribution is required towards the enhancement of existing open spaces in the vicinity of the development. The contribution may also be used to support community food growing.

Heads of Terms of any Legal Agreement

The applicant has agreed to the payment of the developer obligations as listed above, and these can be secured through a suitably worded legal agreement.

RECOMMENDATION

Approve Conditionally & Legal Agreement

REASON FOR RECOMMENDATION

The proposal would see the development of Opportunity Site 109 (Woodend) with a total of 19 units in accordance with the figure as set through the Local Development Plan process. The proposed site layout is well considered, and takes cognisance of the rural context of the development site through the grouping of residential plots around 'courtyards', the introduction of a buffer zone along the site's perimeter and through the integration of significant strategic landscaping across the site. Detailed siting, layout and design of individual dwellings would be subject to further Matters Specified in Conditions (MSC) applications, however, to ensure a satisfactory approach, a 'Design Code' has been agreed as part of this current application which provides guidelines and criteria for the further development of individual plots, that future proposals require to be in line with. The proposed site layout would allow for a good quality residential amenity to be created across the site. On that basis, the application is considered to suitably comply with Policy 14 (Design, Quality and Place) and Policy 16 (Quality Homes) of National Planning Framework 4 (NPF4) and policies LR1 (Land Release Policy), D1 (Quality Placemaking), D2 (Amenity), D4 (Landscape), D5 (Landscape Design) and H3 (Density) of the Aberdeen Local Development Plan 2023.

The site is a brownfield site positioned between ancient woodland and in close proximity to the Peterculter Local Nature Conservation Site. The proposed buffer zone along the site's perimeter will ensure no adverse impact on the ancient woodland outside the application site. Whilst there is a loss of trees within the application site, these are mainly self-seeded and of a lower quality, and can be replaced within a detailed landscape scheme which can be submitted as part of a future MSC application. Submission of a badger species protection plan is required. No other protected species are noted to use the site for roosting or similar and impact on protected species is acceptable. The proposal thus suitably complies with Policy 3 (Biodiversity), Policy 4 (Natural Places) and Policy 6

(Forestry, Woodland and Trees) of NPF4 and Policies NE3 (Our Natural Heritage) and NE5 (Trees and Woodlands) of the Aberdeen Local Development Plan 2023.

Due to its rural location outwith the settlement boundary of Peterculter, the development would be reliant on the private car, would not be easily accessible by sustainable transport, nor would it result in the creation of well-connected neighbourhoods where the majority of daily needs are easily accessible by sustainable transport modes. As such, the proposal would not comply with Policy 13 (Sustainable Transport) and Policy 15 (Local Living and 20 Minute Neighbourhoods) of NPF4, and Policy T2 (Sustainable Transport) of the Aberdeen Local Development Plan 2023. However, given that the site is allocated for residential development in the Aberdeen Local Development Plan 2023 as Opportunity Site 109, this allocation outweighs this conflict with the above policies.

Matters in relation to drainage, waste storage, and parking can be secured through future MSC application with the general approach considered compliant with Policies NE4 (Our Water Environment), R5 (Waste Management Requirements for New Development), R6 (Low and Zero Carbon Buildings, and Water Efficiency) and T3 (Parking) of the Aberdeen Local Development Plan 2023.

The applicant has agreed to a legal agreement requiring monetary contributions in relation to affordable housing, core paths, healthcare facilities and open space in line with Policy 18 (Infrastructure First) of NPF4 and Policy I1 (Infrastructure Delivery and Planning Obligations) of the Aberdeen Local Development Plan 2023.

Finally, the proposal would create tension with Policy 1 (Tackling the Climate and Nature Crises) and Policy 2 (Climate Mitigation and Adaptation) of NPF4 given the unsustainable location of the site and resultant reliance on the private car. However, the resultant development would see the reuse of an existing brownfield site allocated for residential development through the development planning process, with the proposed site layout integrating strategic landscaping and a buffer zone surrounding trees outside and along the edge of the development site.

CONDITIONS

(01) DURATION OF PERMISSION

The development to which this notice relates must be begun not later than the expiration of 5 years beginning with the date of this notice. If development has not begun at the expiration of the 5-year period, the planning permission in principle lapses.

Reason: In accordance with section 59 (planning permission in principle) of the Town and Country Planning (Scotland) Act 1997 (as amended).

(02) MATTERS REQUIRING FURTHER APPROVAL – SITE WIDE

That an application for approval of matters specified in condition containing details of the specified matters listed below shall be submitted for consideration by the planning authority in accordance with the timescales and other limitations in Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

No development shall take place unless a matters specified in conditions application comprising the detailed layout and design of vehicular access and roads, landscaping and drainage has been submitted to and approved in writing by the Planning Authority. The application(s) shall comprise:

- a. Details of the layout and finish of all roads and junction onto Culter House Road, visibility splays, swept path analysis and footpaths;
- b. Details of strategic landscaping and site boundaries including the communal open space; boundary along Culter House Road; structural boundary hedges between 'courtyards' and along the main access road and along the rear boundary of the residential plots marking the position of the buffer zone;
- c. Details of design and layout of drainage and SUDS features;
- d. A scheme for the phasing and delivery of all of the above matters. For the avoidance of doubt, this phasing plan shall indicate when communal infrastructure including the main road through the site, central communal open space and drainage shall be constructed. Furthermore, this phasing plan shall set out that the boundary between the buffer zone shown in pink on drawing 464(PA)009/RevB and the rear boundary of residential plots shall be implemented prior to commencement of any works on site, and shall be retained in perpetuity.

Reason: Permission for the development has been granted in principle only and subsequent approval is required for these matters in accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended) and to ensure all strategic infrastructure will be constructed and available for use when required.

(03) MATTERS REQUIRING FURTHER APPROVAL – RESIDENTIAL PLOTS

That application(s) for approval of matters specified in condition containing details of the specified matters listed below shall be submitted for consideration by the planning authority, in accordance with the timescales and other limitations in Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

No development within any individual plot shall take place unless a matters specified in conditions application(s) comprising the detailed layout and design of access, buildings, landscaping and boundary treatments for that individual plot has been submitted to and approved in writing by the Planning Authority. The application(s) shall comprise:

- a. Details of layout, positioning, design and external appearance of buildings and ancillary structures in accordance with the 'Design Code' approved as part of this application;
- b. Details of landscaping, boundary treatments and hard surfacing;
- c. Details of bin storage, parking

Reason: Permission for the development has been granted in principle only and subsequent approval is required for these matters in accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

(04) STRATEGIC LANDSCAPING - DETAILS

No development shall take place unless a matters specified in conditions application(s) comprising a scheme of hard and soft landscaping works covering the entire site, but excluding the individual residential plots, has been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include:

- a. Existing trees and vegetation to be retained and an indication of existing trees, shrubs and hedges to be removed;
- b. The location of new trees, shrubs, hedges and grassed areas;
- c. A schedule of planting to comprise species, plant sizes and proposed numbers and density;
- d. The location, design and materials of all hard-landscaping works, including walls, bin stances, street furniture and play equipment;
- e. Schedule for implementation of landscaping scheme;

- f. A programme for completion and subsequent maintenance of the proposed landscaping.

For the avoidance of doubt, all usable granite from the farmhouse to be demolished and existing walls within the site shall be reused within the boundary treatments starting at the junction and boundary along Culter House Road and working its way west into the site.

Reason: To ensure a satisfactory finish of the development and to ensure biodiversity enhancement

(05) STRATEGIC LANDSCAPING – IMPLEMENTATION

All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed in accordance with the approved schedule for implementation as specified in the aforementioned condition (05)(e) or such other date as may be agreed in writing by the Planning Authority. Any planting or trees which, within a period of five 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 or trees of similar size and species to those originally required to be planted.

In addition, all management and maintenance of the landscaped areas and structural planting shall be implemented, in perpetuity, in accordance with the approved programme as specified in the aforementioned condition (05)(f).

Reason: To ensure a satisfactory finish of the development and to ensure biodiversity enhancement.

(06) TREE PROTECTION (01)

No development shall take place unless a matters specified in condition application(s) comprising a scheme/ details showing all trees to be removed and those to be retained, and a scheme for the protection of all trees to be retained on site during construction works has been submitted to, and approved in writing by the Planning Authority, and any such approved scheme has been implemented.

Reason: To ensure adequate protection for the trees on site during the construction of the development.

(07) TREE PROTECTION (02)

That any tree work which appears to become necessary during the implementation of the development shall not be undertaken without the prior written consent of the Planning Authority; any damage caused to trees growing on the site shall be remedied in accordance with British Standard 3998: 2010 "Recommendations for Tree Work" before any of the residential properties hereby approved are first occupied.

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

(08) TREE PROTECTION (03)

That no materials, supplies, plant, machinery, spoil, changes in ground levels or construction activities shall be permitted within the protected areas specified in the aforementioned scheme of tree protection without the prior written consent of the Planning Authority and no fire shall be lit in a position where the flames could extend to within 5 metres of foliage, branches or trunks

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

development.

(09) PROTECTED SPECIES

That no development shall take place unless a matters specified in conditions application comprising a further updated badger survey and badger protection plan for the site has been submitted to and approved in writing by the Planning Authority. Any required mitigation measures to minimise disturbance to badgers must be identified and be in accordance with NatureScot best practice. A licensed badger ecologist will be required to monitor the site during and post construction.

Reason: To mitigate any potential impact on protected species

(10) SUDS – DETAILS

That no development shall take place unless a matters specified in conditions application comprising a scheme of all drainage works designed to meet the requirements of Sustainable Urban Drainage Systems has been submitted to and approved in writing by the Planning Authority and thereafter no part of the development shall be occupied unless the drainage has been installed in complete accordance with the said scheme

Reason: In order to safeguard water qualities in adjacent watercourses and to ensure that the development can be adequately drained.

(11) CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

That no development shall take place unless a matters specified in conditions application comprising a site-specific Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Planning Authority. The CEMP must address the following issues:

- a. Surface water management, including construction phase sustainable drainage measures;
- b. Measures to ensure that no sediment or pollution from the site enters the Buckler Burn and affects the River Dee Special Area of Conservation; and
- c. Site waste management including details of re-use on-site and off-site disposal of demolition materials.

Reason: To minimise the environmental impact of construction and demolition and to ensure no adverse impact on the Buckler Burn and the River Dee SAC.

ADVISORY NOTES FOR APPLICANT

That all applications for Matters Specified in Conditions must be submitted to and approved by the Planning Authority within the five-year period set out in Condition 1 of this Planning Permission in Principle, in line with Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

ABERDEEN CITY COUNCIL

COMMITTEE	Planning Development Management
DATE	20 June 2024
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Draft Aberdeen Planning Guidance: Health Impact Assessments.
REPORT NUMBER	CR&E/24/190
EXECUTIVE DIRECTOR	Gale Beattie
CHIEF OFFICER	David Dunne
REPORT AUTHOR	Donna Laing
TERMS OF REFERENCE	5

1. PURPOSE OF REPORT

- 1.1 This report presents a draft Aberdeen Planning Guidance (APG) document on Health Impact Assessments (Appendix 1). 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 the Planning Development Management Committee for approval within six months of the end of the consultation period.

2. RECOMMENDATION(S)

That the Committee:-

- 2.1 Approve the content of the draft Aberdeen Planning Guidance document; Health Impact Assessments (Appendix 1), and instruct the Chief Officer - Strategic Place Planning to, subject to any minor drafting changes, publish the draft Aberdeen Planning Guidance documents for an eight week non-statutory public consultation; and
- 2.2 Instruct the Chief Officer - Strategic Place Planning to report the results of the public consultation and any proposed revisions to the draft Aberdeen Planning Guidance to a subsequent Planning Development Management Committee within six months of the end of the consultation period.

3. CURRENT SITUATION

- 3.1 Members will recall that the new Local Development Plan 2023 was formally adopted on 19 June 2023. The Local Development Plan focuses on the vision, spatial strategy and key policies and proposals for the future development of Aberdeen.
- 3.2 The Council can also adopt additional supporting guidance in connection with the Local Development Plan and this can be used to provide more detail on how its policies and proposals will be implemented. Appendix 4 of the Aberdeen Local Development Plan 2023 outlines the guidance expected to be produced. To date, the majority of this has now been adopted (please see Council Report COM/23/303). A further draft Aberdeen Planning Guidance document is now proposed; Health Impact Assessments. This has been produced to support content within the Aberdeen Local Development Plan 2023.
- 3.3 Through the Planning (Scotland) Act 2019, there has been a renewed emphasis on rediscovering the relationship between health and wellbeing and placemaking. The Aberdeen Local Development Plan 2023 takes a proactive approach on this topic through Policy WB1: Healthy Developments, which emphasises the requirement for developments to provide healthy environments and promote physical and mental wellbeing. This was furthered by the requirement for national developments, major developments and those requiring an Environmental Impact Assessment to submit a Health Impact Assessment. The approach has been reinforced through the adoption of National Planning Framework 4; Policy 23: Health and Safety which intends to promote and facilitate development that improves health and wellbeing, and states that: *“Development proposals which are likely to have a significant adverse effect on health will not be supported. A Health Impact Assessment may be required”*.
- 3.4 The draft Aberdeen Planning Guidance on Health Impact Assessments has been developed in collaboration with colleagues from NHS Grampian Public Health Directorate, the Aberdeen City Health and Social Care Partnership and supported by colleagues from Public Health Scotland. The draft document reiterates the relationship placemaking has to health and wellbeing, before outlining the steps required within a Health Impact Assessment, and how to undertake one. This draft Aberdeen Planning Guidance will aid understanding on the impact a development could have on population health, public human health and on reducing or preventing health inequalities. It is not to be used to assess the impact on an individual's health.
- 3.5 The draft Aberdeen Planning Guidance provides criteria for applicants to support them through the planning system, and provide guidance to planning officers when assessing planning applications or documents. The draft Aberdeen Planning Guidance: Health Impact Assessment will help to ensure developments have been assessed with a health lens. The document will help applicants, planning officers and other stakeholders and will ensure a consistent approach to decision making. In draft form the Aberdeen Planning Guidance will have little material weight when it comes to decision making on documents and planning applications.

- 3.7 Subject to Member approval, an eight week period of public consultation will be undertaken on the draft Aberdeen Planning Guidance document. This is expected to commence in summer 2024. The consultation document will be made available for inspection online and in Marischal College. The consultation will also be publicised through means such as the Local Development Plan newsletter, and the Council's website and social media platforms. Interested parties will be able to submit comments using the Council's consultation hub, email or post. All comments will be reviewed and taken into account to help formulate final versions of the Aberdeen Planning Guidance document, which will be reported back to Members for approval at a future meeting of the Planning Development Management Committee within six months of the end of the consultation period.

4. FINANCIAL IMPLICATIONS

- 4.1 There are no direct financial implications arising from this report as the cost of preparing Aberdeen Planning Guidance is met through existing staff time and resource budgets.
- 4.2 The guidance documents will help to mitigate any increase in applications and queries which will result in added pressure on the finances and staff resources of the Council's planning service.
- 4.3 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. The proposed Aberdeen Planning Guidance will be a material consideration to inform decisions on future planning applications in Aberdeen.

6. ENVIRONMENTAL IMPLICATIONS

- 6.1 The draft Aberdeen Planning Guidance document has been subject to a Strategic Environmental Assessment (SEA) pre-screening process in accordance with relevant legislation.

7. RISK

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

Management Of Risk

7.2 The Local Development Plan 2023 was recently adopted. The draft Aberdeen Planning Guidance documents support the new Local Development Plan and ensure continuity in the provision of comprehensive, up-to-date and relevant planning frameworks.

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	Not delivering the aims of the Aberdeen Local Development Plan and the Local Outcome Improvement Plan	Ensure that robust and transparent consultation is undertaken in a timeous manner on the draft guidance document, and ensure that final versions of the guidance are adopted timeously.	L	Yes
Compliance	Ensuring compliance with National Planning Framework 4.	Ensure that robust and transparent consultation is undertaken in a timeous manner on the draft guidance document, and ensure that final versions of the guidance are adopted timeously.	L	Yes
Operational	By not providing guidance officers could, over time, provide inconsistent advice.	The document provides clarity, consistence and certainly in terms of assessment of planning applications.	L	Yes
Financial	Not having timeously published and adopted supporting guidance for the new Local Development	The document should reduce the number of queries and provide clarity, consistence and certainly in terms of assessment of planning applications.	L	Yes

	Plan could lead to uncertainty at planning application stage and potentially lead to more staff time being spent processing applications			
Reputational	Not providing guidance opens the possibility of inconsistency in decision making and misinformation in the public domain.	The document set parameters for the assessment of planning applications and documents requiring health impact assessments.	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 Report.	L	Yes

8. OUTCOMES

<u>Council Delivery Plan 2024</u>	
	Impact of Report
<p style="text-align: center;">Aberdeen City Council Policy Statement</p> <p style="text-align: center;"><u>Working in Partnership for Aberdeen</u></p>	<p>The proposals within this report support the delivery of the following aspects of the policy statement:-</p> <ul style="list-style-type: none"> • A vibrant city Making our city a better place for people to live, work, raise a family and visit.

Local Outcome Improvement Plan	
Prosperous People Stretch Outcomes	The APG will help with stretch outcome 4, improve health and reducing child poverty inequalities and stretch outcome 11: Healthy life expectancy (time lived in good health) is 5 years longer by 2026; through encouraging adoption of healthier lifestyles through a whole family approach.
Prosperous Place Stretch Outcomes	The APG will help with stretch outcome 14 through the key driver 14.1 Supporting different ways for active travel in everyday journeys, using partners and volunteers to address safety, infrastructure, fitness, well-being and confidence.
Regional and City Strategies	<u>City Strategies and Strategic Plans</u> The APG's will support the Aberdeen Local Development Plan 2023 through providing more information on the content of the Plan. They will ensure Aberdeen is an excellent place to live, visit and do business.

9. IMPACT ASSESSMENTS

Assessment	Outcome
Integrated Impact Assessment	New Integrated Impact Assessment has been completed
Data Protection Impact Assessment	Not required
Other	N/A

10. BACKGROUND PAPERS

- 10.1 [National Planning Framework 4](#)
- 10.2 [Aberdeen Local Development Plan 2023: Written Statement](#)
- 10.3 [Council Report COM/23/303: Aberdeen Local Development Plan 2023 – Proposed Aberdeen Planning Guidance and Supplementary Guidance](#)

11. APPENDICES

- 11.1 Appendix 1: Proposed Draft Aberdeen Planning Guidance: Health Impact Assessments.

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Aberdeen Planning Guidance: Health Impact Assessments

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1. Introduction

1.1 Status of Aberdeen Planning Guidance

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

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

- Policy WB1 – Healthy Developments
- Policy D1 – Quality Placemaking

1.2 Introduction to Topic / Background

1.2.1 The health of Aberdeen citizens is linked to good placemaking. Environments that encourage and support good physical and mental health and wellbeing will lead to a better quality of life. There is now increasing recognition of the key role that places and communities play in our health and wellbeing. For example, our local environment is an important influence on our health behaviours, while there is strong evidence of the impact of social relationships and community networks, including on mental health. Planning for good health does not simply mean people have access to medical facilities, infrastructure, and care. Ensuring good health is about providing places where there is access to safe, convenient active travel and compact neighbourhoods, access to natural and planned open space with varied and safe opportunities for recreation, a mix of good quality affordable homes of all types and sizes to meet differing needs and protection from environmental hazards all within attractive and distinctive designs. This guidance is to aid an understanding on the impact of development on population health / public human health and reducing or preventing health inequalities. Health Impact Assessments are not to be used to assess the impact on an individual's health.

1.3 Climate Change

- 1.3.1 Health and wellbeing, and climate change are interlinked. The World Health Organisation notes the climate crisis is the biggest health threat to humankind and puts the number of deaths attributable to environmental causes each year at more than 13 million. Reduction of environmental pollutants, mitigation for flooding, ensuring there are green spaces, active travel routes, and good housing stock have a positive impact for climate change and for health and wellbeing. The [United Nations Sustainable Development Goals](#), a collection of 17 interlinked global goals designed to be a "blueprint to achieve a better and more sustainable future for all", Goal 3: Good Health and Wellbeing is to ensure healthy lives and promote wellbeing for all at all ages.
- 1.3.2 At a National level, the UK Health Expert Advisory Group [report on Sustainable Health Equity](#) demonstrates the importance of embedding public health and wellbeing at the centre of climate change decision-making. The Advisory Group highlights how the direct and indirect impacts of climate change will likely widen existing health inequalities in the UK. They warn that if health equity isn't considered when developing policies to reduce greenhouse gas emissions, there is a risk that their benefits to health will be unequally distributed.
- 1.3.3 The [Strategic Infrastructure Plan – Energy Transition](#) notes health and wellbeing as one of the areas that climate change impacts on. Appendix 2 of the Strategic Infrastructure Plan – Energy Transition identifies the health benefit of each of the projects with the document. [Aberdeen Adapts](#) Goal 10 – Prioritising health and wellbeing identifies action areas to improve the health of the city. The Council's [Climate Change Plan](#) links [United Nations Sustainable Development Goals](#) Goal 3 Good Health and Wellbeing. The [Net Zero Aberdeen Routemap](#) identifies six strategies, within the "Our Natural Environment" strategy, health and wellbeing improvement is noted as of the key outcomes with improved health and wellbeing noted as a co-benefit for four of the other strategies; mobility, building and heat, energy supply and empowerment.

2. Aberdeen Planning Guidance

2.1 Health and wellbeing and place

- 2.1.1 Health and wellbeing are key components of creating successful, sustainable places. The functions of planning, health and wellbeing have long connections and much of urban planning has origins in post epidemic society. The various instances of epidemics around the world, and the realisation of the importance of public health, clean air, and sewage disposal, and the need for intervention and mitigation, have had a significant impact on urban planning policy.
- 2.1.2 Good planning has the aim of creating attractive, safe and accessible places to live and to improve the quality of life and wellbeing of individuals and communities. Developing strong, healthy and vibrant communities is vital to ensuring the wellbeing of the population. The health and wellbeing of communities is supported through placemaking to support healthier and better connected communities. Planning therefore, has a crucial role to play in ensuring health and health inequalities, are addressed.
- 2.1.3 It is accepted that if communities and households have access to facilities and services, healthy food, local employment opportunities, active and public transport options and well designed, open public space, they will be happier, healthier and more stable. Local planning policies, and the location of new developments and facilities, should enable

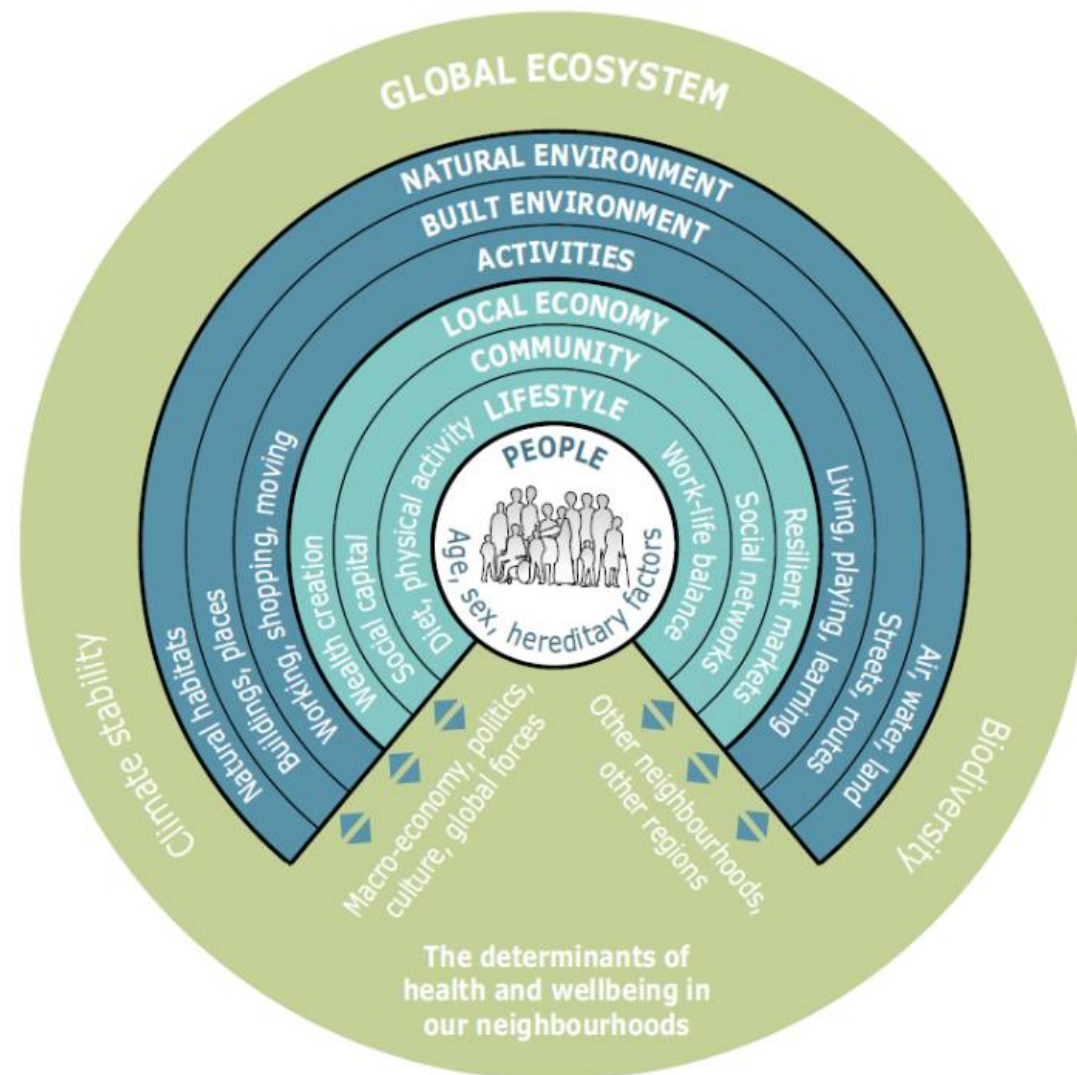


Figure 1: The determinants of health and well-being in our neighbourhoods (Source: Human ecology model of a settlement, Barton and Grant, 2006)

people to have a choice of high quality and attractive places to live and allow them to reach the services they need and, for the services they need to reach them.

- 2.1.4 Modern day health and wellbeing challenges in Scotland are linked to an ageing population, enduring health inequalities, deprivation and poverty, changes in the pattern of disease and increasing pressure on health and social care services. The health and wellbeing of individuals and communities are determined by a wide range of internal and external factors, known as the 'determinants of health'. The places where we live, work and play have an important influence on our health and wellbeing throughout our lifetime.
- 2.1.5 Figure 1 identifies the wide range of determinants that influence our health and wellbeing, from our individual characteristics to the global ecosystem. These are the social, economic, environmental and cultural factors that indirectly influence health and wellbeing. They include what we eat and drink; where we live and work; and the social relationships and connections we have with other people and organisations. Some, such as gender, age and family history of illness, cannot change or are difficult to change, while others are influenced by the social, economic and physical environment we live in and can be changed by policy interventions.
- 2.1.6 Although planning is rarely sufficient on its own to change behaviour and to promote good health, it is necessary in terms of creating the environment that supports people in making healthy choices (such as physical activity, healthy eating and drinking) and that makes those choices easier.
- 2.1.7 The World Health Organisation defines health as "...a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity". Ensuring physical and mental health and wellbeing goes well beyond providing healthcare services. Access to medical interventions should be the last resort in a population's health and wellbeing journey. By creating places where consideration of health and wellbeing is paramount from the outset, the easier it will be to have a health population with good physical and mental health. Development should create a healthy environment whilst not contributing to negative health outcomes. This relies on creating environments that foster better health, have reduced inequalities in wellbeing and which allow people to live active, engaged, independent and healthy lifestyles.

2.1.8 There is growing evidence of the various ways in which planning decisions may affect health. Significant planning issues that affect health include, but are not limited to:

- A mix of good quality affordable homes of all types and sizes to meet differing needs increase health benefits and reduces the impact of poverty.
- Access to safe, convenient active travel and good social connections strengthens mental health.
- Protection from environmental hazards; increasing air and water quality, reducing noise pollution, and reducing carbon emissions has a positive impact on physical and mental health.
- Increased access to natural and planned open space with varied and safe opportunities to play and meet has a positive impact on physical activity levels and mental health.
- Local character and distinctiveness ensures sense of place which has a positive impact on mental health.
- Compact neighbourhood design with walkable local facilities and public transport accessibility allows car free access to services, amenities and employment which increase health benefits and reduces the impact of financial poverty.



Figure 2: Spatial environment and health and wellbeing

The list above is not exhausted but it aims to highlight planning has a significant role to play in creating great places, and in shaping the future health and wellbeing of our citizens and communities

2.1.9 The Place and Wellbeing Collaborative, representatives from the Improvement Service, Public Health Scotland, Directors of Public Health, Heads of Planning Scotland, COSLA and Health Improvement Managers, have developed a set of outcomes for everyplace to enable wellbeing; the place and wellbeing outcomes. These outcomes provide a “consistent and comprehensive focus on where place impacts on the wellbeing of people and planet”. The outcomes note what every place needs for people to thrive, to enable those who live, work and relax there to stay healthy. The outcomes look for every place to enable wellbeing and take account of the needs of different population groups. The place and wellbeing outcomes are expressed in five themes, with outcomes related to each theme as expressed in Figure 3.



Figure 3: Place and Wellbeing Collaborative: Place and Wellbeing Outcomes

2.2 The Aberdeen Context

- 2.2.1 Improving health and wellbeing and reducing health inequalities is an important issue within Aberdeen City. The National Records of Scotland provide a snapshot of the overall health of each local authority in Scotland. While the Scottish Index of Multiple Deprivation and Public Health Scotland can provide health information for small areas within local authorities.
- 2.2.2 In general, the health of Aberdeen residents is not significantly different to the national average however, there are variations in the health of the population. The variation across the city's communities for both life expectancy and healthy life expectancy is noticeable. People from areas with higher deprivation are significantly more likely to have shorter lives and to live with poorer health for longer - when considering the health of the Aberdeen as a whole, the increased life expectancy for both men and women has stalled and healthy life expectancy is declining.
- 2.2.3 The Aberdeen Population Needs Assessments 2023 notes, "that whilst the long-term trend in many factors relating to the determinants of health and wellbeing has been positive, this should be viewed in context of 2 important issues:
- i. that increasing poverty in the city is clearly shown in the data, but the impact of this on many related indicators is not yet fully evident, since these indicators have a time lag; and
 - ii. where there are general positive trends, in many cases these mask very significant differences and inequalities across the city's geographical communities and communities of interest."
- 2.2.4 At the time of the 2011 Census, 26.5% of the population reported having one or more long-term health conditions (compared to 29.9% in Scotland) and 16% reported having a long term health condition that limited their activities (compared to 19.7%) in Scotland. In the Scottish Health Survey (2017-21), 26% reported having a limiting long-term illness in Aberdeen City compared to 34% in Scotland. In 2022 over half of the deaths in Aberdeen City were associated with cancers and circulatory diseases, for which smoking, obesity, and physical inactivity are risks. See Appendix 5 – Data Sources and Information for further information regarding the health profile of Aberdeen

2.3 Legislative and Policy Context

- 2.3.1 At a national level, the Planning (Scotland) Act 2019 places a renewed emphasis on rediscovered the relationship between health and wellbeing and placemaking. The Town and Country Planning (Scotland) Act 1997, as amended, at Section 3A,

notes one of the outcomes of National Planning Framework 4 is “to improve the health and wellbeing of people living in Scotland”.

- 2.3.2 Beyond this, the assessment of health effects are outlined in Section 40(A) of The Town and Country Planning (Scotland) Act 1997, as amended which notes “*The Scottish Ministers must by regulations make provision about the consideration to be given, before planning permission for a national development or a major development is granted, to the likely health effects of the proposed development*”.
- 2.3.3 National Planning Policy 4 identified 6 spatial principles, one of which, ‘Local Living’ states, “*we will support local liveability and improve community health and wellbeing by ensuring people can easily access services, greenspace, learning, work and leisure locally*”. The six spatial principles will support the planning and delivery of:
- sustainable places, where we reduce emissions, restore and better connect biodiversity;
 - liveable places, where we can all live better, healthier lives; and
 - productive places, where we have a greener, fairer and more inclusive wellbeing economy.
- 2.3.4 Part I of National Planning Framework 4 outlines a number of cross cutting outcome and policy links to lifelong health and wellbeing, and Policy 23: Health and safety outlines that the policy intends to encourage, promote and facilitate development that improves health and wellbeing. Policy 23: Health and safety also notes, “*Development proposals which are likely to have a significant adverse effect on health will not be supported. A Health Impact Assessment may be required.*”
- 2.3.5 Aberdeen Local Development Plan 2023 Policy WB1: Healthy Developments states, “*Developments are required to provide healthy environments, reduce environmental stresses, facilitate physical activity and promote physical and mental wellbeing. National and major developments, and those requiring an Environmental Impact Assessment must submit a Health Impact Assessment (HIA) to enhance health benefits and mitigate any identified impacts on the wider determinants of health; this may involve planning obligations*”
- 2.3.6 Large scale planning applications, such as national developments (those defined in the NPF4) or major planning applications (those above 49 dwellings, or those of 10,000 sqm or greater floor area) may be required to be accompanied by an Environmental Statement, which is a report of an environmental impact assessment. Legislation requires these for selected applications under The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations

2017. These will assess environmental impacts, which may affect human health, but do not include the full range of potential health impacts.

2.3.6 Provision of a Health Impact Assessment (HIA) is well established and often used in other parts of the UK and internationally. Sources of guidance and quality standards for HIA include, for example, the World Health Organisation and the Scottish Health Impact and Inequalities Assessment Network. Links for all of these are given in Appendix 4.

2.4 Overview - What is a health impact assessment?

2.4.1 HIA is an assessment to identify and improve the health consequences of any defined policy or proposed development, including unintended and unanticipated consequences for the population as a whole.

2.4.2 An HIA also includes explicit consideration of how impacts may affect different groups in the population. The Assessment include recommendations to mitigate any harm to health and enhance any benefits. An HIA should not only identify potential harms to be mitigated but should also identify and support positive aspects of a development that bring opportunities for good health. A HIA is used to assess impacts on population health; it is not used to assess personal human health. As noted above, the World Health Organisation definition of health is “a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity”. This definition includes physical health, mental health and wellbeing as three connected central elements of health. Therefore, due consideration should be given to all three elements, not just one or two of them in isolation.

2.4.3 Whilst other technical assessments might consider potential impacts to health, for example an air quality assessment might consider the impact of more traffic emissions on the respiratory health of local people, an HIA specifically looks to the impacts on health of the whole proposal. It brings together the health impacts from all technical areas whilst going further to consider the impacts cumulatively.

2.4.4 One of the key phases of an HIA is understanding the health background to the proposal. In understanding the current health situation for an area, a proposal can be better placed in helping to determine what impacts will occur and how to remove/mitigate them or where possible enhance positive elements.

- 2.4.5 A HIA looks at all health impacts - both negative and positive. A lot of proposals can have upsides for the health of local people.
- 2.4.6 HIA usually involves consulting with stakeholders, including local communities and those experiencing health inequality, on the potential impacts and how they may occur in the local context. This does not replace the requirement for pre-application public consultation for national or major developments laid out in the Planning (Scotland) Act (2006). However, it may be integrated within this and the HIA may draw on consultation findings.

2.5 Development Planning and Development Management

- 2.5.1 The planning system seeks to promote development that will create healthy and sustainable communities. The impacts of planning decisions are long lasting. Aberdeen City Council has adopted the Local Development Plan 2023 that sets out the spatial strategy for Aberdeen until 2032. The LDP establishes the overall vision for the area and the policy framework within which planning applications are assessed.
- 2.5.2 Aberdeen City Council will request Health Impact Assessments in relation to appropriate planning applications and documents that are most likely to impact on human health. In general,
- national and major developments, and those requiring an Environmental Impact Assessment must submit a Health Impact Assessment; and
 - other developments with the potential for human health impacts may be screened for HIA requirement. Depending on the outcome of the screening process this may require the need for a full HIA to be completed and provided as part of a planning application.

In considered the requirement for a health impact assessment, the development and locational context will be assessed to determine if there is the potential for significant adverse health effect.

- 2.5.3 The HIA report will be expected to be a standalone document. The assessment should be informed by a screening exercise that considers a full range of potential health impacts. It is recommended that applicants discuss the HIA with the planning authority before formally submitting their planning application. Guidance on scoping, screening and on completing an HIA, is provided below.

Procedure for HIA submission and consideration

Check requirements in the APG

Contact Development Management to discuss via our pre-application process

Health screening exercise with stakeholders – may be integrated with proposal of application notice pre-application consultation

Submit screening and / or scoping report(s)

Development management will seek advice from NHS Grampian Public Health

Further assessment required

Identify assessment questions
and complete full Health Impact
Assessment

Submit HIA report with
planning application

Health implications clear without
need for full assessment

Indicate how health impacts will
be addressed within planning
application

Ensure application shows how
health impacts will be assessed
in the proposed development

2.6 Guidance on HIA

2.6.1 The steps to carry out an HIA are well established, and are similar to the steps for Environmental and other Impact Assessments. They are generally described as follows:

Pre Screening	In this context an HIA is needed if the proposed development is a national or major developments or requires an Environmental Impact Assessment or screening is requested by Development Management.
Screening	Hold a stakeholder workshop (see below) to identify relevant populations and impacts
Scoping	Define terms of reference for appraisal Ensure appropriate expertise is included – this should include someone with training in or experience of HIA.
Full - Appraisal	Collate evidence from a range of sources to identify and assess likely health impacts from the proposed development. Evidence is likely to include: <ul style="list-style-type: none"> • Proposed development and policy analysis • Community profile • Stakeholder engagement (including population groups, communities affected, or facing inequities) • Published literature
Full – Recommended Development Changes	Use findings to recommend changes to the proposed development or other changes that would improve health impact.

Screening to identify possible impacts

2.6.2 An understanding of potential impacts is needed to determine whether further assessment is required. To do this, it is recommended that applicants hold a workshop with stakeholders. Stakeholders should include members of the local community, local health, education and other professionals with an understanding of the community including local GP practices and the Health and Social Care Partnership. The workshop should use a health impact checklist (Appendices 1&2) to identify the relevant populations and potential impacts. This exercise may be integrated within Pre-Application Consultation with local communities.

2.6.3 If potentially significant impacts are identified and/or further evidence is needed regarding the health issues identified, applicants should proceed to scoping.

2.6.4 If the health implications are clear, applicants should provide a screening report that includes:

- The methods used and participants involved in the screening workshop;
- The relevant stakeholders and potentially affected populations and impacts identified; and
- A statement that demonstrates how the issues identified will be addressed within the planning process and final planning application.

2.6.5 This report will be reviewed by Development Management who will seek advice from NHS Grampian Public Health. Further assessment may be requested if potentially significant health impacts have been identified or there is uncertainty about the likely impacts.

Scoping

2.6.6 If further assessment of the potential health issues is requested, applicants should provide a scoping report that outlines:

- The populations and impacts identified during screening
- Questions to be addressed, and sources of evidence for these
- Indicate whether these questions will be addressed within an environmental assessment or as a separate health assessment
- Terms of reference for further HIA
- Indicate the skills that will be required to complete the work. It is recommended that this should include someone with training in, or experience of, HIA. Advice may be sought from NHS Grampian Public Health Department.

Full Appraisal

2.6.7 The purpose of the appraisal stage is not simply to describe health impacts but to inform recommendations for change. This may include cross-referencing the assessment of impacts with the local profile and investigating the mechanisms and informal pathways through which actions may lead to impacts. This information will help, for example, to decide which impacts are 'significant' as defined below, to weigh up benefits and harms or to suggest ways to mitigate a diverse impacts.

2.6.8 Assessment questions may include, for example:

- How many people, from which population groups, will be affected by each impact?
- Will any population groups with already poorer health be affected?
- What are the pathways by which impacts will occur?
- Is there research evidence to support the predicted steps in the pathway?
- What value and priority do stakeholders place on each impact?

2.6.9 Most HIAs use evidence from:

A community profile of the health insights of stakeholders and affected populations
Literature review of relevant research findings.

Community Profiling

2.6.10 An HIA report should include a profile of the local community or communities. This helps to inform identification of impacts, characterise the relevant population groups who may bear these impacts, and provide background information to help apply literature evidence to the local context. This involves collating available data on:

- Demographic make-up of the local population: especially any particularly susceptible or socially excluded groups, as identified in the scope
- Health status of the local population including common health conditions: again, consider susceptible and socially excluded groups
- Social, cultural, economic features of the local area covered by the proposed development
- Features of the local area: e.g. facilities and amenities, environmental challenges
- Current provision relevant to the specific proposed development

2.6.11 The data used in the profile may include routine demographic, health and other data. In some cases primary data may be used, for example primary qualitative evidence may inform a 'pen profile' of an affected community. The Scottish Public Health Observatory and Community Planning Aberdeen Localities Outcome Data are useful source of routine data. Please see Appendix 5– Data Sources and Information for further information regarding the health profile of Aberdeen.

Evidence from stakeholder and community participation

- 2.6.12 Stakeholders are people with an interest in the proposed development being assessed, and include potentially affected people. They are people with relevant information, such as knowledge of the local area or of the topic area. The assessment should seek to engage with and involve the different population groups included in the scope.
- 2.6.13 Stakeholders may hold some of the evidence that is needed for the assessment and it is important to ensure their views and values are taken into account to increase transparency of decision making. Applicants should make particular attempts to seek views of people whose voices are not likely to be heard otherwise and to involve them in decision making processes.
- 2.6.14 Information from the Pre Application Public Consultation engagement may usefully be useful in an HIA. Focus groups, questionnaire surveys, open meetings, workshops and other methods may be needed to address specific assessment questions.

Literature evidence

- 2.6.15 Research literature may provide information on the health impacts of similar proposals and may also explore the evidence for each link in the hypothesised pathway. The review may also seek evidence on the likely effectiveness of the HIA recommendations. The applicant should formulate the questions to be addressed in the literature review, based on the evidence that is required to predict impacts and make recommendations.
- 2.6.16 Impacts in another setting or location may differ from those that arise in the context of the HIA. When carrying out an HIA the research evidence should be integrated with other kinds of evidence about the local context to inform a judgement about whether the research findings are transferable. This would include the local profile and qualitative evidence from key informants who have knowledge of the local context and how previous proposals have affected the local area.
- 2.6.17 Evidence reviews are available, such as those produced by the Scottish Health and Inequalities Impact Assessment Network (see links in Appendix 4).

Presentation of findings

2.6.18 The assessment should use the above sources of evidence to show clearly how the proposed development will impact on health determinants and thereby on health. The report should include a narrative description of each impact that shows the evidence that underpins the conclusions made. It should also include a summary matrix like the one shown below.

Issues	Health Impact	Positive or Negative	Affected Populations	Likelihood: Definite Probable Possible	Severity: Major Moderate Minor	Number of people affected
Parking / Transport						
Improved public transport access	Increased use of sustainable travel methods		Staff Venue Users			
Targeted green transport plan	Reduced adverse impacts on environment	Positive	Specific user groups: cyclists, walking groups	Probable	Moderate	1000s
Active travel routes	Increased physical activity levels					
Potentially increase in parking spaces	Easy parking access at venue	Positive	Staff Venue Users	Probable	Minor	1000s
	Less stress					
	Increased car use		Staff			
	Adverse impact on the environment	Negative	Venue Users	Possible	Moderate	1000s
	Reduced physical activity levels					

Assessing significance

2.6.19 Significant impacts may be:

- potentially severe or irreversible negative impacts
- impacts affecting a large number of people
- impacts affecting people who already suffer poor health or are socially excluded positively
- impacts with potential for greater health gain

Recommendations

2.6.20 The overall aim of an HIA is to inform changes to protect or improve health and to prevent or reduce health inequalities, so it should include recommendations and/or suggestions. These aim to mitigate any adverse impacts arising from the proposed development and enhance the benefits. They should relate to the identified impacts. Applicants should show how the recommendations have been taken account of in the planning application. If appropriate, this may take the form of a Health Management Plan. This will define the actions that flow from each recommendation, who will do them, timescale, resources and how their implementation will be monitored. If the HIA identifies a need for further monitoring, the applicant should include this in a Health Management Plan and show how it will be done.

Contents of HIA report

2.6.21 The HIA report should include sufficient information for it to be appraised by others and to justify the recommendations made. In particular, it should detail the methods and sources of evidence used for the assessment. Suggested content of the report includes:

- Summary of findings and recommendations
- The proposal and options assessed
- Methods used in the assessment Policy context
- Evidence from community profile
- Evidence from stakeholder and community engagement
- Evidence from literature
- Description of each impact including affected populations, size, certainty, causal pathway
- Matrix of impacts and affected populations

- Recommendations, and if appropriate a Health Management Plan
- Conclusions, which may include reflection on the HIA process

2.6.22 The HIA will be visible to view as part of the application pack online, however, it is good practice to produce a publicly accessible version of the HIA for those who may not want to read the technical report.

Appendix 1 – Health Impact Checklist

People

Who do you think is likely to be affected by the proposed development. Consider:

- | | |
|--|---|
| People in different age groups | People in different ethnic and religious groups |
| Men, Women | People who are susceptible or vulnerable |
| People with a disability or health condition | Residents, Visitors, Workers |
| People of low socio-economic status | |

Impacts

Do you think the proposed development could impact on the following (positively or negatively)?

Movement

- Walking and cycling routes
- Public transport provision
- Car dependence

Civic

- Identity and belonging
- Social status and inclusion
- Social interaction and participation
- Crime
- Safety

Stewardship

- Influence and sense of control
- Care and maintenance of buildings and spaces
- Healthy behaviour – physical activity, nutrition, substances, self-help

Spaces

- Natural space – quality and access
- Indoor and outdoor public spaces
- Play and recreation
- Streets and spaces
- Impact of vehicles
- Pollution – air, water, soil
- Flooding

Resources

- Support networks
- Living and working conditions
- Housing quality, mix, flexibility
- Local economy, work and learning
- Equality of opportunity
- Quality of and access to facilities, services and amenities – healthcare, education, social institutions

Other Impacts

(This is an example but other similar checklists are available – see the resources in Appendix 4).

Appendix 2 - Using A Checklist To Identify Possible Impacts

A health impact checklist is best used in a group exercise as one person working alone cannot identify all the relevant impacts. The checklist does not contain questions with factual answers but is intended to stimulate thinking in a 'structured brainstorm'. The group discussion allows several perspectives to be heard, and important recommendations often emerge in the interaction between participants.

The checklist can be used in a group exercise involving 6-12 people, or in larger participatory workshops in which participants are divided into smaller groups to use the checklist. It is useful to have a facilitator and a scribe.

If participants do not have detailed knowledge of the proposal already, they should be given a detailed (written or verbal) briefing, and have the opportunity to ask questions about it before the exercise begins.

The checklist is intended to help participants:

Identify relevant populations and potential impacts.

Suggest recommendations to improve the impacts.

Identify where further evidence may be required to demonstrate impact and inform the recommendations.

Participants should have a copy of the checklist as an aide memoir to structure the discussion of the group.

The group first jointly identifies the different population groups who may be affected by the proposal. The group should then consider the groups of people suggested in the checklist and agree which may be differentially affected by the proposal, and how. Population groups need not be mutually exclusive.

The group then considers possible impacts on health and wellbeing. The checklist is intended to help people think broadly about the indirect and unintended effects of the proposal as well as the direct intended ones. Impacts do not have to be limited to the issues shown but these should stimulate thinking. Participants are asked to identify both positive and negative impacts.

Usually group members work individually for 10 minutes or so to go through the determinants on the checklist and make a note of the impacts they think the proposal may have on the spaces on the checklist. Then the group discusses these ideas collectively.

The group should try to specify whether each identified impact will be positive or negative, or whether this is uncertain and needs further investigation. The group should also identify which population groups will bear each impact. Sometimes impacts are positive for some populations but negative for others. Sometimes some members of the group think an impact will be positive but others think it will be negative. In these situations the group can often make recommendations to promote a positive impact. Impacts may last for a short time or continue for a longer period. Some impacts may be negative in the short-term but neutral or positive later on. Timescales should therefore be mentioned if they are relevant to the proposal and potential impacts.

The scribe should try to capture the group's understanding of how each impact will arise, as well as documenting the impacts. Often the same underlying impact will be identified at different points in the checklist. For example, a proposal may bring employment and so also impact on income. In this case the underlying issue to identify in the exercise is the potential employment – further assessment might focus on the quality of the employment, who would benefit etc.

At the end of this stage it is helpful for the facilitator to summarise the impacts identified. This helps to highlight the impacts that the group thinks are most significant and lead discussion about further evidence and recommendations.

Having identified impacts, the group identifies what further information is needed, the questions to be answered and kinds of evidence that would be appropriate.

Appendix 3 - Criteria to assess screening, scoping and HIA reports

Criteria to assess screening reports

	Yes / No / NA
A broad range of health determinants was considered systematically	
Identification of impacts has involved range of relevant stakeholders including community interests	
Participants have had an opportunity to comment on the findings	
The report identifies potentially significant impacts appropriately	
The report identifies uncertainties and any further evidence needed	
If appropriate, the report documents how health issues will be addressed within planning process and final application	

Criteria to assess scoping reports

	Yes / No / NA
The report identifies the relevant populations and impacts, based on screening	
The report identifies the appropriate questions and sources of evidence related to these impacts	
Terms of reference for the assessment are clearly defined and appropriate	
Appropriate skills are available to do the assessment	
Stakeholders and communities affected have had an opportunity to comment on the findings	
Participants have had an opportunity to comment on the findings	

Criteria to assess HIA reports

	Yes / No / NA
The aims and scope of the HIA are clearly defined	
A systematic approach was used to identify impacts on the population and those affected by health inequities	
The methods and evidence used are clearly stated and appropriate to the	

assessment questions	
Relevant stakeholders have been involved	
The report includes a profile of health, health determinants and susceptible populations in the affected communities	
Research and other evidence is used appropriately	
The assertions in the report are supported by appropriate evidence	
There is a summary impact matrix showing the impacts and pathways	
The recommendations are related to the impacts and evidence presented	
The recommendations are feasible, clearly specified and if appropriate there is a SMART Health Management Plan	
Stakeholders and communities affected have been involved in the process and have had an opportunity to comment on the findings	

Appendix 4 - Links, Resources and Supporting Documents

World Health Organisation: Provides access to HIA guidance, evidence and examples. https://www.who.int/health-topics/health-impact-assessment#tab=tab_1

Scottish Health and Inequalities Impact Assessment Network: The network's website includes HIA guidance, and reviews summarising the evidence of the links between health and other sectoral areas – currently these include Transport, Housing, Greenspace, Rural Development and Community Venues. <https://publichealthscotland.scot/services/health-impact-assessment-hia/scottish-health-inequalities-and-impact-assessment-network-shian/>

The Place and Wellbeing Collaborative: Place and Wellbeing Integrated land use planning and public health in Scotland briefing paper raises awareness of the impact that the places where people live, work and play have on their health and wellbeing. https://www.improvementservice.org.uk/_data/assets/pdf_file/0029/26876/place-and-wellbeing-integrating-land-use-planning-v3-apr2024.pdf

Good Places Better Health: Good Places, Better Health was launched in 2008 as the Scottish Government's strategy on health and the environment. <https://www.ourplace.scot/resource/good-places-better-health-new-approach-environment-and-health-scotland>

Place Standard: The aim of the Place Standard tool is to support the delivery of high quality places – which can be instrumental in reducing health inequalities. <https://www.ourplace.scot/tool>

National Planning Framework 4: Sets out national planning policies. <https://www.gov.scot/binaries/content/documents/govscot/publications/strategy-plan/2023/02/national-planning-framework-4/documents/national-planning-framework-4-revised-draft/national-planning-framework-4-revised-draft/govscot%3Adocument/national-planning-framework-4.pdf>

Place and wellbeing outcomes <https://www.improvementservice.org.uk/products-and-services/planning-and-place-based-approaches/planning-for-place-programme/place-and-wellbeing-outcomes>

Appendix 5 - Data Sources and information

Scotland's Census 2011 , “Scotland's Census,” <http://www.scotlandscensus.gov.uk/>

Scottish Government, “Scottish Health Survey, Dashboard,” November 2022. <https://scotland.shinyapps.io/sg-scottish-health-survey/>

Scottish Index of Multiple Deprivation: a relative measure of deprivation across small areas. It is the Scottish Government’s standard approach to identifying area of multiple deprivation in Scotland. <https://www.gov.scot/collections/scottish-index-of-multiple-deprivation-2020/>

Scottish Index of Multiple Deprivation: Interactive Map
<https://simd.scot/#/simd2020/BTTTTTT9/-4.0000/55.9000/>

Scottish Public Health Observatory (ScotPHO): Provides routine data on health, risk factors, behaviours and wider health determinants. <http://www.scotpho.org.uk/>

Scottish Public Health Observatory (ScotPHO) Online Profile Tools: present a range of indicators to give an overview of health and its wider determinants at a local level. The profiles give a snapshot of health for each area and highlight variation through a variety of different visualisations
<https://www.scotpho.org.uk/comparative-health/profiles/online-profiles-tool/>
https://scotland.shinyapps.io/ScotPHO_profiles_tool/

National Records of Scotland Aberdeen City Council Area profile <https://www.nrscotland.gov.uk/files/statistics/council-area-data-sheets/aberdeen-city-council-profile.htm>

Aberdeen City Local Outcome Improvement Plan 2016-2026 sets outcomes the community planning partnership will prioritise and how the community planning partnership will deliver on these. <https://communityplanningaberdeen.org.uk/wp-content/uploads/2024/05/LOIP-16-26-April-2024.pdf>

Aberdeen Locality Plans – North, South and Central describe Community Planning Partnership’s asset based approach to working with communities in tackling priority issues. Each locality plan has a “place” focus.

<https://communityplanningaberdeen.org.uk/community-planning-structure/our-localities/>

Within the North, South and Central Locality Plan areas there are also priority neighbourhoods. This is based on analysis from the Scottish Index of Multiple Deprivation (SIMD). For central – Tillydrone, Seaton, Woodside, Stockethill, Ashgrove and George Street. For North – Heathryfold, Middlefield, Northfield, Cummings Park and Mastric. For South – Kincorth and Torry. <https://communityplanningaberdeen.org.uk/localities/>

Aberdeen City Population Needs Assessment 2023 -

<https://committees.aberdeencity.gov.uk/documents/s150741/Final%20PNA%202023.pdf?txtonly=1>

Aberdeen Data Observatory - Statistical information based on population data, community data and economic data

<https://opendata-aberdeencitycouncil0365.msapproxy.net/accopendata#!/index>

Community Planning Aberdeen Localities Outcome Data - Statistical information based on locality information

<https://communityplanningaberdeen.org.uk/resources/localities-outcomes-data/>

Appendix 6 - Useful Definitions

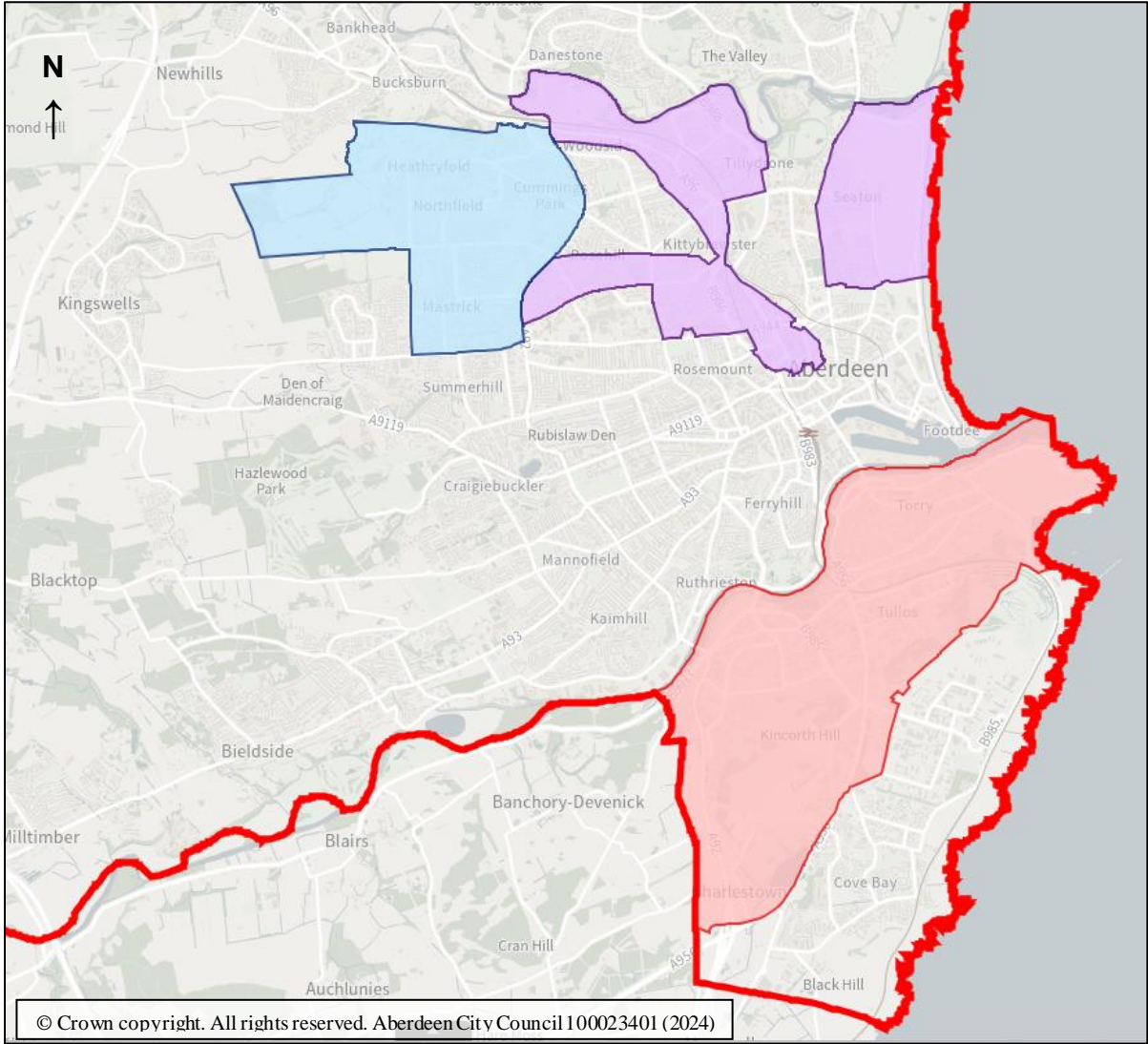
Disadvantaged: lacking in the basic resources or conditions believed to be necessary for an equal position in society.

Deprived: suffering a severe and damaging lack of basic materials or access to fewer resources or opportunities. Within the Scottish Index of Multiple Deprivation seven domains are looked at: income, employment, education, health, access to services, crime and housing.

Priority Neighbourhoods: Within Aberdeen, Community Planning has identified the following priority neighbourhoods: Torry / Middlefield / Mastrick / Cumming Park / Northfield / Heathyfold / Seaton / Woodside / Tillydrone. Priority Neighbourhoods are defined as areas where people experience significantly poorer outcomes than other people across the city and Scotland as a result of socio-economic disadvantage. A map of the priority neighbourhoods is below.

Public Human Health / Population Health: It is an approach to health that aims to improve the health of an entire human population. It is about improving the physical and mental health and wellbeing of people, whilst reducing health inequalities within and across a defined population. It as a broad overarching concept, encompassing but going beyond the NHS, public health and population health management. Crucially, it focuses on the wider determinants of health and the role of people and communities.

Map of the priority neighbourhoods in Aberdeen



Key

	Kincorth, Leggart & Nigg and Torry
	Heathryold, Middlefield, Northfield, Cummings Park & Mastrick
	Ashgrove, George Street, Seaton, Stockethill, Tillydrone & Woodside
	City Boundary

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