

# Public Document Pack



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

Town House,  
ABERDEEN 05 March 2025

## **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

The Members of the **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE** are requested to meet in **Committee Room 2 - Town House on THURSDAY, 13 MARCH 2025 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 13 February 2025 - for approval (Pages 7 - 12)

## **COMMITTEE PLANNER AND PLANNING APPEAL DIGEST**

- 5.1. Committee Business Planner (Pages 13 - 16)
- 5.2. Planning Appeal Digest (Pages 17 - 20)

## **GENERAL BUSINESS**

### **WHERE THE RECOMMENDATION IS ONE OF APPROVAL**

- 6.1. Detailed Planning Permission for the extension of existing garage to rear - 33 Hopetoun Court Aberdeen (Pages 21 - 28)

Planning Reference – 241488

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

[Link.](#)

Planning Officer: Jan Frontzek

- 6.2. Planning Permission in Principle for the residential development comprising around 435 homes, open space, landscaping and supporting infrastructure - Land at Greenferns Landward (OP 22), to the South of Kepplehills Road, Newhills, Aberdeen (Pages 29 - 68)

Planning Reference – 240216

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

[Link.](#)

Planning Officer: Gavin Clark

- 6.3. Detailed Planning Permission for replacement of workshop building (in Class 5 use) and associated works - The Works, The Bush Aberdeen (Pages 69 - 82)

Planning Reference – 241112

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

[Link.](#)

Planning Officer: Roy Brown

### **DATE OF NEXT MEETING**

- 7.1. **WEDNESDAY 23 APRIL 2025 - 10AM**

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](http://aberdeencity.gov.uk)

Should you require any further information about this agenda, please contact Lynsey McBain, Committee Officer, on 01224 067344 or email [lymc bain@aberdeencity.gov.uk](mailto:lymc bain@aberdeencity.gov.uk)

This page is intentionally left blank

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.

This page is intentionally left blank

## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 13 February 2025. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor McRae, Convener; Councillor Greig, Vice Convener; and Councillors Boulton, Clark, Cooke (as substitute for Councillor Alphonse), Copland, Farquhar, Lawrence 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 OR CONNECTIONS

1. Councillor Clark intimated as a transparency statement in relation to item 6.3 on the agenda (116 Dee Village, Millburn Street Aberdeen), that she knew one of the objectors who was due to speak against the application. Councillor Clark did not consider the connection required a declaration of interest, and indicated that she would remain in the meeting for consideration and determination of the item.

### MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 5 DECEMBER 2024

2. The Committee had before it the minute of the previous meeting of 5 December 2024, for approval.

#### **The Committee resolved:-**

to approve the minute as a correct record.

### COMMITTEE PLANNER

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

#### **The Committee resolved:-**

- (i) to note that the Development Manager would report to this committee at a future meeting, with the information which was to be submitted to the Scottish Government as part of the National Planning Improvement Framework;
- (ii) to request that the Clerk circulate information on how many cases had been before the Local Review Body in the last two years and the percentage of cases approved/overturned at the meetings; and to include this information on the Local Review Body in future Annual Effectiveness reports for this committee; and
- (iii) to otherwise note the committee business planner.

## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

13 February 2025

### PLANNING DIGEST

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:-**

- (i) to note that on page 15, a typo had occurred and the word should be authorised instead of unauthorised; and
- (ii) to otherwise note the information contained in the planning appeal digest.

### **WEST CHURCH OF ST NICHOLAS, BACK WYND, ABERDEEN - 240987**

5. The Convener advised that the application had been withdrawn and therefore would not be considered at this meeting.

### **40 URQUHART ROAD ABERDEEN - 241252**

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

That the application for Detailed Planning Permission for the change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 2 people at 40 Urquhart Road 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) TIME LIMIT FOR SHORT TERM LET USE**



## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

13 February 2025

The use of the flat for short term let accommodation as hereby approved, 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 serviced apartment accommodation in the meantime. Should no further planning permission be granted then the property shall revert to a flat in residential use after the aforementioned 5-year period.

Reason - In order to allow reassessment of the local housing need and demand situation and the local economic benefits derived from the use of the property as short term let accommodation 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.

The Committee heard from Esmond Sage, Planner, who spoke in furtherance of the report and answered various questions from Members.

The Committee then heard from Alan Gordon and Alan McKay, who both objected to the proposed planning application and asked that the application be refused.

The Convener moved, seconded by the Vice Convener:-

That the application be approved in line with the officer's recommendation.

Councillor Boulton, seconded by Councillor Macdonald, moved as an amendment:-

That the Committee refuse the application for the following reasons:-

The site was in close proximity to a mixed use area in the city centre and would be compliant in principle with Policy 30 (Tourism), paragraph (e) part (i) of National Planning Framework 4. It was considered that the proposed change of use of the property to Short Term Let accommodation would likely result in significant detrimental impacts upon the amenity of the immediate neighbouring residential properties within the application building beyond what could typically be expected if it were to be used as mainstream residential accommodation through noise disturbance, the frequency of changes in occupants, and the impact on security, real or perceived, within the communal areas of the building.

The proposed change of use was thus considered to be contrary to Policy H1 (Residential Areas) and Policy D2 (Amenity) of the Aberdeen Local Development Plan 2023.

On a division, there voted – for the motion (5) – the Convener, the Vice Convener and Councillors Clark, Cooke and Copland – for the amendment (4) – Councillors Boulton, Farquhar, Lawrence and Macdonald.

### **The Committee resolved:-**

to adopt the motion and therefore approve the application conditionally.

## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

13 February 2025

### 116 DEE VILLAGE, MILLBURN STREET, ABERDEEN - 241277

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 change of use of flat to short term let accommodation with maximum occupancy of 3 people, at 116 Dee Village, Millburn 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) TIME LIMIT FOR SHORT-TERM LET USE

The hereby approved use of the property 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 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 short term let accommodation 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.

The Committee heard from Roy Brown, Senior Planner, who spoke in furtherance of the application and answered various questions from Members.

The Committee then heard from William Rae (Ferryhill and Ruthrieston Community Council), Sheena Leslie and Richard Fahey (Chairman Dee Village Residents Association) who all objected to the proposed planning application and asked that it be refused.

The Convener moved, seconded by the Vice Convener:-

That the application be approved in line with the officer's recommendation.

Councillor Boulton, seconded by Councillor Macdonald, moved as an amendment:-

That the application be refused for the following reasons:-

## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

13 February 2025

There were tensions with Policy VC2 in as far as the proposal would undermine the sequential approach to locating visitor related attraction as close to the city centre as possible.

It was considered that the proposed change of use of the property to short term let accommodation would likely result in significant detrimental impacts upon the amenity of the immediate neighbouring residential properties within the application building beyond what could typically be expected if it were to be used as mainstream residential accommodation through noise disturbance, the frequency of changes in occupants, and the impact on security, real or perceived, within the communal areas of the building. The proposed change of use was thus considered to be contrary to Policy 30 (Tourism), paragraph (e) part (i) and (ii) of National Planning Framework 4, Policy 14 (Design, Quality and Place) of National Planning Framework 4, and Policies H1 (Residential Areas) and Policies D1 (Quality Placemaking) and D2 (Amenity) of the Aberdeen Local Development Plan 2023.

On a division, there voted – for the motion (4) – the Convener, the Vice Convener and Councillors Cooke and Copland – for the amendment (5) – Councillors Boulton, Clark, Farquhar, Lawrence and Macdonald.

### **The Committee resolved:-**

to adopt the amendment and therefore refuse the application.

- **COUNCILLOR MCRAE, CONVENER**

This page is intentionally left blank

	A	B	C	D	E	F	G	H	I	J
1	<b>PLANNING DEVELOPMENT MANAGEMENT COMMITTEE BUSINESS PLANNER</b> 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	<b>Report Title</b>	<b>Minute Reference/Committee Decision or Purpose of Report</b>	<b>Update</b>	<b>Report Author</b>	<b>Chief Officer</b>	<b>Directorate</b>	<b>Terms of Reference</b>	<b>Delayed or Recommended for removal or transfer, enter either D, R, or T</b>	<b>Explanation if delayed, removed or transferred</b>	
3			<b>13 March 2025</b>							
4	33 Hopetoun Court - 241488	To approve or refuse the application for extension of existing garage to rear	On agenda	Jan Frontzek	Strategic Place Planning	Place	1			
5	Land At Greenferns Landward (OP 22), to the South of Kepplehills Road Newhills, Aberdeen - 240216	To approve or refuse the application for residential development comprising around 435 homes, open space, landscaping and supporting infrastructure	On agenda	Gavin Clark	Strategic Place Planning	Place	1			
6	The Works, the Bush - 241112	To approve or refuse the application for replacement of workshop building (in Class 5 use) and associated works	On agenda	Roy Brown	Strategic Place Planning	Place	1			
7			<b>23 April 2025</b>							
8	Article 4 Directions	At the meeting on 19 September 2024, it was agreed to instruct the Chief Officer – Strategic Place Planning to report the outcomes of the public consultation and any proposed recommendations on the Article 4 Directions to a subsequent Planning Development Management Committee within the next six months.		Laura Robertson	Strategic Placing Planning	Place	5			
9			<b>20 May 2025</b>							
10			<b>19 June 2025</b>							
11	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			
12			<b>21 August 2025</b>							
13			<b>25 September 2025</b>							
14			<b>06 November 2025</b>							

	A	B	C	D	E	F	G	H	I	J
	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred	
2	Annual Effectiveness Report	To report on the annual effectiveness of the committee		Lynsey McBain	Governance	Corporate Services	GD 8.7			
15			04 December 2025							
16			Future applications to PDMC (date of meeting yet to be finalised.							
17										
18	Rosehill House, Ashgrove Rd West - 230414	To approve or refuse the application for McDonald's Restaurant/takeaway		Lucy Greene	Strategic Place Planning	Place	1	R	Application withdrawn by applicant.	
19	Waterton House Abereen - 230297	To approve or refuse the application for PPP for 16 residential plots		Lucy Greene	Strategic Place Planning	Place	1			
20	Land North Of Aryburn Farm, Dyce, Aberdeen - 241197	To approve or refuse the application for 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			
21	1 Anderson Avenue - 241094	To approve or refuse the application for change of use to class 1A (shops and financial, professional and other services), alterations to frontage to install sliding door and glazing infill, form slap to install side door, build up doors and all other associated works		Rebecca Kerr	Strategic Place Planning	Place	1	R	Application withdrawn by applicant.	
22	Former AECC - 240850	To approve or refuse the application for MSC		Lucy Greene	Strategic Place Planning	Place	1			
23	James Hutton Institute - 241146	To approve or refuse the application for formation of car park		Roy Brown	Strategic Place Planning	Place	1			
24	Stoneywood House - 241406	To approve or refuse the application for change of use to form 5 residential apartments, erection of single storey side extension and the erection of 8 dwelling houses with associated access, landscaping and works		Roy Brown	Strategic Place Planning	Place	1			
25	490 King Street - 241451	To approve or refuse the application for extension to form 21 Student Flats		Robert Forbes	Strategic Place Planning	Place	1			

	A	B	C	D	E	F	G	H	I	J
	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred	
2										
26	Planning Guidance	At the meeting on 15 May 2024, it was agreed 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.		David Dunne	Strategic Place Planning	Place	5			
27	The Quad (formerly Craigievar House) Howe Moss Avenue - 250108	To approve or refuse the application for proposed business and industrial development, comprising c7,500 sqm of class 5 and 6 uses with ancillary class 4 use with associated yard areas, boundary treatments, roads, parking, landscaping and other associated works		Gavin Clark	Strategic Place Planning	Place	1			
28	Former John Lewis Building, George Street - 250030	To approve or refuse the application for change of Use from Class 1A (Shops, Financial, Professional and Other Services) to Class 11 (Assembly and Leisure) and use for motor vehicle recreation with associated retail (Class 1A), cafes and restaurants (Class 3) and public house use		Gavin Clark	Strategic Place Planning	Place	1			
29	27 Rubislaw Den North - 241426	To approve or refuse the application for change of use from offices to form 7no residential flats and two dwellinghouses including alterations to windows, formation of Juliet balconies, roof terraces with glass balustrade and roof extension; installation of roof lights, alterations to door and window openings blocking up door opening to form windows, opening up windows opening; erection of ancillary garages with ancillary workspace, formation of car parking and erection of single dwelling house with associated landscaping and infrastructure works		Dineke Brasier	Strategic Place Planning	Place	1			
30	27 Rubislaw Den North - 241427/LBC	To approve or refuse the application for alterations to former office building to form 7no residential flats and two dwellinghouses including alterations to windows, formation of Juliet balconies, roof terraces and roof extension; installation of roof lights, alterations to door and window openings; erection of garages with ancillary space, formation of car parking and erection of single dwelling house with associated landscaping, infrastructure works and internal alterations		Dineke Brasier	Strategic Place Planning	Place	1			

	A	B	C	D	E	F	G	H	I	J
	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred	
2										
31	Draft Aberdeen Planning Guidance: Health Impact Assessments	At the meeting on 20 June 2024, it was agreed to 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.		Donna Laing	Strategic Place Planning	Place	5			
32	National Planning Improvement Framework	At the meeting on 13 February 2025, it was agreed to note that the Development Manager would report to this committee at a future meeting, with the information which was to be submitted to the Scottish Government as part of the National Planning Improvement Framework;		Daniel Lewis	Strategic Place Planning	Place				



## Planning Development Management Committee

13 March 2025

### 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 Decided

Type of appeal	Advertisement Consent	Application Reference	240526/ADV
Address	Osborne House, 27-30 Carden Place,		
Description	Installation Of 1 Non-Illuminated Free Standing Sign (Retrospective)		
History	<p>Refused under delegated powers on 29 August 2024</p> <p>There was a parallel appeal for an immediately adjacent sign, 240624/ADV for which there is a separate decision notice (see below)</p>		
DPEADecision	<p>Appeal dismissed and advertisement consent refused</p> <p>The sign would have no adverse public safety impacts, but it would detract from the visual amenity of the location and would not preserve the appearance of the conservation area</p>		
DPEAweblink	<a href="#">Scottish Government - DPEA - Case Details</a>		

Type of appeal	Advertisement Consent	Application Reference	240624/ADV
Address	Osborne House, 27-30 Carden Place,		
Description	Installation Of 1 Non-Illuminated Free Standing Sign (Retrospective)		
History	Refused under delegated powers on 29 August 2024		

	There was a parallel appeal for an immediately adjacent sign, 240526/ADV for which there is a separate decision notice (see above)
DPEADecision	Appeal dismissed and advertisement consent refused  The sign would have no adverse public safety impacts, but it would detract from the visual amenity of the location and would not preserve the appearance of the conservation area
DPEA weblink	<a href="#">Scottish Government - DPEA - Case Details</a>

Type of appeal	Planning Permission	Application Reference	240488/S42
Address	Land South Of North Deeside Road, Milltimber		
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		
History	Refused by Planning Development Management Committee of 20 June 2024		
DPEADecision	<p>Minded to allow the appeal and grant planning permission in principle subject to 24 conditions, following the signing and registering of a planning obligation under section 75 of the Act to secure obligations towards affordable housing, the core path network, healthcare facilities, community facilities and primary education.</p> <p>This is an allocated site and the principle of development is well established. The increase in the number of units on the site would be supported by NPF4 policies 1, 3, 13, 14, 15, 16 and 18 and also policies D1, D2, H1, H2, H3, H4, H5, and I1 of the LDP 2023. There are no material considerations which would lead to the conclusion that planning permission should not be granted.</p>		
DPEA weblink	<a href="#">Scottish Government - DPEA - Case Details (scotland.gov.uk)</a>		

### **Appeals Lodged**

Type of appeal	Listed Building Consent	Application Reference	241415/LBC
Address	36 Albyn Place		
Description	Reconstruction Of Existing Garages To Form Triple Garage Building		
History	Appeal is against non-determination of the application within the statutory time period of 2 months.		
DPEA weblink	<a href="#">Scottish Government - DPEA - Case Details</a>		

### **Appeals still Pending**

Type of appeal	Planning Permission	Application Reference	240614/DPP
Address	Land At Newton Of Pitfodels		
Description	Installation Of A Grid Battery Energy Storage Facility (Up To 40Mw		
History	<p>Refused by Planning Development Management Committee of 19 September 2024.</p> <p>Allocated to a DPEA reporter</p>		
DPEA weblink	<a href="#">Scottish Government - DPEA - Case Details</a>		

This page is intentionally left blank

	<b>Planning Development Management Committee</b>
	Report by Development Management Manager
	<b>Committee Date: 13<sup>th</sup> March 2025</b>

<b>Site Address:</b>	33 Hopetoun Court, Aberdeen, AB21 9QS
<b>Application Description:</b>	Extension of existing garage to rear
<b>Application Ref:</b>	241488/DPP
<b>Application Type</b>	Detailed Planning Permission
<b>Application Date:</b>	23 December 2024
<b>Applicant:</b>	Mr George Malcolm
<b>Ward:</b>	Dyce/Bucksburn/Danestone
<b>Community Council:</b>	Bucksburn and Newhills - Pre Review 2024



© Crown Copyright. Aberdeen City Council. Licence Number: 100023401 – 2024

## **RECOMMENDATION**

Approve Conditionally.

## **APPLICATION BACKGROUND**

### **Site Description**

The application site comprises the curtilage of a one-and-a-half storey, one bedroom, mid-terraced dwelling in a residential neighbourhood in Bucksburn. The dwelling fronts Hopetoun Court to the north-west and includes a paved front curtilage providing off-street parking space for two cars. The rear curtilage extends at an angle to the south-east and slopes downward from the rear elevation of the property to rear lane. A single, flat-roofed detached garage is situated in the southern corner of the rear curtilage, adjacent to the lane, with its southern elevation adjoining the neighbouring property's garage. A driveway is located to the north of the garage, adjacent to the driveway of the neighbouring property to the north.

### **Relevant Planning History**

None.

## **APPLICATION DESCRIPTION**

### **Description of Proposal**

Detailed planning permission is sought for the extension of the existing garage, with a new door added to provide a second, adjoining garage. The proposed extension would project out from the northern elevation of the existing garage and with a width of c. 2.4 m adjacent to the lane (east elevation), covering the existing driveway. It would include a c. 1.92 m high metal up-and-over garage door on the front elevation. The northern elevation of the garage would extend c. 5.2 m back from the lane along the northern boundary and would not have any glazing or other openings. The rear, western elevation would have a width of c. 3.3 m, with a door providing pedestrian access from the rear garden and replacing the door to the existing garage. The northern wall of the existing garage would be partially removed with a c. 1.7 m wide opening creating a shared internal space..

### **Amendments**

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

- Amended floor plans were submitted to correctly reflect the southern boundary of the site.

### **Supporting Documents**

All drawings can be viewed on the Council's website at:

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SOQE9VBZMJ600>

### **Reason for Referral to Committee**

The application has been referred to the Planning Development Management Committee because an objection has been made by the Council's Roads Development Management team, therefore the application falls outwith the Scheme of Delegation, as per point 1. vi.

## **CONSULTATIONS**

**ACC - Roads Development Management Team** – object, noting the following comments:

- The proposal appears to be for an additional garage rather than an extension.
- The entry width for the additional entrance to the garage is below the minimum requirements as set out in the Council's standards (Transport & Accessibility Aberdeen Planning Guidance).
- The external and internal dimensions of the proposed garage would be below minimum requirements.

**Bucksburn and Newhills - Pre Review 2024 Community Council** – no comments received.

## **REPRESENTATIONS**

None.

## **MATERIAL CONSIDERATIONS**

### **Legislative Requirements**

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

### **Development Plan**

#### **National Planning Framework 4**

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

#### **Aberdeen Local Development Plan 2023**

- Policy D1 (Quality Placemaking)
- Policy H1 (Residential Areas)

### **Aberdeen Planning Guidance**

- Householder Development Guide
- Transport & Accessibility

## **EVALUATION**

## Key determining factors

The key determining factors in the assessment of this application are whether the proposed development would:

- impact upon the character and appearance of the existing dwelling or the surrounding area;
- impact upon the amenity of the area, including the residential amenity of immediately neighbouring properties; and
- impact on road and public safety.

## Principle of development

Policy 16 (Quality Homes), paragraph (g) of National Planning Framework 4 (NPF4) states that householder development proposals will be supported where they:

- i. *do not have a detrimental impact on the character or environmental quality of the home and the surrounding area, in terms of size, design and materials; and*
- ii. *do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.*

The application site also lies within a Residential Area, as zoned in the Aberdeen Local Development Plan 2023 (ALDP) Proposals Map. Policy H1 (Residential Areas) of the ALDP states that within existing residential areas, proposals for new householder development will be approved in principle if it:

1. *does not constitute over-development; and*
2. *does not have an adverse impact to residential amenity and the character and appearance of an area; and*
3. *does not result in the loss of open space.*

## Impact on the character and appearance of the area

In determining whether the proposed development would adversely affect the character and appearance of the existing dwelling, and the surrounding area, Policy 14 (Design, Quality and Place) of NPF4 is relevant. Policy 14 encourages and promotes well-designed development that makes successful places by taking a design-led approach. Policy D1 (Quality Placemaking) of the ALDP substantively reiterates the aims and requirements of Policy 14.

### Design, scale, siting and materials

The Aberdeen Planning Guidance on Householder Development (HDG) states: “*Outbuildings must always be subordinate in scale to the dwellinghouse*” and that they “*should not have a negative impact on the character of the surrounding area.*”

The proposed garage extension would be appropriately sited within the existing footprint of the rear driveway, and would be of an acceptable form, design and scale in relation to the existing garage. The proposed design and use of materials to match the existing garage is acceptable and the extension would be architecturally compatible with both the existing garage and the neighbouring garages on the rest of the lane.

### Overdevelopment

Guidance on what constitutes ‘overdevelopment’ is set out within ‘General Principles 4 and 5’ at



section 2.2 of the Householder Development Guide. This states that no more than 50% of the rear curtilage of a dwelling should be covered by development. As the proposed garage extension would be small-scale, and the majority of the rear garden would remain undeveloped, the proposal would not constitute overdevelopment.

### Open space

The proposed householder development would be wholly contained within the existing residential curtilage of the application property and no open space would be lost.

### Summary

To summarise, the proposed development would be of an appropriate design, scale and siting for its context, would not constitute over development nor result in the loss of any open space, and would preserve the character and appearance of both the existing dwelling and the surrounding area, all in accordance with Policies 14 and 16 of NPF4 and Policies D1 and H1 of the ALDP, as well as the relevant guidance contained within the Householder Development Guide.

### **Impact on the amenity of the area**

The HDG states: *‘No extension or alteration should result in a situation where the amenity of any neighbouring properties would be adversely affected. Significant adverse impact on privacy, daylight and general amenity will count against a development proposal.’*

As the proposed garage extension would be small-scale and located to the rear of the application site, set a significant distance away from, and at a lower level than, the neighbouring dwellings, there would be no adverse impacts on daylight or sunlight receipt. Additionally, the use of the structure as a garage, combined with its siting, would ensure there would be no impact to the privacy or outlook of neighbouring properties. The proposed development would therefore preserve the amenity of the surrounding area, including the residential amenity of the neighbouring properties, in accordance with Policy 16 of NPF4 and H1 of the ALDP, as well as the relevant guidance contained within the Householder Development Guide.

### **Parking and road safety**

#### Measurements

The Aberdeen Planning Guidance on Transport & Accessibility (TA) states that *“the minimum acceptable external size of a new single garage is 6.0m x 3.0m, with a minimum internal size no less than 5.7m x 2.7m. The minimum effective entry width is 2.25m with a height of 1.98m.”* The proposal includes a garage door c. 1.92 m in height (to match the height of the existing garage door), and c. 2.15 m wide that would face onto the lane. The internal area of the proposed garage extension would be c. 5.2 m x 2.4 m x 3.3 m. The proposed garage extension would therefore not meet the specified minimum measurements as set out in the TA guidance. The Council’s Roads Development Management team have thus objected to the proposal on these grounds.

#### Secure storage

The applicant has advised that the proposed garage extension is for the safe and secure storage of a classic car with a length of c. 3.05 m, a width of c. 1.4 m and a height of c. 1.35 m. The dimensions of this vehicle are well below the proposed dimensions of the extension which would accommodate the classic vehicle.

### Parking requirements

The one-bedroom dwelling has sufficient off-street parking provision for three vehicle spaces (two on a front driveway and one within the existing rear garage). The proposed garage extension would therefore not be needed to meet parking requirements, or to prevent any on-street parking which could otherwise be to the detriment of amenity.

### Road and public safety

The garage would be located to the rear of the property, accessed from a relatively small and dead-end lane, alongside other garages of a similar size. Given the nature of the lane and its low level of traffic (both pedestrian and vehicular), any vehicles entering and exiting the proposed garage would not pose any significant risk to public safety, including road safety. The Roads Development Management team did not raise any safety concerns relating to the proposal.

### Assessment

The terraced setting of the application site, built in the 1970s, and the narrow width of the rear lane, indicate a design for vehicles from that period. The existing garage entrance has the same height as the proposed additional garage door (c. 1.92 m) and therefore also does not meet the guideline minimum measurement for entry height. The width of the existing garage door at c. 2.27 m just meets the stated minimum in the TA guidance, with the proposed garage door width failing to meet the guidance by c. 110 mm. While not meeting the measurements stated within the Aberdeen Planning Guidance on Transport & Accessibility to accommodate modern vehicles, the proposed garage would be suitable in size for the accommodation of older, classic vehicles.

The possible future use of the proposed extension for more modern and larger vehicles would be limited given the aforementioned smaller dimensions, as a larger vehicle may not fit into the garage extension, or indeed the existing garage. It is also important to note that the TA guidance relates to 'new developments' and that such developments would be assumed to accommodate more modern vehicles of a larger size.

The stated use as a secure storage facility of a classic car would indicate the intended use of the extension primarily as storage for the vehicle. The applicant's property benefits from two further off-street parking spaces on a driveway to the front of the property, which already meets the parking requirements for a one-bedroom dwelling therefore consideration of the extension as supplementary parking is not required.

### Summary

In summary, the proposed garage extension would not be necessary for providing additional off-street parking, whilst the smaller dimensions than those set out in the Council's TA guidance would only permit the garage's use as either general storage or for the parking / storage of a small vehicle. Given the nature of the lane, the proposed development would not pose any significant risk to public safety, including road safety. Therefore, despite the garage not meeting the minimum guideline dimensions for garages as set out in the Transport & Accessibility APG, the Planning Service considers there are no material reasons as to why the application should be refused.

### **Tackling the climate and nature crises, climate mitigation and adaptation**

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 life-cycle greenhouse gas emissions as far as possible, and to adapt to current and future risks from climate change. The proposed householder development would be 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. The proposals are thus acceptable and do not conflict with the aims and requirements of Policies 1 and 2 of NPF4.

## **RECOMMENDATION**

Approve Conditionally.

## **REASON FOR RECOMMENDATION**

The proposed garage extension would preserve the character, appearance and amenity of the existing dwelling and the surrounding area, would not constitute overdevelopment and would not result in the loss of any open space, all in accordance with Policy 16 (Quality Homes) of National Planning Framework 4 (NPF4) and Policy H1 (Residential Areas) of the Aberdeen Local Development Plan 2023 (ALDP). The proposed works are also compliant with the relevant guidance set out in the Householder Development Guide Aberdeen Planning Guidance. The proposed works would be of an appropriate design, scale, siting and materials for the context of the application site, in accordance with Policies 14 (Design Quality and Place) of NPF4 and D1 (Quality Placemaking) of the ALDP.

The dimensions of the proposed garage extension are not in accordance with the minimum measurements stated within Aberdeen Planning Guidance on Transport & Accessibility. However, the application site already has sufficient off-street parking, therefore consideration of the extension as supplementary parking is not required. The garage would provide amenity benefit to the applicant, whilst not detracting from the availability of on-street parking, nor posing any significant risk to public safety, including road safety.

The proposed garage extension would be small-scale and would not have any material impact on the climate and nature crises, nor on climate mitigation and adaptation, therefore the proposals do not conflict with the aims and requirements of Policies 1 (Tackling the Climate and Nature Crises) and 2 (Climate Mitigation and Adaptation) of NPF4.

## **CONDITIONS**

### **(01) DURATION OF PERMISSION**

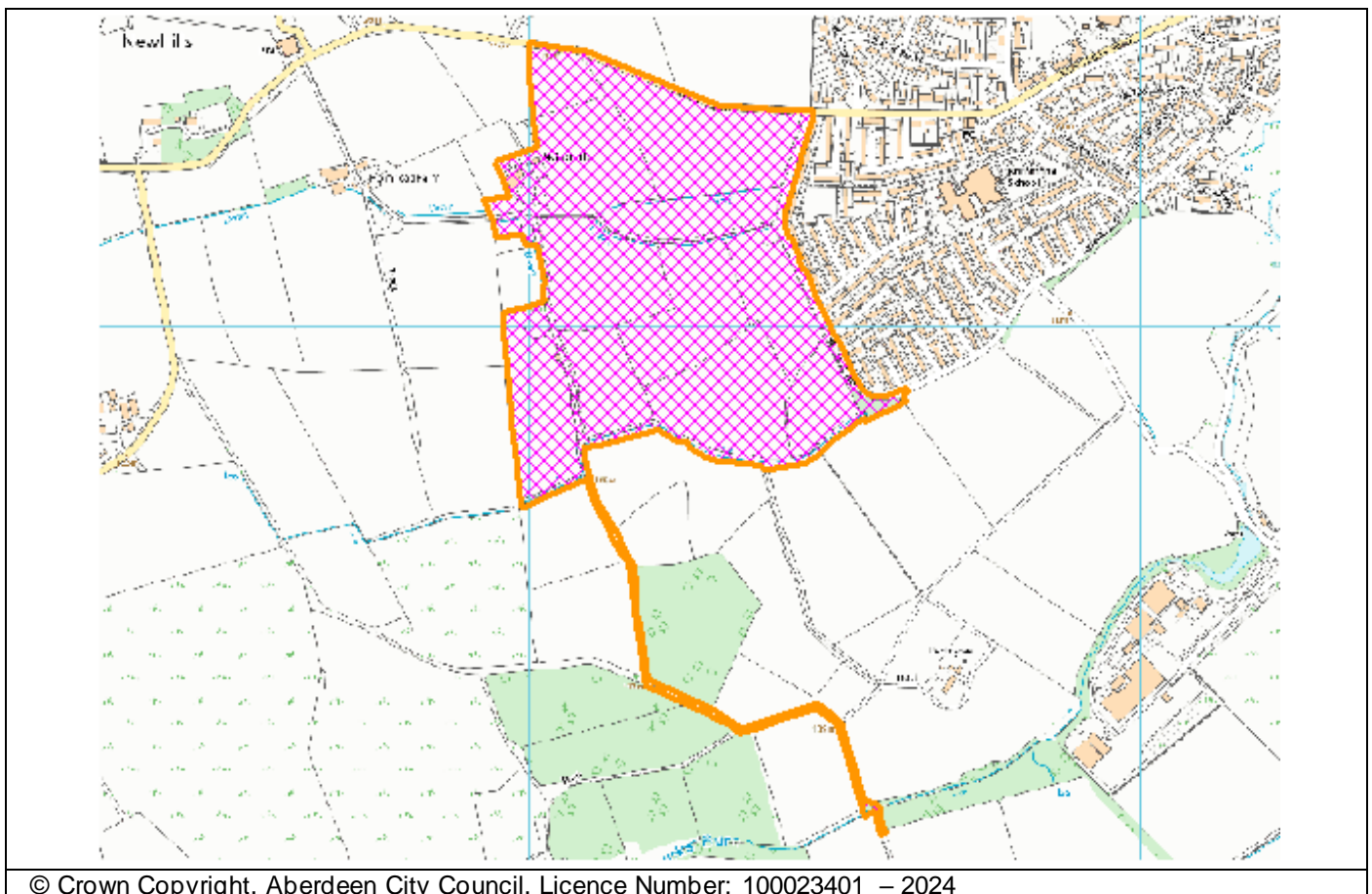
The development to which this notice relates must be begun not later than the expiration of 3 years beginning with the date of this notice. If development has not begun at the expiration of the 3-year period, the planning permission lapses.

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

This page is intentionally left blank

	<b>Planning Development Management Committee</b>
	Report by Development Management Manager
	<b>Committee Date: 13<sup>th</sup> March 2025</b>

<b>Site Address:</b>	Land at Greenferns Landward (OP 22), to the South of Kepplehills Road, Newhills, Aberdeen
<b>Application Description:</b>	Residential development comprising around 435 homes, open space, landscaping and supporting infrastructure
<b>Application Ref:</b>	240216/PPP
<b>Application Type</b>	Planning Permission in Principle
<b>Application Date:</b>	23 February 2024
<b>Applicant:</b>	Aberdeen City Council
<b>Ward:</b>	Dyce/Bucksburn/Danestone
<b>Community Council:</b>	Bucksburn and Newhills



## **RECOMMENDATION**

Approve Conditionally and Subject to Legal Agreement

## **APPLICATION BACKGROUND**

### **Site Description**

The Greenferns Landward application site is located to the north-west of Aberdeen approximately 6.7km from the City Centre and is located to the immediate west of the residential area of Bucksburn. The site extends to approximately 30 hectares with the land in the ownership of Aberdeen City Council. The site comprises the eastern half of the OP22 Greenferns Landward opportunity site allocated in the Aberdeen Local Development Plan 2023.

The predominant land-use within the site is agricultural, with open fields used for rough grazing and is characterised by a number of existing fields, and their associated boundaries made up of drystone dykes, hedging and belts of mature trees.

The eastern boundary of the site is defined by Newhills Avenue (a designated bus route), with existing housing (a mixture of single and two storeys in height) located on the opposite side. The northern boundary of the site borders Kepplehills Drive with the Rowett South OP21 designation located further north (although no development has commenced in this area to date). The western and southern boundaries are characterised by agricultural land and farm buildings at Nethemills located within the westernmost section of the site. Approximately 200m to the south is the Bucks Burn Local Nature Conservation Site, and beyond that the existing established residential area of Kingswells and the Greenferns OP33 opportunity site allocation to the south-west and south respectively.

The site is generally undulating in nature and slopes from north-west to east and rises again towards its southern boundary. A number of path connections run through the site and the southernmost section of the site provides core path links towards Sheddocksley and Northfield to the south and Kingswells to the south-west.

### **Relevant Planning History**

An Environmental Impact Assessment Screening Opinion (Ref: 220425/ESC) was sought for a proposed residential-led, mixed use development comprising approximately 1570 homes, local neighbourhood retail and commercial provision, education, leisure and community uses, gypsy traveller site and associated infrastructure including new and upgraded access roads, landscaping, open space and engineering works. The Planning Service issued an opinion in April 2022 advising that an Environmental Impact Assessment would be required.

A Scoping Opinion (Ref: 220479/ESP) was sought for a proposed residential-led, mixed use development comprising approximately 1570 homes, local neighbourhood retail and commercial provision, education, leisure and community uses, gypsy traveller site and associated infrastructure including new and upgraded access roads, landscaping, open space and engineering works. The Planning Service issued an opinion in May 2022 advising of the requirements for the required Environmental Impact Assessment.

A Proposal of Application Notice (Ref: 220611/PAN) was submitted in May 2022 for a major residential led, mixed-use development of c. 1,570 homes comprising retail and commercial provision, leisure and community uses, gypsy travellers site and associated infrastructure including access roads, landscaping and engineering works. The Planning Service issued a response in May 2022 advising no further consultation was required.

All of the above related to the entire OP22 allocation, rather than the reduced area that is the subject of the current application.

## **APPLICATION DESCRIPTION**

### **Description of Proposal**

Planning Permission in Principle (PPiP) is sought for a residential development at Greenfems Landward comprising of around 435 homes with areas of open space, landscaping and supporting infrastructure.

As this is a PPiP application, there is no detailed plans of the exact layout, siting and design of the development. Instead, the supporting Masterplan provides a vision and indicative design parameters for how the site should be developed. This would act as a design guide for future approval of Matters Specified in Condition (MSC) applications.

The technical documents submitted in support of the application assess the impacts of creating a new residential community as phase 1, the eastern portion of the overall allocation at Greenfems Landward. They provide an overarching strategy detailing how the housing should be built out across the site, set within a strong landscape and open space network. They indicate how the site would be accessed, serviced and identify any technical and environmental constraints and how they can be mitigated and enhanced as a result of the proposed development.

#### **Phase 1 Masterplan:**

The Greenfems Landward Masterplan looks at a variety of issues including the existing site context and reviews matters such as landscaping, drainage, access and connectivity. The document was updated to include an indicative layout showing how 435 units and associated facilities could be accommodated within this first phase of the overall allocation.

### **Amendments**

Following the submission of the application further information was submitted including a site specific Flood Risk Assessment and an indicative site plan showing how 435 units could be accommodated within the application site boundaries. Neighbours were re-notified on the 23<sup>rd</sup> October 2024 and the proposals were re-advertised on the 30<sup>th</sup> October (Evening Express) and 1<sup>st</sup> November 2024 (Edinburgh Gazette) respectively.

### **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=S9BAYIBZKI800>

#### **The Environmental Statement**

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

- Chapter 1: Introduction
- Chapter 2: Need for the Project
- Chapter 3: The Proposed Development
- Chapter 4: Consideration of Alternatives

- Chapter 5: Environmental Assessment
- Chapter 6: Planning Policy
- Chapter 7: Population and Health
- Chapter 8: Ecology, Nature Conservation and Biodiversity
- Chapter 9: Land Use Ground Conditions and Contamination
- Chapter 10: Water Environment, Flood Risk and Drainage
- Chapter 11: Noise and Vibration
- Chapter 12: Air Quality
- Chapter 13: Landscape and Visual Impact and Figures (Parts 1-13)
- Chapter 14: Cultural Heritage
- Chapter 15: Disruption due to Construction
- Chapter 16: Summary of Environmental Comments
- EIA Appendix 1 – Consultations
- EIA Appendix 2 – Ecology
- EIA Appendix 3 – Tree Survey
- EIA Appendix 4 – Bat Survey
- EIA Appendix 5 – Biodiversity Protection and Enhancement Plan
- EIA Appendix 6 – Baseline Noise Data
- EIA Appendix 7 – Air Quality
- EIA Appendix 8 – Cultural Heritage
- EIA Appendix 9 – Construction Environment Management Plan

Other documents forming part of the planning permission in principle application include:

- Pre-Application Consultation Report
- Planning Statement
- Transport Assessment
- Geotechnical Report
- Drainage Assessment
- Masterplan
- Flooding Risk Assessment (and Stage 1 Flood Risk Assessment)

### **Reason for Referral to Committee**

The application has been referred to the Planning Development Management Committee because it is an Environmental Impact Assessment (EIA) application for which a valid Environmental Statement has been submitted. In addition, eleven letters of objection to the proposed development have been received and the proposal is classified as a major development. Consequently, the proposal falls outwith the adopted Scheme of Delegation.

### **Pre-Application Consultation**

The applicant undertook statutory pre-application consultation which included a first phase of consultation, which centres around a virtual event held in June 2022 which took place on a dedicated consultation website and took the form of an online exhibition where members of the design team were available to discuss the proposals with attendees via a live chat.

A second consultation event took place as a public drop-in exhibition event on the 1<sup>st</sup> September 2022 at Middlefield Community Hub. In response to feedback received, a second public event was held on the 28<sup>th</sup> September 2022 at the Beacon Centre in Bucksburn, in order to reach residents that may be impacted most by the development proposals. The consultation period in which the



public could submit comments to the design team on the proposals was subsequently extended until the 14<sup>th</sup> October 2022. At both events information about the development was displayed on boards and members of the design team were present to answer questions.

The applicant presented to the Pre-Application Forum on the 1<sup>st</sup> September 2022. Following a presentation by the applicant's design team, Members asked a number of questions on matters including school capacities, consultation on the proposals, transportation, discussions with bus operators, the requirement for land for a healthcare facility, whether the housing would meet relevant standards, the requirement for a further event in Bucksburn (which took place as referenced above), gypsy traveller provision and electric vehicle charging provision.

### **Pre-Determination Hearing**

The proposed development is classed as a "major development" in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. A Pre-Determination Hearing was not required in this instance as whilst the Council are the owner of the land, as the proposal has been subject to less than 20 letters of objection and not considered to be a significant departure from the approved Development Plan, given the site is allocated for residential development, of up to 1,000 units within the current Plan phase.

### **Environmental Report**

The proposal was subject to an Environmental Impact Assessment (EIA) Screening Opinion issued by Aberdeen City Council (220425/ESC). This confirmed that the project fell within Schedule 2 Class 10 (b) (Urban Development Projects) of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. The Planning Authority confirmed that the characteristics of the site and surrounding area had been fully considered and it is likely that there would be a potentially significant impact from the proposed development on the surrounding area. As such it was concluded that an Environmental Report would be required with the planning application.

### **CONSULTATIONS**

**Aberdeen International Airport** – have advised that the development has been examined from a safeguarding perspective and could conflict with safeguarding criteria unless planning permission is granted subject to conditions in relation to the design and materials used in any buildings, landscaping and the submission of a Bird Hazard Management Plan. They have also requested the insertion of an informative in relation to the use of cranes.

They have confirmed no safeguarding objection to the application provided the above conditions are applied to any planning permission.

Where a Planning Authority proposes to grant permission against the advice of Aberdeen Airport, or not to attach conditions which Aberdeen Airport has advised, it shall notify Aberdeen Airport, the Civil Aviation Authority and the Scottish Ministers as per Circular 2/2003: Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas) (Scotland) Direction 2003.

Their response will be discussed in greater detail in the evaluation section of this report.

**Archaeology Service (Aberdeenshire Council)** – having reviewed the submitted documentation, in particular Chapter 14 'Cultural Heritage' of the Environmental Impact Assessment, colleagues agree with the conclusions reached within the assessment undertaken by CFA Archaeology Ltd in

terms of both potential impact on the historic environment, and the proposed mitigation response to that impact.

Of particular note are the two surviving March Stones (Stones 41 and 42) and their associated marker stones (HER Ref No NJ80NE0019, NJ80NE4H0020 and NJ80NE0243) located within the site. Colleagues welcome that these assets have avoided any direct impacts through design of the proposed development, and that no construction work is proposed within their immediate vicinity. Note that given the historical importance to the City, there is a need to ensure that on-site construction work is aware of these assets and to avoid any accidental damage.

As such, colleagues have recommended that conditions are applied in relation to a programme of archaeological works and protective fencing during construction (to protect the aforementioned assets).

Their response will be discussed in greater detail in the evaluation section of this report.

**ACC - Developer Obligations** – A Developer Obligations assessment has been undertaken, based on the equalisation agreement established and agreed for allocated development sites within the Newhills Development Framework area. The response will be discussed in greater detail below, but in general the Developer Obligations required for the development are as follows:

Core Path Network	On-site provision
Primary Education (Capital)	£2,797,245
Primary Education (Land Equalisation)	£1,137,300
Secondary Education	£1,957,500
Healthcare Facilities (Capital)	£435,000
Healthcare Facilities (Land Equalisation)	£188,457
Open Space	On-site provision
Community Facilities	£352,676
Sport and Recreation (Capital)	£87,354
Gypsy Traveller Site	Land on-site in lieu of financial contribution
Affordable Housing Contribution	108.75 units

**ACC - Environmental Health** – have provided the following comments:

Reviewed the 'Environmental Impact Assessment - Chapter 12: Air Quality' (ITP Energised, February 2024) and are satisfied that *"the significance of effects associated with the operational phase of the proposed development due to emissions from development-generated traffic upon local air quality is assessed as not significant"*.

Environmental Noise: reviewed the 'Environmental Impact Assessment - Chapter 11: Noise & Vibration' (Ironside Farrar, February 2024) and would highlight the following key issues:

Internal noise levels are predicted to exceed target levels within dwellings (habitable rooms) most exposed to road traffic noise and note that the current masterplan for the proposed development does not have full details of the layout and orientation of individual dwellings and the noise modelling was undertaken on an area-by-area basis; to this end, it should be noted that, where elevated noise levels are identified, these will likely only affect one façade of an identified receptor. During detailed design the possibility of arranging the internal layout of dwellings such that habitable rooms are not located upon these exposed facades will be investigated, as will the location of dwellings in relation to the main noise sources and the potential for landscaped buffer zones.

Note that the report recommends that:

Mitigation with regard to internal noise levels will be identified at detailed design stage, such that target internal and external noise limits are met. This assessment considers potential options comprising closed-window attenuation with appropriate alternative ventilation strategy and incorporation of good acoustic design practices within the final layout.

Colleagues in Environmental Health are satisfied that this issue can be addressed at detailed design (approval of matters specified in condition) stage.

Noise from Energy Centre note that the proposed development includes a gas-fired combined heating and power (CHP) energy centre. Recommend that a detailed planning application (or application for the approval of matters specified in condition) is submitted for the energy centre, including an appropriate noise assessment (by a suitably qualified consultant) to predict the impact on sensitive receptors and specify control measures. The assessment should be undertaken in accordance with Planning Advice Note (PAN) 1/2011 Planning and Noise and its accompanying Technical Advice Note and the methodology should be submitted and agreed in writing with the Environmental Protection Team in advance.

Construction Noise and Dust Management: satisfied that dust and noise impacts associated with development works (including site/ground preparation, demolition, and construction) can be suitably controlled by adherence to an appropriate Construction Environmental Management Plan (CEMP). The CEMP (EIA, Appendix 15) submitted in support of this application should be updated at detailed design and construction stages to ensure that it is appropriate/robust.

**ACC - Structures, Flooding and Coastal Engineering** – have reviewed the additional information ‘Flood Risk Assessment (FRA), Sep 2024’ and ‘Flood Risk Addendum North Tributary Realignment and Restoration report, Oct 2024’ submitted on 21.10.2024 and had the following comments:

Note SEPA’s consultation response and agree with their comments on the submitted FRA and the Addendum. However, they have concern that flood risk at Newhills Avenue may be increased during the construction phase. Therefore, require the insertion of a condition requiring the submission of a Construction Environment Management Plan which should consider no land raising or ground reprofiling within the existing or proposed flood plain of the 1 in 200 year event plus climate change indicated on the submitted FRA and Addendum and if new temporary crossings are required, then these should be designed and built in a way that overflows from the burn will flow back to the channel immediately downstream.

If the above cannot be avoided, then mitigation measures should be applied to make sure that flood risk at Newhills Avenue is not increased during the construction phase.

Also note that the following will be required at MSC stage:

- A detailed Drainage Impact Assessment is required when a detailed planning application/MSD application is submitted; and
- Advise that locating existing/diverted within the proposed roads will not be supported.

**ACC – Contaminated Land** - consider that the potential for significant contamination on the site is low. Ground investigation has identified only limited made ground onsite, typically around the present day farm buildings, and the chemical testing undertaken has not highlighted the presence of significant contamination. Recommend the insertion of an informative should any contamination be found on site.

**ACC - Housing** – have noted that a minimum of 108 affordable homes should be provided on site and these should be provided on site as social rent. Note that the proposed affordable housing units should proportionally reflect the development, so if the market units are houses, the affordable units should be the same. Family sized houses are in greatest need and therefore the development should provide affordable houses which adequately reflects the development as a whole. Their response will be discussed in greater detail in the below evaluation.

**NatureScot** – do not intend to offer formal comment on this proposal as it does not meet their criteria for consultation. Do note, however, that the proposal does not lie within, and is unlikely to affect, any designated sites for nature conservation. In addition, they offered advice on the Habitats Regulations Appraisal and confirmed that the findings of the Council were acceptable.

**Police Scotland** – no response received.

**ACC - Roads Development Management Team** – have provided the following comments:

Walking and Cycling: primary-school aged children from the initial phase will attend Brimmond School and secondary-aged children will attend Bucksburn Academy – both of which are within walking / cycling distance from the site. A safe routes to school plan will be required, which can be controlled via planning condition.

Also note that the northern boundary of the site would likely need a footway/cycleway which ties in to the existing footway on the southern of Kepplehills Drive to the east of the site. Note that this matter can be conditioned.

Public Transport: note the intention for the existing number 17 bus to route through the development site once enough of the road network has been completed. This is welcomed and acceptable. The suitability of this access road to cater to buses will be assessed during the approval of matters specified in condition stage – suitable swept paths will be required to evidence this.

Parking: note that parking for bicycles and vehicles, including electric vehicle charging spaces will be provided throughout the development and will broadly align with the Council's APG on Transport and Accessibility. When the approval of matters specified in conditions application is submitted the proposals will be checked against these requirements.

Vehicular Access: the applicant has shown an indicative layout of a new junction to the north of the site – a priority junction between the site and Kepplehills Road. Section 4.18 of the TA submitted shows this junction to be adequate for the 435 dwellings proposed as part of this application. .

Note that the applicant is proposing linking the existing Newhills Avenue into the site north of Wagley Parade, giving priority to the site, and making the southern part of the existing Newhills Avenue the minor arm of the junction. This is acceptable in principle but the feasibility will need evidenced as part of a future MSC application. The intention is for buses to route through the site, which is acceptable, however it should be noted that the existing bus route around Newhills Avenue will be impacted by this loss of priority. Note that this is not a significant issue, but something that will need addressed and evidenced that the new junction facilitates all required bus movements. This matter can be controlled via condition.

Internal Road Layout: envisaged that the internal roads would have a 6m wide carriageway with 2m footway on one side of the carriageway and a 3m shared foot and cycleway on the opposing side. Secondary roads where bus services are not envisaged would have 5.5m wide carriageways and 2m footways either side. Tertiary roads will serve individual parcels of homes within the proposed

development allowing allow direct driveway access and would not be intended to be bus routes. Note that this is acceptable in principle.

Local Road Network: Evidence submitted that 435 dwellings can be delivered prior to a connection between OP22 (Greenferns Landward) and OP21 (Rowett South) (and onwards through OP20 (Craibstone) to the A96.

Also note that all three Newmills Masterplan sites (Craibstone, Rowett South, and Greenfems Landward) are signed up to an equalisation agreement which specifies a financial contribution required from each site based on their size / trip generation, and which junction / sustainable travel improvements will be required. As the final of the three to come forward, Greenferns Landward will also be required to make these payments.

The junction impact assessment undertaken by the applicant outlines the following junctions will need to be altered upgraded:

- A96 / Inverurie Road Left-In / Left-Out (East end);
- A96 / Sclattie Park / Bankhead Avenue Roundabout;
- Haudagain Roundabout;
- A92 North Anderson Drive / Rosehill Drive / Provost Rust Drive Roundabout;
- A96 Great Northern Road / Haudagain Bypass / A96 Auchmill Road;
- Haudagain Bypass / Manor Avenue / Bus Turning Circle.

Content that the specifics of the road junction improvements could be controlled at MSC stage.

Travel Plan: request that the submission of a Residential Travel Plan is controlled via planning condition.

Drainage Impact Assessment: consider the submitted DIA to be acceptable in principle, which highlights possible measures which will be utilised to provide a Sustainable Urban Drainage System treatment both in terms of quality and type. A detailed DIA will be required at MSC stage. Note that where permeable paving is proposed as a means of drainage, gullies should be positioned above the surface at localised low points.

Conclusion: overall note that there are engineering solutions for all aspects of the application and are content with the proposal in principle, and subject to a number of conditions (which are to be discussed later in this report). Confirmed that there are no outstanding concerns with the proposals.

**ACC - Schools Estates Team** – note that the proposed development falls within the schools catchment areas for Bucksburn Academy and Brimmond School. Both schools are close to or over their available capacity. Contributions would therefore be required from the developer towards the cost of a planned permanent extension to Bucksburn Academy, and for a required new primary school to serve the wider Newhills Expansion area.

**Scottish Environment Protection Agency** – have provided comments in relation to flood risk and watercourse diversion and have requested the insertion of conditions in relation to the following details:

- Detailed site plans should be provided demonstrating no development or land raising within the flood extents shown in Figure A-7 of the Flood Risk Addendum: North Tributary Realignment & Restoration document (document number 144215/GL/W02, dated 16/10/2024).

- Site plans should demonstrate a minimum of 600 mm freeboard above modelled flood levels in accordance with the recommendations in the FRA has been applied to finished floor levels for any proposed dwellings on the site.
- Topographic drawings should be provided demonstrating existing ground levels (without SUDs or any other proposed site development) overlaid with the modelled flood extents produced for the 1 in 200 year plus climate change and 75% blockage scenario as shown in Figure A-7 of the Flood Risk Addendum: North Tributary Realignment & Restoration document (document number 144215/GL/W02, dated 16/10/2024).
- Details and dimensions of all new and replacement channel structures including relief culverts should be provided to demonstrate they will convey the modelled peak flows with suitable freeboard.
- Where only the Phase 1 Partial Realignment is being carried out as part of the proposed development, development should be restricted to land outside of the flow pathway originating from the potential blockage of culvert NT02 as identified in Figure A-7 of the Flood Risk Addendum: North Tributary Realignment & Restoration document (document number 144215/GL/W02, dated 16/10/2024).

Noted that if the above matters were not conditioned then their response should be treated as an objection to the application.

**Scottish Government** – no response received. Scottish Ministers must be consulted where a planning authority receive in connection with an Environmental Impact Assessment (EIA) application a statement which the applicant refers to as an environmental report for the purposes of the regulations.

**Scottish Water** – note that the proposed development will be fed from the Invercannie Water Treatment Works. Unable to confirm capacity at this time and suggest that the applicant completes a pre-development enquiry. Note that there is currently capacity for a foul only connection in the Persley Waste Water Treatment Works but that further investigations may be required to be carried out once a further application has been submitted to them.

**ACC - Waste and Recycling** – have advised of the waste management requirements for the proposed development. Note that as the proposal is for planning permission in principle with finalised waste arrangements not provided. Confirm that they will reserve judgement on waste layouts until the approval of matters specified in conditions stage.

**NATS (En-Route)** – the proposed development has been examined from a technical safeguarding aspect and does not conflict with their safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") therefore has no safeguarding objection to the proposal.

**Bucksburn and Newhills Community Council** – no response received.

## **REPRESENTATIONS**

Eleven objections have been received in relation to the application. The issues raised in the representations can be summarised as follows:

1. Surrounding existing infrastructure would not cope with the development existing parking problems would be exacerbated. Concerns in relation to the existing bus route.
2. Detrimental impact on local schools and exacerbate overcrowding at Bucksburn Academy and Brimmond School noting that plans for a new school at Greenferns Landward appear to

have stalled and the first phase (current application) does not include plans for primary school provision.

3. Doctors surgeries are at capacity and would not cope with the proposed development, in addition impact on dental surgeries. Regardless of whether financial contributions are made by developers for additional medical and school facilities, there is no money available to build or staff them.
4. There are a lack of facilities in the surrounding area, with only two small shops.
5. Impact of the development on the surrounding green space, loss of areas of open space and loss of trees. The area is used by a number of groups such as dog walkers and families and the loss of the open space would impact on these users.
6. Impact on wildlife which utilises the area, in particular badgers, which are a protected species.
7. Flooding in the surrounding area, with rain flooding from the existing fields or roads collapsing. There is an existing watercourse that runs through the site, which floods the surrounding area during periods of heavy rainfall. The provision of housing on site would further exacerbate these issues.
8. Existing housing stock in the area should be upgraded and repaired before any new dwellings are constructed.
9. Potential errors in the submitted Environmental Report.

## **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 5 (Soils)
- Policy 6 (Forestry, woodland and trees)
- Policy 7 (Historic assets and places)
- Policy 12 (Zero waste)
- Policy 13 (Sustainable transport)
- Policy 14 (Design, quality and place)

- Policy 15 (Local living and 20-minute neighbourhoods)
- Policy 16 (Quality homes)
- Policy 18 (Infrastructure first)
- Policy 19 (Heating and cooling)
- Policy 20 (Green and blue infrastructure)
- Policy 21 (Play, recreation and sport)
- Policy 22 (Flood risk and water management)
- Policy 23 (Health and safety)
- Policy 24 (Digital infrastructure)

### Aberdeen Local Development Plan (2023)

The following policies are relevant –

- LR1: Land Release Policy
- OP22 – Greenferns Landward
- WB1: Healthy Developments
- WB2: Air Quality
- WB3: Noise
- NE2: Green and Blue Infrastructure
- NE3: Our Natural Heritage
- NE4: Our Water Environment
- NE5: Trees and Woodland
- D1: Quality Placemaking
- D2: Amenity
- D4: Landscape
- D5: Landscape Design
- R2: Degraded and Contaminated Land
- R5: Waste Management Requirements for New Development
- R6: Low and Zero Carbon Buildings, and Water Efficiency
- R7: Renewable and Low Carbon Energy Developments
- R8: Heat Networks
- H3: Density
- H4: Housing Mix and Need
- H5: Affordable Housing
- H6: Gypsy and Traveller Caravan Sites
- I1: Infrastructure Delivery and Planning Obligations
- T2: Sustainable Transport
- T3: Parking
- CI1: Digital Infrastructure
- B3: Aberdeen international Airport and Perwinnes Radar

### **Supplementary Guidance (SG)**

- Planning Obligations

### **Aberdeen Planning Guidance (APG)**

- Air Quality
- Noise



- Amenity
- Aberdeen Placemaking Process
- Landscape
- Aberdeen International Airport
- Affordable and Specialist Housing
- Transport and Accessibility
- Open Space and Green Infrastructure
- Natural Heritage
- Flooding, Drainage and Water Quality
- Trees and Woodland
- Outdoor Access
- Waste Management Requirements for New Development
- Resources for New Development

## **EVALUATION**

### **Environmental Impact Assessment**

An Environmental Report (ER) (formerly known as an Environmental Statement) was required as the development falls within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. An ER has to identify the likely environmental effects of a project through the study and analysis of individual issues, predicting and assessing the projected impacts and proposing measures to mitigate the effects. Before determining the application, the Council must take into consideration the information contained in the ER, including any further information, any comments made by the consultation bodies and any representations from members of the public about environmental issues. The ER is submitted in support of the planning application, but it is not part of the application itself. However, provided it serves a planning purpose, any information from the Environmental Impact Assessment process may be material and considered alongside the provisions of the Development Plan.

### **Adequacy of the Environmental Report**

Before considering the merits of the proposed development it is appropriate to comment on the ER submitted in support of the application. There is no statutory provision as to the form of an ER but it must contain the information specified in Part II and such relevant information in Part I of Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 ("2017 Regulations") as is reasonably required to assess the effects of the project and which the developer can reasonably be required to compile. Whilst every ER should provide a full factual description of the development, the emphasis of Schedule 4 is on the 'main' or 'significant' environmental effects to which the development is likely to give rise. An ER must comply with the requirements of the 2017 Regulations, but it is important that it is prepared on a realistic basis and without unnecessary elaboration. It is for the Council to satisfy itself on the adequacy of the ER. If it is deemed to be inadequate, then the application can be determined only by refusal. In terms of the current application, overall the ER is considered to be satisfactory, thus meeting the requirements of the 2017 Regulations.

### **Habitats Regulations Appraisal**

A Habitats Regulations Appraisal and Appropriate Assessment was undertaken and has been subject to consultation and agreement with NatureScot. The response concluded that the levels of development proposed by the former Strategic Development Plan and therefore the Aberdeen Local Development Plan fall within current water abstraction licence levels. Therefore, it has already been

determined that the development of the Greenferns Landward site in combination with other ALDP Opportunity sites would not adversely affect the integrity of the River Dee SAC. Otherwise, with the implementation of water saving technologies for this project, it has been ascertained that either alone or in combination with other projects, the redevelopment of the Greenferns Landward site would not adversely affect the integrity of the River Dee SAC.

## Principle of Development

The site is allocated in the ALDP 2023 as the eastern half of OP22 (Greenferns Landward). The ALDP indicates that the site would provide an *“opportunity for 1500 homes on Council owned land, of which 500 homes are phased for the period beyond 2032. Part of approved Newhills Development Framework. Ecological surveys to assess the presence of and effects on protected habitats and species will be required. A flood risk assessment will be required.”*

Policy LR1 guides the release of greenfield housing allocations across the city, which are split into two delivery periods advising that *“housing and employment development on existing allocated sites and housing sites for the period up to 2032 will be approved in principle within areas designated for housing or employment”*

The current application seeks consent for up to 435 homes with associated infrastructure and would essentially act as the first phase of development associated with the OP22 allocation, in the current ALDP 2023 plan period. The application has also been subject to appropriate ecological surveys and a flood risk assessment (the details of which will be discussed further below) as required by the wording of the OP allocation.. As a result the proposal is considered to be in compliance with OP22 (Greenferns Landward) and Policy LR1 (Land Release) of the ALDP 2023 in principle.

## Phase 1 Masterplan & 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”* whereas 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.”*

The proposal is for planning permission in principle, so detailed design layouts and plans have not been submitted and would be provided at MSC stage. Notwithstanding, the applicants have submitted a Phase 1 Masterplan in support of the application. The masterplan has looked at various aspects and ways in which the site could be developed and has included details in relation to the masterplan development (with an indicative layout showing how 435 units could be contained within the red line boundary), landscaping, drainage, access, land use and phasing.

This includes areas of housing in the northern and southern sections of the site, including a mixture of detached, semi-detached, terraced and flatted properties, along with road connections, areas of open space, SUDS basins and areas of planting. The site generally slopes from north-west to south-east and the proposed housing would be accommodated in the less undulating areas, where there would be less of a visual impact and would require less elements of cut and fill. Details of building typologies and densities will influence the layouts presented in future MSC applications, as will car parking requirements and landscaping details.

The levels, densities and types of development shown within the masterplan are considered to be acceptable and show that a residential development could be provided that is healthy, pleasant,

connected, distinctive, sustainable and adaptable. The indicative masterplan shows that a development could be provided that has been designed with due consideration for its context and without having an adverse impact on the character and appearance of the surrounding area. Finalised details would be controlled via condition (see condition 3 in particular) but, in principle, the proposals would comply with Policy 14 (Design, quality and place) of NPF4, as well as with Policy D1 (Quality Placemaking) of the ALDP 2023.

In addition to the above, Policy D2 (Amenity) of the ALDP 2023 is of relevance. This seeks to address a number of matters including the optimisation of views through appropriate siting, layout and orientation, the provision of appropriate levels of amenity, public faces to street with natural surveillance, appropriate waste facilities and low and zero carbon technologies, privacy, acceptable levels of floor space, garden grounds and parking. The masterplan and supporting information submitted indicate that all of the above could be adequately provided and confirmation to secure all of the above could be controlled via the submission of details contained within MSC application. In principle, the proposal would comply with Policy D2 (Amenity) of the ALDP 2023.

### **Housing Mix**

Policy H3 (Density) advises that *“the Council will seek an appropriate net density of development on all housing allocations and windfall sites.”* and Policy H4 (Housing Mix and Need) of the ALDP 2023 advises: *“housing developments of larger than 50 units are required to achieve an appropriate mix of dwelling types and sizes, in line with a masterplan.”*

In terms of the density of development, this matter would be finalised at MSC stage, but the submitted stage 1 masterplan indicates that, given the scale of the site and the levels of development, an acceptable level of development could be provided, which would include a mix of detached, semi-detached, terraced and flatted properties, which would cover all market sectors. The final mix would be controlled at a future MSC stage. The level of information submitted to date is considered to be acceptable and it is therefore anticipated that any development would comply with both Policies H3 (Density) and H4 (Housing Mix and Need) of the ALDP 2023.

Policy 16 (Quality Homes) of NPF4 discusses a number of matters including community benefit. Information has been submitted in support of the proposal, stating that the proposal will provide 25% of homes as affordable housing, including a number within the first phase of development. The proposals would also include appropriate infrastructure and connections, improve access to path networks in the surrounding and the wider area, would provide a mix of housing including accessible homes, all in accordance with the relevant policies contained within both national and local planning guidance.

The proposals also include a statement of community benefit, as required by Policy 16 for all major applications, which discusses the provision of 25% affordable housing, along with the provisions of mixed use elements, and on and offside contributions, along with enhanced landscaping and areas of open space, the development resulting in a range of community benefits. The proposals are in compliance with Policy 16 of NPF4.

Policy 15 (Local Living and 20 minute neighbourhoods) of NPF 4 advises: *“development proposals will contribute to local living including, where relevant, 20 minute neighbourhoods.”*

In this instance, no shops are to be provided within this phase of development, but are anticipated to be included within later phases. The site would be within a 20-minute walk of the existing small parade of shops located within Bucksburn on Kepplehills Road, 280m east of the eastern edge of the development site, accessible along existing footpaths. It is also anticipated that an expanded No. 17 bus service would be provided through the site, diverted from Newhills Avenue into the site,

enhanced walking and cycling facilities would be provided, and play area and areas for sports and recreation and affordable housing. The provision of such facilities would be controlled via appropriately worded planning conditions (see condition 3 in particular) and would ensure compliance with Policy 15 of NPF4.

Policy 21 (Play, recreation and sport) of NPF4 advises: *“Development proposals likely to be occupied or used by children and young people will be supported where they incorporate well-designed, good quality provision for play, recreation, and relaxation that is proportionate to the scale and nature of the development and existing provision in the area.”*

The submitted masterplan has shown a development that would provide well-designed and useable areas of open space throughout the first phase of the development site. It is anticipated that the development would include other aspects such as play areas and later phases would include enhanced sports facilities, with finalised details in this regard controlled via planning condition. This would ensure compliance with Policy 21 of NPF4.

Policy WB1 (Healthy Developments) of the ALDP 2023 advises: *“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.”* Policy 23 (Health and Safety) of NPF4 advises *“development proposals that will have positive effects on health will be supported. This could include, for example, proposals that incorporate opportunities for exercise, community food growing or allotments.”*

In regard to the above policy, the submitted information and masterplan documents show a development that would provide appropriate areas of open space and informal recreation areas, which would be seen to promote physical activity and mental wellbeing and the proposals include areas for community food growing and allotments. It is noted that a Health Impact Assessment has not been submitted with the current proposals, with guidance currently limited on the levels of information required for such proposals. The level of information submitted is considered to show that any proposals would comply with Policy WB1 of the ALDP 2023 and Policy 23 (Health and Safety) of NPF4.

Policy 23 (Health and Safety) of NPF4 requires development proposals to be designed to take into account suicide risk. There are no features apparent within the development which would increase the risk of suicide occurring.

### **Affordable Housing, Developer Obligations/ Infrastructure Delivery**

Policy H5 (Affordable Housing) of the ALDP 2023 states: *“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.”* Policy I1 (Infrastructure Delivery and Planning Obligations) of the ALDP 2023 states that in order to *“create sustainable communities, development must be supported by the required infrastructure, services and facilities to deliver the scale and type of developments proposed.”* Policy 18 (Infrastructure first) of NPF4 advises that *“a) Development proposals which provide (or contribute to) infrastructure in line with that identified as necessary in LDPs and their delivery programmes will be supported. b) The impacts of development proposals on infrastructure should be mitigated.”*

A Developer Obligations package has been agreed by the applicants, the assessment undertaken using the equalisation framework established and agreed for the Newhills Framework Area. This method reflects the cumulative impact of the Newhills development on local infrastructure and the

existing legal agreements and contributions established for the Framework Area through earlier planning applications for Craibstone (OP20) and Rowett South (OP21).

Greenferns Landward (OP22) has capacity for approximately 1500 units and forms 38.46% of the total Newhills Framework Area for purposes of the equalisation framework. As this application is for only part of OP22 the Developer Obligations Assessment was based on the housing numbers proposed through the current application. This equated to 435 Standard Housing Unit Equivalents (SHUE) or 11.15% as a proportion of the wider Newhills Development Area.

The delivery of developer obligations will be set out through a suitable legal agreement, in advance of any planning permission release.

Core Path Network: the development will provide linkages and improvements to the existing and aspirational Core Path Network. OP22 has two aspirational Core Paths within its boundary (AP2 and AP5) and contributions would only be required where the development does not or cannot deliver adequate new core path infrastructure or suitably mitigate the impact of increased usage of existing core paths through upgrading them to meet planning policy guidelines. The provision of core paths within the development site will be conditioned (condition 3) in lieu of a financial requirement.

Education: the site is within the catchment for Brimmond Primary School and Bucksburn Academy and new primary school sites are identified within the Newhills Framework Area, with one primary school required within the OP22 allocation for this purpose.

Primary Education: there is an interim zoning at Brimmond School until a new primary school is constructed within the Framework Area. This development will be required to make a proportionate contribution to new primary education infrastructure. The contributions have been calculated on the basis of the infrastructure required to serve the development and are noted as a capital contribution of £2,797,245 and a land equalisation contribution of £1,137,300.

Secondary Education: the Newhills Development Framework sets out the Secondary Education Strategy for the area which is to extend Bucksburn Academy that will accommodate pupils generated by the new development. A per unit contribution of £4,500 (index linked) towards additional capacity at Bucksburn Academy has been established across the Framework Area and a proportionate contribution towards the extension of Bucksburn Academy will be required from this development. The total secondary contribution of 435 x £4,500 has been calculated at £1,957,500.

Open Space: the development is of a scale such that open space provision should be met onsite. The provision of areas of open space within the development (as discussed above under the Phase 1 Masterplan & Layout, Siting and Design section above) are welcomed. It is anticipated that details will be provided through further applications and should be secured by suitable planning condition.

Community Facilities: the development will generate a requirement for community facilities on site. Any facilities should be co-joined with Educational facilities to assist in management arrangements and therefore contributions will be directed towards the provision of facilities above the baseline school specification available for the local community. The framework rate of £810.75 per unit has been used to calculate the financial contribution and would result in a total contribution of £352,676.25.

Sport and Recreation: there are requirements for facilities to serve the entire Newhills Framework Area include the following: 2 x natural grass pitches plus associated changing provision to be located adjacent to each of the primary schools along with off-site upgrade works the former Bankhead Academy playing fields, to the north of the A96. This site will be required to provide land (on areas

of land in the south-west section and further to the west outwith the current site boundaries) for sports and recreation facilities in lieu of a full capital contribution and the proportionate contribution based on the equalisation framework is £200.81 per unit (and a total of £87,354.30).

**Gypsy Traveller Site:** A Gypsy Traveller Site is to be located within the Greenferns Landward (OP22) allocation as part of the Newhills Framework Area. The land equalisation agreement (which has also sought related contributions from the developments at Craibstone and Rowett South) seeks contributions towards the provision of a halting site and pitches. The Greenferns Landward site is exempted from financial contributions in lieu of providing suitable land within OP22 to accommodate this infrastructure. Section 5.19 of the Applicant's Planning Statement acknowledges the need for this obligation and the applicants have submitted details of a potential location for the gypsy traveller site on an area of land within the wider allocation to the north west and a suitable clause securing the obligation will need to be included within a legal agreement.

**Affordable Housing:** Policy H5 of the ALDP 2023 seeks a minimum of 25% of any development of 5 or more dwelling units to be provided as affordable housing. For developments of 20 units or more, it is expected that the affordable housing should be delivered on-site in accordance with the preferred hierarchy of affordable housing types in Section 2.5 of Aberdeen Planning Guidance: Affordable and Specialist Housing. In this instance, the affordable housing requirement equates to a minimum of 108.75 units. The provision of these facilities would be included in the required legal agreement.

The proposals have been subject to consultation with colleagues in the Council's Housing Service, who have noted that 108 units should be provided on site as social rent. They have also noted that there is little demand for 2-bed units at present, and the proposed affordable housing should proportionally reflect the development, so if the market units are houses, the affordable units should be the same. Family sized houses are in greatest need and therefore the development should provide affordable housing which reflects the development as a whole.

They also noted that the Strategic Housing Investment Plan has a requirement that a minimum of 15% of all affordable housing should be provided as wheelchair accessible. Therefore, a minimum of 17 affordable homes should meet this requirement.

The above requirements and contributions have been agreed with the applicants, who is proposing to enter into a Section 69 legal agreement with a draft Section 75 (containing the details of Developer Obligations and other requirements) appended to the document. Subject to the provision of the above the proposals would comply with Policy I1 (Infrastructure Delivery and Planning Obligations) and Policy H5 (Affordable Housing) of the ALDP 2023 and its associated Supplementary Guidance: Planning Obligations.

## **Natural Heritage and Landscaping**

Policy NE2 (Green and Blue Infrastructure) of the ALDP 2023 states: *"development proposals will seek to protect, support and enhance the Green Space Network"* whereas Policy 20 (Blue and green infrastructure) of NPF 4 advises that *"development proposals that result in fragmentation or net loss of existing blue and green infrastructure will only be supported where it can be demonstrated that the proposal would not result in or exacerbate a deficit in blue or green infrastructure provision, and the overall integrity of the network will be maintained."* Development proposals for or incorporating new or enhanced blue and/or green infrastructure will be supported.

Policy D4 (Landscape) of the ALDP 2023 advises that *"development will provide opportunities for conserving or enhancing existing landscape / seascape / townscape elements (natural and built), including linear and boundary features or other components which contribute to character and*

*‘sense of place’* and Policy D5 (Landscape Design) of the ALDP 2023 advises that *“proposals will be designed with an effective, functional and attractive landscape framework supported by clear design objectives.”*

In terms of the above, a landscape strategy has been developed, which looked at existing landscape features and the ecology of the site, elements that have defined the layout with protection and retention of key features then enhancement through the blue-green network. The strategy proposes the retention and enhancement of existing field boundaries, tracks, walls and trees with green corridors and linking woodland also retained.

Key areas of open space within the development would include:

- Burnbrae Commons – an area of open space on the south-eastern boundary with an informal character along the southern boundary and to the north of the existing Burnbrae Moss.
- Landward Park – at the centre of the framework and to serve as the main area of public open space. A large play area would also be proposed within this area.
- Kepplehills Green – open space within the valley running largely east-west and split by Kepplehills Road
- Holmhead Burn Corridor – has an unnamed burn corridor running centrally; and
- Newhills Interface – a boundary of open space.

The general layout and information provided is considered to be acceptable, with further information controlled via future MSC applications (see conditions 3, 7, 9 and 12 in particular). This would help ensure compliance with Policy D4 (Landscape) and Policy D5 (Landscape Design) of the ALDP 2023.

#### Protected Species:

A Bat Survey was submitted in support of the application, which noted that five species of bat were active over the site and one species was found roosting on the site. Therefore appropriate mitigation, protection and compensation would be required to allow the development to proceed without having an adverse impact on local bat populations.

Chapter 8 of the ER looked at Ecology, Nature Conservation and Biodiversity. This document noted that there are no statutory designated conservation sites within the application boundary, but that the non-statutory Bucksburn Local Nature Conservation Site partially adjoins the south-western boundaries of the site.

The report further noted that species level interest was limited due to the agricultural use of the land, but that bats (as discussed above) were present and that the breeding birds survey noted 47 species of which 13 were a species of conservation concern and further information was requested in this regard. The loss of breeding and feeding farmland habitat for skylark would not be compensated on the application site, with the applicant noting that the required habitat, which relates to grassland mosaic, is still commonly found in the surrounding farmland. The proposed approach for the site is therefore to maximise biodiversity on the habitats that have been retained, restored, enhanced and created.

The information submitted in relation to the above has been fully reviewed by the Natural Environment Policy Team, who are generally content with the finding of the report but note that full surveys and species protection plans must be submitted with each application for the approval of matters specified in condition for phases of the development. Subject to the provision of the above it is accepted that the proposals would have no detrimental impact from a natural heritage

perspective and would therefore comply with the general principles of Policy NE3 (Natural Heritage) of the ALDP 2023, noting that detailed surveys will be required with future MSC applications (see conditions 13 and 14).

In addition to the above, Policy 3 (Biodiversity) of NPF4 states that an EIA development will only be supported if it ensures *“significant biodiversity enhancements are provided, in addition to any proposed mitigation”*.

In terms of biodiversity net gain, it is predicted in the short-term that there would be a net decrease in biodiversity mainly associated with the loss of cultivated land and changes to boundaries with a predicated increase in the moderate to long-term. The submitted information indicates that a high-level of biodiversity net gain is achievable with retention of existing corridors, creation of new corridors, formation of native wooded areas and biodiversity corridors suggested in the submitted Biodiversity Protection and Enhancement Plan, taking account of the existing relative monoculture of the agricultural land. At this PPIP stage limited information in documents of how biodiversity net gain will be attained on the site has been provided. Any future MSC proposals will need to come forward with detailed biodiversity action plans for relevant development phases, not only to protect existing features, but also to add features and enhance the biodiversity net value on the site to a clear overall net gain. These features could and should link to the habitats found outside the red line boundary to create connectivity but also prevent unintended changes. The provision of such would ensure compliance with Policy 3 (Biodiversity) of NPF4.

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.

In relation to the above, whilst the submitted information provides some advice and guidance on how the proposals would comply with the above policies, further information by the way of a biodiversity net gain assessment would be required in support of applications for approval of matters specified in conditions (see condition 13). This would help ensure compliance with both Policy 1 and Policy 2 of NPF4.

Policy 4 (Natural places) of NPF4 advises that *“development proposals that affect a site designated as a local nature conservation site or landscape area in the LDP will only be supported where: development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified; any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance.”*

The Bucks Burn Local Conservation Nature is located approximately 600m to the south-west. It is anticipated that the development as proposed would not have an adverse effect on the integrity of the LNCS due to distances involved and the proposed enhancements would have key social, environmental and economic benefits to the wider area. The proposals would therefore be in compliance with Policy 4 of NPF4.

Policy 5 (Soils) of NPF4 advises *“development proposals will only be supported if they... minimise the amount of disturbance to soils on undeveloped land; and in a manner that protects soil from damage including from compaction and erosion, and that minimises soil sealing.”*

In this instance there are no apparent areas of peatland or carbon rich soils on site and the proposed layout could be provided to ensure that there would be no significant impact on soils including compacting and erosion and ensure compliance with Policy 5 of NPF4. This would be confirmed via



the detailed layout, which would be provided at Approval of Matters Specified in Conditions stage (see condition 3).

### Trees and Woodlands

Policy 6 (Forestry, woodland and trees) of NPF4 states that *“development proposals that enhance, expand and improve woodland and tree cover will be supported”* and Policy NE5 (Trees and Woodlands) of the ALDP 2023 advises *“development should not result in the loss of, or damage to, trees and woodlands. Development proposals will seek to increase tree and woodland cover and achieve the long-term retention of existing trees and woodlands that the planning authority consider worthy of retention.”*

In terms of the above, a Tree Survey Report was submitted in support of the application. This noted that the survey areas included a large undulating expanse of agricultural land with field boundaries characterised by stone dykes, strips of gorse and hawthorn. The report noted that there were seven distinctive areas of the site where trees occur including adjacent to Newhills Road, and adjacent to the existing farm buildings, which includes a potentially 200-year old ash tree adjacent to Holmstead Farmhouse.

The Tree Survey has been reviewed by colleagues in Natural Environment Policy, who note that the proposal does not appear to impact on any of the existing tree stock. It is also noted that the proposal shows a significant amount of open/greenspace that could contribute significantly to increased tree canopy cover for the city and is welcomed. Where possible within the detailed landscape plans (which would be submitted at MSC stage) it would be preferable to see tree planting to be used to increase green corridors through the site linking with existing habitats/corridors to the south and to the east. In principle the proposal would not conflict with Policy 6 of NPF4 or with Policy NE5 of the ALDP 2025, with further details and tree protection information covered by conditions 3, 2 and 13.

### **Transport and Accessibility**

Policy T2 (Sustainable Transport) of the ALDP 2023 provides various guidance and seeks to minimise traffic generation, increase accessibility, encourage public transport and provide relevant infrastructure within the application site. It also advises that existing routes, such as core paths should be enhanced and retained during development. Policy T3 (Parking) considers matters such as parking within development and electric vehicle infrastructure.

Policy 13 (Sustainable transport) of NPF4 provides similar guidance and advises that development will be supported where it has been designed in association with sustainable travel, provides direct links to local facilities, be accessible by public transport, provide electric vehicle charge points, provide safe and convenient cycle parking and consider the needs of all users, as well as mitigate the impact of development on local transport routes. In addition, Policy 18 (Infrastructure first) seeks that proposals will mitigate the impacts of development and that proposals will only be supported where it has been demonstrated that provision is made to address the impacts on infrastructure.

The proposals have been subject to consultation with colleagues in Roads Development Management, who have noted that some mitigatory measures are required to offset the impact of the traffic generated at certain junctions on the existing road network. RDM are content that an engineering solution exists to mitigate capacity issues, and the modelling and quantification of these issues can be conditioned to be established at such a time as MSC applications are submitted, and mitigation measures commensurate for that phase of development identified and agreed (see condition 4). The following junctions have been noted as requiring further modelling, some of which will require mitigation measures, which would be undertaken at appropriate stages of development, and could be controlled via an appropriately worded planning condition (condition 4).

- A96 / Inverurie Road Left-In / Left-Out (East end)
- A96 / Sclattie Park / Bankhead Avenue Roundabout
- Haudagain Roundabout
- A92 North Anderson Drive / Rosehill Drive / Provost Rust Drive Roundabout
- A96 Great Northern Road / Haudagain Bypass / A96 Auchmill Road
- Haudagain Bypass / Manor Avenue / Bus Turning Circle

In terms of public transportation routes, it is noted that there are bus stops in proximity to the site, which run along Newhills Avenue, and which would be extended into the development site. A condition is recommended to be added to any consent in this regard (see condition 3).

In terms of vehicular access, the proposed development, as phase 1 of the OP22 site will be served by a primary road extending from Kepplehills Avenue and connecting round to Newhills Avenue. Future connections are also shown to the development to the west, which would likely connect to Chapel of Stoneywood – Fairley Road in the future. This arrangement is considered to be acceptable in principle, with finalised details of the road layouts to be controlled via an appropriately worded planning condition. It is anticipated that the road would be at least 6.5m wide and would be utilised as a bus route and would require swept path analysis and be constructed to an adoptable standard. Similarly the secondary roads would need to be designed to a similar width, with other road design details also to be provided at a later stage (see conditions 3,4 and 5).

In terms of general parking arrangements, the exact number of parking spaces to be provided for each phase of development would be confirmed at the approval of matters specified in condition stage. The parking spaces would need to comply with relevant ACC standards at the time of MSC applications in terms of dimensions and layouts and EV charging facilities would also be required in accordance with standards. This would be controlled via condition (see condition 3).

For developments of more than 100 units there is a requirement for more than two accesses and as technically three are proposed (one from Kepplehills Avenue and two from Newhills Avenue with further future connections to the west) this is considered to be acceptable. The RDM Team have noted that all roads should be constructed to ACC standards and agreed with ACC in advance. They will also be subject to further control under the Roads Construction Consent process. In conclusion, the new road designs and locations are considered to be acceptable in principle, but would be subject to the submission of further information at approval of matters specified in condition stage (see condition 4).

In addition to the above, other further assessments which required will include the submission of residential travel plans, waste strategy plans and construction traffic management plans. Again, these matters would be controlled via the submission of appropriately worded planning conditions (see conditions 3, 4 and 5). Comments have also been provided in regards to existing and proposed walking and cycling routes within the city. There are proposals to upgrade and provide new linkages within the development site and the provision of such would be controlled via condition (see condition 3 in particular).

In principle colleagues in RDM have raised no objection to the application, and the proposals are considered to be an acceptable form of development and the applicant has demonstrated that the proposals would comply with Policies 13 and 18 of NPF4 and with Policies T2 and T3 of the ALDP 2023.

## Flooding, Drainage and Water Quality

Policy NE4 (Our Water Environment) of the ALDP 2023 advises that development will not be supported on sites where there would be an increased risk of flooding both within and outwith the site, adequate provision is not made for the maintenance of watercourses or it would require the construction of new or strengthened flood defences. In addition, there would be a requirement for a Flood Risk Assessment, foul drainage and water connection to the public sewerage system and that all new developments are required to incorporate Sustainable Urban Drainage Systems (SUDS) to manage surface water.

Similar guidance is provided within Policy 22 (Flood risk and water management) of NPF4, which advises that *“development proposals will: not increase the risk of surface water flooding to others, or itself be at risk, manage all rain and surface water through sustainable urban drainage systems (SUDS), presume no surface water connection to the combined sewer; seek to minimise the area of impermeable surface, provide a connection to the public sewers and create, expand or enhance opportunities for natural flood risk management, including blue and green infrastructure”*.

In relation to the above, a Flood Risk Assessment (FRA) and various documents in relation to site drainage have been submitted in support of the planning application. The FRA looked at all potential sources of flooding from the proposed development.

The document noted that two heavily modified watercourses drain west to east through the site and are culverted immediately downstream of the site boundary along Newhills Avenue. A history of flooding was also noted from the northern tributary and model results indicate that out-of-bank flows from the heavily modified and culverted channel would impact the site area and receptors downstream.

The applicants therefore propose to realign and restore the northern tributary, which will be informed by the proposed scenario hydraulic modelling. Given the existing flood issues identified, proposals to realign and restore the channel will significantly reduce flood risk associated with this watercourse.

In terms of the southern tributary, the FRA notes that built development within the site must be located outwith the flood extents for the site and no land raising should occur within these areas. Areas outwith these extents are suitable for development, subject to the mitigation measures being adopted and subject to these mitigation measures (which would be controlled via condition) being installed, fluvial flood risk associated with the development would be low.

Surface water overflow generated from within the site and from higher ground to the west of the site has potential to be routed through the development site. The FRA indicates that this should be mitigated by the incorporation of a dedicated drainage system designed to appropriate standards. In order to appropriately route and attenuate run off. Residual risk from surface water flooding could be mitigated by setting the finished floor levels above ground, and profiling ground levels to route any flood water around and away from buildings.

The FRA also notes that flood risk from other sources, such as coastal flooding, sewer flooding and ground water flooding would be relatively low.

The FRA and its associated addendum was reviewed by colleagues in Flooding and Coastal Protection. They considered the recommendations and findings of the FRA to be acceptable and did not raise any significant concerns with the development as proposed, suggesting that the following matters be controlled via condition (see condition 11):

- Avoid land raising / ground reprofiling within the existing 1 in 200 year +CC flood plain indicated on the submitted FRA and Addendum prior to construction of the proposed channel re-alignment;
- Limit land raising / ground reprofiling within the existing 1 in 200 year +CC flood plain and appropriately manage flows during the construction of the proposed channel re-alignment and
- Avoid land raising / ground reprofiling within the proposed 1 in 200 year +CC flood plain indicated on the submitted FRA and Addendum following construction and operation of the proposed channel re-alignment.
- If new temporary crossings prior or during the construction of the proposed re alignment are required, then these should be designed and built in a way that overflows from the burn will flow back to the channel immediately downstream.
- If any of the above cannot be avoided, then mitigation measures should be applied to make sure that flood risk at Newhills Avenue is not increased during the construction phase  
Note, *“Existing/diverted length of culverts located within the proposed roads will not be supported, however new crossings are unavoidable, therefore acceptable.”*

The proposal has also been subject to consultation with SEPA, who similarly reviewed the FRA and requested that the following matters be controlled via condition (see condition 11):

- Detailed site plans should be provided demonstrating no development or land raising within the flood extents shown in Figure A-7 of the Flood Risk Addendum: North Tributary Realignment & Restoration document (document number 144215/GL/W02, dated 16/10/2024).
- Site plans should demonstrate a minimum of 600 mm freeboard above modelled flood levels in accordance with the recommendations in the FRA has been applied to finished floor levels for any proposed dwellings on the site.
- Topographic drawings should be provided demonstrating existing ground levels (without SUDs or any other proposed site development) overlaid with the modelled flood extents produced for the 1 in 200 year plus climate change and 75% blockage scenario as shown in Figure A-7 of the Flood Risk Addendum: North Tributary Realignment & Restoration document (document number 144215/GL/W02, dated 16/10/2024).
- Details and dimensions of all new and replacement channel structures including relief culverts should be provided to demonstrate they will convey the modelled peak flows with suitable freeboard.
- Where only the Phase 1 Partial Realignment is being carried out as part of the proposed development, development should be restricted to land outside of the flow pathway originating from the potential blockage of culvert NT02 as identified in Figure A-7 of the Flood Risk Addendum: North Tributary Realignment & Restoration document (document number 144215/GL/W02, dated 16/10/2024).

Therefore, subject to the above matters being controlled via condition – which is considered reasonable to the Planning Authority – the proposal would have no significant impacts in terms of flood risk and, in principle, would comply with Policy NE4 of the ALDP 2023 and with Policy 22 of NPF4.

## Air Quality

Policy WB2 (Air Quality) of the ALDP 2023 advises that *“development proposals which may have a detrimental impact on air quality will not be permitted unless measures to mitigate the impact of air pollutants are proposed and agreed with the Planning Authority. Planning applications for such proposals should be accompanied by an assessment of the likely impact of development on air quality and any mitigation measures proposed”*.

In relation to air quality, the proposals have been subject to consultation with Environmental Health, who have reviewed the Environmental Report and in particular the sections in relation to air quality. The report noted that no significant mitigation measures were required during construction or operation. They were also satisfied that dust impacts associated with development works (including site/ground preparation, demolition, and construction) could be suitably controlled by adherence to an appropriate CEMP. This will be controlled via condition 6. The proposals, in principle, would comply with Policy WB2 of the ALDP.

## Noise

Policy WB3 (Noise) of the ALDP 2023 advises *“in cases where significant exposure to noise is likely to arise from development, a Noise Impact Assessment (NIA) will be required as part of a planning application.”*

The proposals have been reviewed by colleagues in Environmental Health, who have reviewed the submitted ER. They have noted that the report indicates that internal noise levels within the proposed properties are predicted to exceed target levels within dwellings (habitable rooms), with most exposed to road traffic noise.

They do note that the current masterplan for the proposed development does not have full details of the layout and orientation of individual dwellings and the noise modelling was undertaken on an area-by-area basis; to this end, it should be noted that, where elevated noise levels are identified, these will likely only affect one façade of an identified receptor. During detailed design (MSC stage) the possibility of arranging the internal layout of dwellings such that habitable rooms are not located upon these exposed facades should be investigated, as will the location of dwellings in relation to the main noise sources and the potential for landscaped buffer zones.

The report also notes that mitigation with regard to internal noise levels will be identified at detailed design (MSC) stage, such that target internal and external noise limits are met. The submitted assessment considers potential options comprising closed-window attenuation with appropriate alternative ventilation strategy and incorporation of good acoustic design practices within the final layout.

Colleagues in Environmental Health are satisfied that this issue can be addressed at detailed design for each phase (MSC) stage (see condition 3 and 16). Which in turn would ensure compliance with Policy WB3 (Noise) of the ALDP.

## Contaminated Land

Policy R2 (Degraded and Contaminated Land) of the ALDP 2023 advises that the Council *“will require that all land that is degraded or contaminated, including visually, is either restored, reclaimed or remediated to a level suitable for its proposed use”*.

In this instance, ground contamination reports were submitted in support of the application and reviewed by the Council's Contaminated Land team. They agreed with the findings of the report and consider that the potential for significant contamination on the site is low. The ground investigation identified only limited made ground onsite, typically around the present day farm buildings, and the chemical testing undertaken has not highlighted the presence of significant contamination. They have, however, requested the insertion of an advisory note should contamination be found during development on site. This will be added to the decision notice and the development would comply with Policy R2 of the ALDP 2023.

## Waste Management

Policy 12 (Waste) of NPF4 advises that *“development proposals will seek to reduce, reuse, or recycle materials in line with the waste hierarchy.”* Policy R5 (Waste Management Requirements for New Developments) of the ALDP 2023 advises *“All new developments should have sufficient space for the storage of general waste, recyclable materials and compostable wastes where appropriate.”*

It is anticipated that waste requirement for all elements of the proposal would be controlled via condition, and Waste Management have provided the requirements that would require to be met to ensure that sufficient facilities could be provided for all properties. It is anticipated that this would be provided within the finalised design for each phase of development and would be controlled via conditions (see condition 3) attached to this permission to ensure compliance with Policy 12 (Waste) of NPF 4 and Policy R5 of the ALDP 2023.

## Aberdeen Airport and Perwinnes Radar

Policy B3 (Aberdeen international Airport and Perwinnes Radar) of the ALDP 2023 advises that *“any development falling within safeguarded areas identified on the airport safeguarding map will be subject to consultation with Aberdeen International Airport.”*

The proposals have been subject to consultation with Aberdeen International Airport, who noted that the development has the potential to conflict with safeguarding criteria unless planning permission is granted subject to a number of conditions requiring further details of the following: further detail in relation to the location, height, layout, form and materials of buildings and structures within the proposed development; full details of soft and water landscaping works; and the submission of a Bird Hazard Management Plan. The requirements for these details had been added as conditions 9, 10 and 11 of this permission. In principle and subject to condition, the proposals would be in general compliance with Policy B3 of the ALDP 2023.

## Renewable Energy

Policy R7 (Renewable and Low Carbon Energy Developments) of the ALDP 2023 advises: *“renewable and low carbon energy schemes will be encouraged and supported in principle, where the technology can operate efficiently, and the environmental and cumulative impacts can be satisfactorily addressed.”* Policy R8 (Heat Networks) of the ALDP 2023 advises, amongst other things that major developments and masterplanned sites will *“provide within the site an independent Heating/Cooling network and plant capable of connecting to the network at a future date”*. Similarly, Policy 19 (Heating and cooling) of NPF4 advises that a *“Heat and Power Plan should demonstrate how energy recovered from the development will be used to produce electricity and heat”*.

In terms of the above, the submitted Masterplan notes that a gas-fired combined heating and powered plant (CHP) is to be provided on the Greenferns OP33 designation to the south, which could help the development achieve gold level sustainability standard. An indicative location for a localised energy centre has also been identified on land in the south-western section of the application site, which was chosen to future proof the rest of the allocation. Colleagues in Environmental Health are content with this element of the proposal, noting that further details will be required at MSC stage including an appropriate noise assessment (by a suitably qualified consultant) to predict the impact on sensitive receptors and specify control measures.

In addition to the above requirements, the requirement for a heat and power plan would also be controlled via appropriately worded planning conditions and submitted for each phase of development (see condition 15 in particular). The provision of such facilities would ensure compliance with Policies R7 and R8 of the ALDP 2023 and with Policy 19 of NPF4.

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

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

Due to this, insofar as it relates to low and zero carbon buildings, Policy R6 no longer carries any significant weight and as such there is no useful purpose in requiring the policy to be met, relative to the development proposal.

Policy R6 also explains that to reduce the pressure on water abstraction from the River Dee, and the pressure on water infrastructure, all new buildings are required to use water saving technologies and techniques. A condition has been attached requiring a scheme of water efficiency measures to be agreed and implemented.

### **Gypsy Traveller Provision**

Policy H6 (Gypsy and Traveller Caravan Sites) of the ALDP 2023 states that *“Within Grandhome, the **Newhills Expansion** and Loirston sites, the provision must be provided on-site.”* In this instance, the applicants have indicated that gypsy traveller provision is to be provided within the OP22 site on land to the north west of the current application and the required legal agreement would include clauses to ensure that contributions would be provided to ensure that this would be provided. The applicants have also submitted a plan with the current application to show its indicative location on Kepplehills Drive to the south of Brimmond Church. Given that the provision of such facilities is a requirement of the allocation and the applicants have provided details of where this would be provided, there would be no conflict with Policy H6 in this instance.

### **Archaeology**

Policy D6 (Historic Environment) of the ALDP 2023 advises that *“Proposals which have the potential to impact on historic environment, historic assets, and heritage assets, or a significant element thereof, will be required to ensure the effective recording, assessments, analysis, archiving and publication of any reports or records to an agreed timeframe. The physical in situ preservation of all scheduled monuments and archaeological sites is expected. Developments that would adversely impact upon archaeological remains, of either national or local importance, or on their setting will only be permitted in exceptional circumstances, where there is no practical alternative site and where there are imperative reasons of over-riding public need.”* Policy 7 (Historic assets and places) of NPF4 advises that *“where there is potential for non-designated buried archaeological remains to exist below a site, developers will provide an evaluation of the archaeological resource at an early stage so that planning authorities can assess impacts.”*

The submitted Environmental Statement noted that there are two surviving March Stones (Stones 41 and 42) and their associated marker stones (HER Ref No NJ80NE0019, NJ80NE0020 and

NJ80NE0243). It is noted that these assets have avoided any direct impacts through design of the proposed development, and that no construction work is proposed within their immediate vicinity. Given their historical importance to the City, there is a need to ensure that on-site construction work is aware of these assets and to avoid any accidental damage. As such, a condition is proposed (see conditions 17 and 18) both in relation to protective fencing and the requirement for a programme of archaeological works. Subject to the insertion of this condition the proposals would comply with Policy D6: Historic Environment of the ALDP 2023 and with Policy 7 (Historic assets and places) of NPF4.

## Digital Infrastructure

Policy CI1 (Digital Infrastructure) of the ALDP 2023 advises that “*all new commercial development and residential development where five or more units are proposed will be expected to have access to high-speed communications infrastructure.*” Whereas Policy 24 (Digital Infrastructure) of NPF4 advises that: “*development proposals that incorporate appropriate, universal, and future-proofed digital infrastructure will be supported.*”

The site sits adjacent to the settlement boundary of Bucksburn, and a check of the OFCOM website confirms that the area has access to standard, superfast and ultrafast broadband. As such it is considered that the proposals would comply with Policy CI1 of the ALDP 2023 and Policy 24 of NPF4.

## Matters Raised in Representations

1. Surrounding existing infrastructure would not cope with the development existing parking problems would be exacerbated. Concerns in relation to the existing bus route. *Response: the proposals have been subject to consultation with colleagues in Roads Development Management who are content with the proposals in principle, noting that detailed design of the roads, bus routes and parking provisions will be required at MSC stage.*
2. Detrimental impact on local schools and exacerbate overcrowding at Bucksburn Academy and Brimmond School noting that plans for a new school at Greenferns Landward appear to have stalled and the first phase (current application) does not include plans for primary school provision. *Response: this matter has been discussed elsewhere in this report with colleagues in Education content with the proposals and Developer Obligations secured for improvements to primary and secondary education. The provision of primary school facilities within Landward would be provided within a later phase of development.*
3. Doctors surgeries are at capacity and would not cope with the proposed development, in addition impact on dental surgeries. Regardless of whether financial contributions are made by developers for additional medical and school facilities, there is no money available to build or staff them. *Response: Developer Obligations will be secured towards the provision of additional space at GP surgeries. It is however noted that the provision of doctors and dentists (staff) cannot be controlled or provided via financial contributions and is a wider issue outwith the scope of this application.*
4. There is a lack of facilities in the surrounding area, with only two small shops. *Response: the existing provision is noted; further commercial facilities are anticipated in later phases of development.*
5. Impact of the development on the surrounding green space, loss of areas of open space and loss of trees. The area is used by several groups such as dog walkers and families and the loss of the open space would impact on these users. *Response: the site is allocated for*



*residential development, with areas of open space, landscaping and footpaths to be provided within the development. The ER has addressed these issues and colleagues are content with the principle of development.*

6. Impact on wildlife which utilises the area, in particular badgers, which are a protected species. *Response: this issue has addressed in the ER, with information on badgers submitted and addressed elsewhere in this report.*
7. Flooding in the surrounding area, with rain flooding from the existing fields or roads collapsing. There is an existing watercourse that runs through the site, which floods the surrounding area during periods of heavy rainfall. The provision of housing on site would further exacerbate these issues. *Response: colleagues in Flooding and SEPA are content with the information submitted in principle in relation to flooding and drainage, with further details required at MSC stage.*
8. Existing housing stock in the area should be upgraded and repaired before any new dwellings are constructed. *Response: this is not a matter that can be taken into consideration in the determination of this application, with the site allocated for residential development.*
9. Potential errors in the submitted Environmental Report. *Response: the documents were updated to accurately reflect the development as proposed.*

## **Legal Agreement**

As noted in the above evaluation, the proposals will be subject to a suitable legal agreement. The agreement will cover various aspects including securing affordable housing, the land equalisation measures, gypsy traveller provision, primary education, secondary education, healthcare facilities, community facilities and sport and recreation.

## **Time Limit Direction**

Given the scale of development proposed, the standard three-year length of permission for planning permission in principle is considered to be inappropriate. The Planning Service therefore consider a seven-year permission to be more appropriate, in part due to the current ALDP plan period extending until 2032 and the scale of development proposed, allowing for development to come forward in phases.

## **RECOMMENDATION**

Approve Conditionally & Subject to Legal Agreement

## **REASON FOR RECOMMENDATION**

The principle of development is long-established on site via the allocation of Opportunity Site 22 (Greenferns Landward) and LR1 (Land Release) and the level of development, which relates to the first phase of the wider redevelopment of the site, would be in line with the allocation numbers set out within the current Aberdeen Local Development Plan period. Given that the current application is for Planning Permission in Principle, appropriate details can be considered and controlled at the Approval of Matters Specified in Conditions application stage, in line with the proposed conditions.

The submitted Masterplan, Environmental Report and other associated supporting documents indicate that an appropriate level of development can be accommodated and designed with due consideration for its context, creating an attractive place and would have no adverse impact on the

character and appearance of the surrounding area. This would ensure compliance with Policies 14 (Design, Quality and Place), 15 (Local Living and 20-minute Neighbourhoods), 16 (Quality Homes), 18 (Infrastructure First), 23 (Health and Safety), 26 (Business and Industry) and 27 (City, Town, Local and Commercial Centres) of National Planning Framework 4 and with Policies LR2: Delivery of Mixed-Use Communities, WB1 (Healthy Developments), H1: Residential Areas, H2: Mixed Use Areas, H3: Density, H4: Housing Mix, H6: Gypsy and Traveller Caravan Sites, D1: Quality Placemaking and D2: Amenity of the Aberdeen Local Development Plan 2023.

The submitted documents successfully demonstrate that the proposal would have an acceptable impact on the surrounding environment, protected species and tree stock, with further biodiversity enhancements proposed. The provision of such information would be controlled via the submission of future approval in matters specified in conditions applications and would ensure compliance with Policies 1 (Tackling the Climate and Nature Crises), 2 (Climate Mitigation and Adaptation), 3 (Biodiversity), 4 (Natural Places), 5 (Soils), 6 (Forestry, Woodland and Trees), 20 (Green and Blue Infrastructure) and 21 (Play, Recreation and Infrastructure) of National Planning Framework 4 and with Policies NE2: Green and Blue Infrastructure, NE3: Our Natural Heritage, NE5: Trees and Woodland, D4: Landscape and D5: Landscape Design of the Aberdeen Local Development Plan 2023.

The proposal is also considered to be acceptable from a transportation perspective, with information submitted to demonstrate that the proposal would have an acceptable impact on the surrounding road network, which could accommodate the scale of development currently proposed, with some further assessments required and controlled via planning condition and referenced in the legal agreement and other matters such as road junction designs, parking layouts and electric vehicle parking provisions to be controlled via future applications for approval of matters specified in conditions. Appropriate information in relation to waste facilities has also been provided at this stage. This results in compliance with Policies 12 (Zero Waste) and 13 (Sustainable Transport) of National Planning Framework 4 and with Policies R5: Waste Management Requirements for New Development, T2: Sustainable Transport and T3: Parking of the Aberdeen Local Development Plan 2023.

Developer obligations have also been agreed and would be controlled via a legal agreement to provide appropriate levels of affordable housing and land equalisation measures and other associated contributions including primary and secondary education, healthcare facilities, sport and recreation and gypsy traveller provision therefore ensuring compliance with Policies H5 (Affordable Housing), H6 (Gypsy and Traveller Caravan Sites) and I1 (Infrastructure Delivery and Planning Obligations) of the Aberdeen Local Development Plan 2023.

Appropriate information in relation to drainage and flooding, including assessments, has also been submitted to the satisfaction of consultees and would be subject to further detailed information at each stage of development, therefore ensuring compliance with Policy 22 (Flood Risk and Water Management) of National Planning Framework 4 and with Policy NE4 (Our Water Environment) of the Aberdeen Local Development Plan 2023.

Appropriate noise and air quality information has been submitted ensuring compliance with Policies WB2 (Air Quality) and WB3 (Noise) of the Aberdeen Local Development Plan 2023, appropriate safeguarding information has been submitted to ensure compliance with Policy B3 (Aberdeen Airport and Perwinnes Radar) of the Aberdeen Local Development Plan 2023 and appropriate information has been submitted in relation to land contamination to ensure compliance with Policy R2 (Degraded and Contaminated Land) of the Aberdeen Local Development Plan 2023.

The proposals also include the provision of a small energy facility, which is indicated as being provided in the south-west corner of the site and connecting into an as-yet to be built facility at

Greenferns, with provision of such ensuring compliance with Policy 19 (Heating and Cooling) of National Planning Framework 4 and Policy R8 (Heat Networks and Need) of the Aberdeen Local Development Plan 2023. Satisfactory information has also been submitted in relation to historic assets and archaeology to ensure compliance with Policy 7 (Historic Assets and Places) of National Planning Framework 4 and with Policy D4 (Historic Environment) of the Aberdeen Local Development Plan 2023.

Subject to appropriately worded conditions the proposal would also comply with Policy 24 (Digital Infrastructure) of National Planning Framework 4 Policy CI1 (Digital Infrastructure) of the Aberdeen Local Development Plan 2023.

## **CONDITIONS**

### **1) DURATION OF PERMISSION**

The development to which this notice relates must be begun not later than the expiration of 7 years beginning with the date of this notice. If development has not begun at the expiration of the 7-year period, the planning permission in principle lapses.

Reason - in accordance with section 59 (planning permission in principle) of the 1997 act.

### **2) PHASING PLAN**

That prior to the commencement of development, an application for the approval of matters specified in conditions comprising a detailed phasing plan, setting out the details of the phasing of the development, shall be submitted to, and approved in writing by the Planning Authority. Thereafter the development shall be carried out in complete accordance with the approved Phasing Plan, unless otherwise agreed through the submission of a further matters specified in conditions application for an alternative phasing programme.

Reason: To ensure that build-out of the development is phased to avoid adverse impact on local services and infrastructure and in the interests of the visual amenity of the area.

### **3) 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 individual phase shall take place unless a matters specified in conditions application comprising the detailed layout and design of roads, buildings, open space and any other structures for that particular phase has been submitted to and approved in writing by the Planning Authority. The application(s) shall comprise:

- a) a detailed levels survey of the site and cross sections showing proposed finished ground and floor levels relative to existing ground levels and a fixed datum point within the relevant block/ phase of development;
- b) full details of the connection to the existing Scottish Water foul water drainage network for the relevant block of development;
- c) a site specific Drainage Impact Assessment;
- d) details of all cut and fill operations in the relevant phase of the development;

- e) the details of the layout and finish of roads, visibility splays, footpaths, pedestrian connections, bus stops, cycle routes, and a residential travel pack including the identification of safe routes to school from the development;
- f) the details of all vehicular and motorcycle parking, short and long term secure cycle parking, electrical vehicle charging spaces and facilities, and storage and collection for waste and recyclables;
- g) details of any boundary enclosures; details of any play zones and play equipment;
- h) full details of the layout, siting, design and external finishing materials of all residential properties;
- i) details of public open space and core path improvement works; and
- j) full details of the layout, siting, design and finish of all non-residential properties throughout the phase where relevant. This shall include but is not limited to; the energy centre and associated infrastructure.
- k) Through an appropriate noise impact assessment, details in regard to internal noise levels within residential properties, such that ensures that internal and external noise levels are met, as set out within the approved Noise Impact Assessment. The required assessment should include potential options including closed-window attenuation with appropriate alternative ventilation strategy and incorporation of good acoustic design practices within the final layout.

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).

#### 4) FUTHER DETAILS – JUNCTION IMPROVEMENT WORKS (EXTERNAL TO SITE)

No development shall commence on any individual phase, of the development hereby approved until (i) detailed road junction analysis of the impact of the traffic generated by that phase and (ii) a scheme for any related mitigation which may be required as a result of the development, on the following road junctions where relevant:

- (i) A96 / Inverurie Road Left-In / Left-Out (East end);
- (ii) A96 / Sclattie Park / Bankhead Avenue Roundabout;
- (iii) Haudagain Roundabout;
- (iv) A92 North Anderson Drive / Rosehill Drive / Provost Rust Drive Roundabout;
- (v) A96 Great Northern Road / Haudagain Bypass / A96 Auchmill Road;
- (vi) Haudagain Bypass / Manor Avenue / Bus Turning Circle.

has been submitted to and agreed in writing by way of a Matters Specified in Conditions application by, the planning authority and (ii) the provision of such mitigation works has been secured and agreed in writing by the planning authority. Once agreed, any necessary mitigation works shall be undertaken in complete accordance with the scheme as so agreed, prior to the occupation of any part of that particular development phase.

Reason - in order to ensure there is no net detriment to the surrounding local roads network, and to assist the free flow of traffic.

#### 5) ACCESS – INTERNAL AND EXTERNAL ROAD NETWORK

No development shall take place within any individual phase of development 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 the development site 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 or brought into use 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.

## 6) CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

No development (including site stripping, service provision or establishment of site compounds) within any particular phase (as agreed within the Phasing Plan submitted and agreed by condition 2 of this Planning Permission in Principle) shall take place unless a matters specified in conditions application comprising a site specific construction environmental management plan (CEMP) for that particular phase has been submitted to and approved in writing by the planning authority in consultation with SEPA. The CEMP must address:

- i. surface water management;
- ii. site waste management;
- iii. watercourse engineering;
- iv. pollution prevention including dust management plan;
- v. management of wetland environment to increase its biodiversity value; and
- vi. the protection of the wetland should any major oil spills occur in the area feeding it.

Thereafter development shall be undertaken in accordance with the approved Construction Environment Management Plan.

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

## 7) LANDSCAPING SCHEME

No development within any particular phase, as agreed by the Phasing Plan approved as condition 2 of this Planning Permission in Principle shall take place unless a matters specified in conditions application comprising a scheme of hard and soft landscaping works for that particular phase, has been submitted to and approved in writing by the Planning Authority. Thereafter the development shall be undertaken in accordance with the approved detail.

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.
- (vii) Details of additional tree planting

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.

#### 8) HEIGHT, LAYOUT, FORM AND MATERIALS – ABERDEEN AIRPORT

No development shall commence until the location, height, layout, form and materials of buildings and structures within the proposed development have been submitted to and approved in writing by the planning authority in consultation with Aberdeen Airport.

Reason: Buildings/structures in the proposed development may penetrate the obstacle Limitation Surface (OLS) surrounding Aberdeen Airport and could endanger aircraft movements and the safe operation of the aerodrome; and: buildings/structures in the proposed development may interfere with communication, navigation aids and surveillance equipment and could endanger aircraft movements and the safe operation of the aerodrome.

#### 9) LANDSCAPING – ABERDEEN INTERNATIONAL AIRPORT

No development shall take place until full details of soft and water landscaping works have been submitted to and approved in writing by the Planning Authority in consultation with Aberdeen Airport. Details must comply with Advice Note 3 'Potential Bird Hazards from Amenity Landscaping & Building Design' (available at [www.aoa.org.uk/publications/safeguarding.asp](http://www.aoa.org.uk/publications/safeguarding.asp)). These details shall include:

- Any earthworks;
- Grassed areas;
- Details of any water features;
- The species, number and spacing of trees and shrubs; and
- Drainage details including SUDS – Such schemes must comply with Advice Note 6 'Potential Bird Hazards from Sustainable urban Drainage Schemes (SUDS)' (available at [www.aoa.org.uk/publications/safeguarding.asp](http://www.aoa.org.uk/publications/safeguarding.asp)).

No subsequent alterations to the approved landscaping scheme are to take place unless submitted to and approved in writing by the Planning Authority in consultation with Aberdeen Airport. The scheme shall be implemented as approved.

Reason: To avoid endangering the safe movement of aircraft and the operation of Aberdeen Airport through the attraction of birds and an increase in the bird hazard risk of the application site.

#### 10) BIRD HAZARD MANAGEMENT PLAN

Development shall not commence on any particular phase of development until a Bird Hazard Management Plan has been submitted to and approved in writing by the Planning Authority in consultation with Aberdeen Airport.

The submitted plan shall include details of:

- 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’

The Bird Hazard Management Plan shall be implemented as approved, on completion of the development and shall remain in force for the life of the development. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Planning Authority in consultation with Aberdeen Airport.

Reason: It is necessary to manage the development in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Aberdeen Airport.

#### 11) FLOOD RISK ASSESSMENT/ FURTHER DETAILS - SEPA

No development within any particular phase shall take place unless a matters specified in conditions application comprising a phase specific Flood Risk Assessment has been submitted to and approved in writing by the Planning Authority in consultation with SEPA and the Councils Flooding & Coastal Protection Team. Thereafter, the development shall be carried out in full accordance with the details and recommendations of the assessment.

For avoidance of doubt, the assessment should include:

- a) Detailed site plans should be demonstrating no development or land raising within the flood extents shown in Figure A-7 of the Flood Risk Addendum: North Tributary Realignment & Restoration document (document number 144215/GL/W02, dated 16/10/2024).
- b) Site plans should demonstrate a minimum of 600 mm freeboard above modelled flood levels in accordance with the recommendations in the FRA has been applied to finished floor levels for any proposed dwellings on the site.
- c) Topographic drawings should be provided demonstrating existing ground levels (without SUDs or any other proposed site development) overlaid with the modelled flood extents produced for the 1 in 200 year plus climate change and 75% blockage scenario as shown in Figure A-7 of the Flood Risk Addendum: North Tributary Realignment & Restoration document (document number 144215/GL/W02, dated 16/10/2024).
- d) Details and dimensions of all new and replacement channel structures including relief culverts should be provided to demonstrate they will convey the modelled peak flows with suitable freeboard;
- e) Where only the Phase 1 Partial Realignment is being carried out as part of the proposed development, development should be restricted to land outside of the flow

pathway originating from the potential blockage of culvert NT02 as identified in Figure A-7 of the Flood Risk Addendum: North Tributary Realignment & Restoration document (document number 144215/GLW02, dated 16/10/2024). Avoid land raising / ground reprofiling within the existing 1 in 200 year +CC flood plain indicated on the submitted FRA and Addendum prior to construction of the proposed channel re-alignment;

- f) Limit land raising / ground reprofiling within the existing 1 in 200 year +CC flood plain and appropriately manage flows during the construction of the proposed channel re-alignment; and
- g) Avoid land raising / ground reprofiling within the proposed 1 in 200 year +CC flood plain indicated on the submitted FRA and Addendum following construction and operation of the proposed channel re-alignment.
- h) If new temporary crossings prior or during the construction of the proposed re-alignment are required, then these should be designed and built in a way that overflows from the burn will flow back to the channel immediately downstream.
- i) If any of the above cannot be avoided, then mitigation measures should be applied to make sure that flood risk at Newhills Avenue is not increased during the construction phase. Note, *“Existing/diverted length of culverts located within the proposed roads will not be supported, however new crossings are unavoidable, therefore acceptable.”*

Reason – to ensure that each phase of development would not increase flood risk within the site or in the surrounding area.

## 12) TREE SURVEY AND PROTECTION PLAN

No development within any relevant phase shall take place unless a matters specified in conditions application comprising a tree survey including tree protection plan has been submitted to and approved in writing by the Planning Authority. Tree protection measures shall be shown on a layout plan accompanied by descriptive text and shall include:

- a) The location of the trees to be retained and their root protection areas and canopy spreads (as defined in BS 5837: 2012 Trees in relation to design, demolition and construction);
- b) The position and construction of protective fencing around the retained trees (to be in accordance with BS 5837: 2012 Trees in relation to design, demolition and construction).
- c) The extent and type of ground protection, and any additional measures required to safeguard vulnerable trees and their root protection areas.
- d) An arboricultural impact assessment which evaluates the direct and indirect impacts of the proposed development on the trees to be retained and proposed mitigation.
- e) An arboricultural method statement to demonstrate that operations can be carried out with minimal risk of adverse impact on trees to be retained.
- f) A method statement for any works proposed within the root protection areas of the trees shown to be retained.

No works in connection with the development hereby approved shall commence unless the tree protection measures have been implemented in full in accordance with the approved tree protection plan. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written consent of the planning authority and no fire shall be lit in the position where the flames could extend to within 5 metres of foliage, branches or trunks. The approved tree protection measures shall be retained in situ until the development has been completed.



Reason: In order to ensure adequate protection for the trees and hedges on the site during the construction of development, and in the interests of the visual amenity of the area.

### 13) BIODIVERSITY NET GAIN REPORT

No development within any particular phase shall take place unless a matters specified in condition application comprising a statement in relation to Biodiversity Net Gain, with associated measures has been submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be carried out in full accordance with the details and recommendations of the assessment.

Reason – to ensure that the development proposals will contribute to the enhancement of biodiversity.

### 14) BIRD, BAT SURVEY AND SITE-SPECIFIC HABITAT AND SPECIES PROTECTION PLAN

No development within any particular phase shall take place unless a matters specified in conditions application comprising a phase specific:

- a) Bird Survey
- b) Bat Survey; and
- c) Site Specific Habitat and Species Protection Plan

has been submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be carried out in full accordance with the details and recommendations of the assessment.

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

### 15) HEAT AND POWER PLAN

No development within any particular phase shall be occupied unless the following works have been provided:

- (a) Evidence of connection to an existing heat network has been provided where available; or
- (b) Provision has been provided within the site of an independent heating/cooling network and plant capable of connecting to the network at a later date; or
- (c) where it can be proven that connection to an existing network and the provision of an independent heat network are financially unviable, a network of soft routes will be provided through the development for the future provision of a heat network. In such cases an agreed network design will be required.

Reason: to ensure that the development is properly and efficiently heated and ensure compliance with Policy 19 (Heating and Cooling) of National Planning Framework 4.

### 16) NOISE – ENERGY CENTRE

No development in relation to the proposed energy centre, as shown in the south-west corner of the masterplan document, shall take place unless a matters specified in conditions application for that proposal that includes a Noise Impact Assessment has been submitted to, and approved in writing, by the Planning Authority. Thereafter the development shall be undertaken in accordance with the approved details.

For avoidance of doubt, the Noise Impact Assessment shall be undertaken in accordance with BS4142 (or any future British Standard which supersedes this guidance) with the noise rating level not to exceed pre-development background levels at all noise sensitive residential properties.

Reason – in the interests of residential amenity.

#### 17) PROGRAMME OF ARCHAEOLOGICAL WORKS

No development within any particular phase shall take place unless where appropriate, 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 of the area.

#### 18) PROTECTIVE FENCING DURING CONSTRUCTION

No works in connection with the development hereby approved shall commence unless a site protection plan has been submitted to and approved in writing by the planning authority. Site protection measures shall be shown on a layout plan accompanied by descriptive text and shall include:

- a) The location of the historic environment features to be protected during construction works; and
- b) The position and details of the warning signs and protective fencing to be erected.

No works in connection with the development hereby approved shall commence unless the site protection measures have been implemented in full in accordance with the approved details. All protective fencing and warning signs shall be retained during the construction period in accordance with the approved details and no works shall take place at any time within the protected areas.

Reason: In the interests of protecting known features of the historic environment, in this specific instance March Stone No 41 and No 42, and their associated marker stones (HER Ref No NJ80NE0019, NJ80NE0020 and NJ80NE0243).

#### **ADVISORY NOTES FOR APPLICANT**

#### BIRD HAZARD MANAGEMENT PLAN INFORMATION

The Bird Hazard Management Plan must ensure that flat/shallow pitched roofs be constructed to allow access to all areas by foot using permanent fixed access stairs ladders or similar. The owner/occupier must not allow gulls, to nest, roost or loaf on the building. Checks must be made weekly or sooner if bird activity dictates, during the breeding season. Outside of the breeding season gull activity must be monitored and the roof checked regularly to ensure that gulls do not utilise the roof. Any gulls found nesting, roosting or loafing must be dispersed by the owner/occupier when detected. The owner/occupier must remove any nests or eggs found on the roof.

The breeding season for gulls typically runs from March to June. The owner/occupier must obtain the appropriate licences where applicable NatureScot before the removal of nests and eggs.

## 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' (available at <http://www.aoa.org.uk/policy/safeguarding.htm>)

## CAR LICENSING

In relation to future CAR authorisation information requirements details of any further regulatory requirements and good practice advice, for example in relation to construction site drainage, can be found on the [regulations section](#) of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the local compliance team at [gs@sepa.org.uk](mailto:gs@sepa.org.uk).

## DESIGNING OUT CRIME

It is recommended that the design team consult with Police Scotland Architectural Liaison Officers at the pre design stage, given the future potential for increased Police activity in and around the area. The developer should also 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). Finally, Police Scotland would encourage the applicant to attain the 'Secured By Design' award and recommend that the development achieves the Police SBD accreditation as part of the planning conditions.

## EVIDENCE OF CONCLUSION OF LEGAL AGREEMENT FOR EACH PHASE OF DEVELOPMENT

Prior to the issue of any approval matters specified in conditions permission for any particular phase of development (in line with the Phasing Plan associated with Condition 2 of this Planning Permission in Principle and the terms of the legal agreement), evidence will be required to be submitted to the Planning Authority that the developer obligations, including affordable housing contributions have been agreed, secured and concluded in relation to that particular phase of development and in accordance with the package of developer obligations set out within the draft Section 75 agreement appended to this permission.

## POTENTIAL GROUND CONTAMINATION

Should any ground contamination be discovered during development, the Planning Authority should be notified immediately. The extent and nature of the contamination should be investigated and a

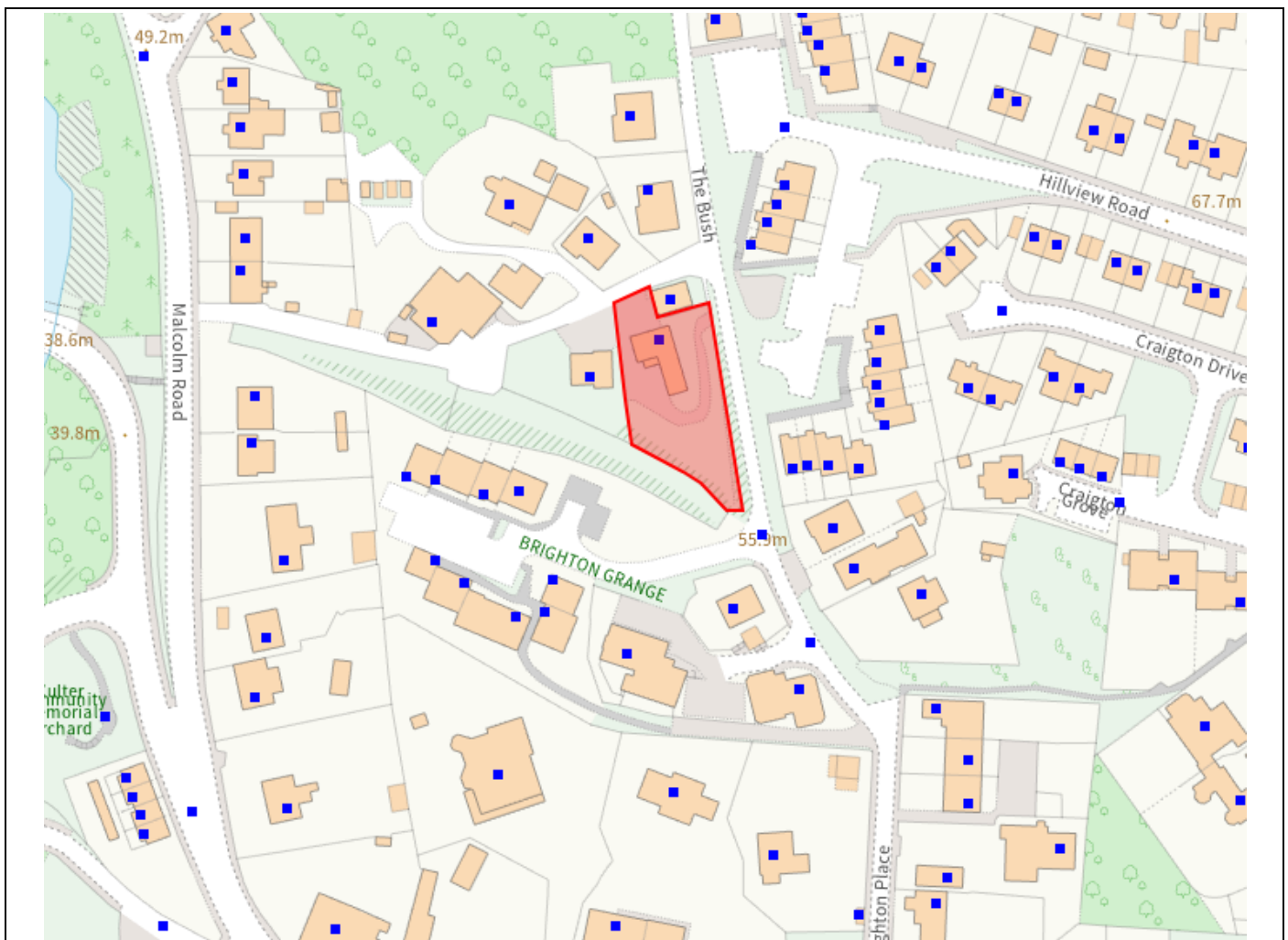
suitable scheme for the mitigation of any risks arising from the contamination should be agreed and implemented to the satisfaction of the Planning Authority.

For avoidance of doubt, the Geo-Environmental Interpretative Report identifies the following additional risk factors:

- The Radon map indicates that a small part to the west of the site is within a 5-10% radon affected area. Any developments within this area and within 50m of its designation will need to have basic radon protection measures.
- Given that Made Ground is present on site (surrounding present day farm buildings), UKWIR testing would be recommended in these regions. UKWIR will not be required across the rest of the site.

	<b>Planning Development Management Committee</b>
	Report by Development Management Manager
	<b>Committee Date:</b> 13 March 2025

<b>Site Address:</b>	The Works, The Bush, Aberdeen
<b>Application Description:</b>	Replacement of workshop building (in Class 5 use) and associated works
<b>Application Ref:</b>	241112/DPP
<b>Application Type</b>	Detailed Planning Permission
<b>Application Date:</b>	1 October 2024
<b>Applicant:</b>	Mr Lee Jackson
<b>Ward:</b>	Lower Deeside
<b>Community Council:</b>	Culter



© Crown Copyright. Aberdeen City Council. Licence Number: 100023401 – 2024

## **RECOMMENDATION**

Approve Conditionally

## **APPLICATION BACKGROUND**

### **Site Description**

The application site comprises an existing single storey timber building in Class 5 (General Industrial) use in a small cluster of business / industrial buildings in a residential area in Peterculter, and associated informal amenity land. Whilst it has only recently become vacant, having been in use for vehicle repair and upgrades, the buildings are in a state of significant disrepair. The building has a floorspace of c.151sqm. The remainder of the site comprises informal unmaintained open space and hard surfaces associated with the building. Trees are located within the site to the east and south.

Beyond Brighton Place to the east is Hillview Road, a residential street. To the south of the site is Brighton Grange. To the west are existing small-scale business / industrial buildings.

The buildings are accessed via a road connecting to The Bush to the north, which runs between The Bush and Malcolm Road, serving the neighbouring business / industrial buildings and residential dwellings. The Bush is an unadopted road which runs to the east of the site.

### **Relevant Planning History**

None.

## **APPLICATION DESCRIPTION**

### **Description of Proposal**

Detailed planning permission is sought for the replacement of the existing workshop building (in Class 5 use) and for associated works.

The proposed building would have a built footprint of 196.6sqm and a floorspace of approximately 185sqm. It would be c.18.8m in length and c.10.7m in width. It would have a gable roofed form with a maximum height of c.4.9m and eaves heights of c.3.8m on its west side and c.3.2m on its east side. The building would be finished in green-painted vertical metal cladding. Its west elevation would have three (c.2.9m x 3m) electric doors and three pedestrian doors, opening onto the adjacent yard area.

The development would have a hard surface area to the west and south of the building, which would contain three standard sized (2.5m x 5m) parking spaces and one accessible parking space. Bin storage and cycle storage would be located to the north of the building. Bins would be presented onto The Bush for collection via a commercial refuse collection contract. A 'dead hedge' (a boundary treatment constructed from cut branches and twigs within fixed posts). would be located to the east of the site.

Vehicles would access the site from Brighton Grange to the south via The Bush (an unadopted private road) which runs past the site to the east of the site and then via the unadopted private road to the north.

### **Amendments**

In agreement with the applicant, the application has been revised in that –

- A formalised parking area would be provided to the south of the building, which would be built using a no-dig construction to protect adjacent trees.
- The building would be painted green rather than grey.
- Bin storage would be included.
- Cycle storage would be included.
- Biodiversity enhancement / landscape enhancement measures would be included.

## 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=SK97HGBZJTN00>

- Bat Survey
- Technical Note (Transport Statement)
- Tree Report, Arboricultural Assessment and Tree Protection Plan
- Response to Consultations

## Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because the application is being recommended for approval and has been the subject of six or more timeous letters of representation (following advertisement and/or notification) containing material planning considerations that express objection or concern about the proposal.

## CONSULTATIONS

**ACC - Roads Development Management Team** – No objection - No further observations given the updates in regard to parking and access. The applicant has provided further submissions and clarifications to address to previous comments.

Primarily, the proposal would retain the same use and operation as a vehicle repair workshop. The site is located in the outer city and outwith any area of controlled parking measures.

In terms of parking provision, the revised proposal would include four parking spaces to the south of the building, which would be an acceptable/required quantity, in accordance with the Aberdeen Planning Guidance. The revised proposal would include cycle parking provision.

In terms of the site access, a formal assessment has been submitted in support of the application. This assessment provides evidence that associated trips would be similar to those already associated with the site, given its previous operation. The nature of those vehicles accessing the site would also remain the same/unchanged. Whilst the access (along The Bush) does become very narrow, it is only over a short section and below that which would be deemed to require a passing place (i.e. vehicles can hold back either at the site or on Brighton Place to give way). It also provides adequate visibility for oncoming vehicles.

**ACC - Waste and Recycling** – No objection - The development is classified as commercial and would therefore receive a business waste collection. Bins should be presented on a collection day on Brighton Place and then stored in the specified bin storage area. Bins should not be permanently stored on the pavement. General business waste requirements have also been provided.

**ACC - Environmental Health – No objection.**

Environmental Noise

The proposed development represents continued class 5 use and is therefore unlikely to significantly alter the character of the area. However, to protect local amenity, consideration could be given to restricting the operating times.

Construction Noise

To protect the amenity of neighbouring properties/occupants, development works (including site/ground preparation, demolition, and construction) causing noise beyond the site boundary should not occur outside the following hours:

- Monday to Friday 0700 hours to 1900 hours
- Saturday 0800 hours to 1300 hours

**Culter Community Council – No response received.**

**REPRESENTATIONS**

Eight representations, six in objection and two in support, have been received in relation to the application. The matters raised are the following:

Matters Raised in Objections

1. Adverse impact on road safety from increased traffic using the access road.
2. Noise from the proposed development would be detrimental to the quality of life of neighbouring residential properties.
3. Increased disturbance from traffic both in terms of frequency and larger vehicles in a quiet area.
4. Concerns regarding existing noise and working patterns, which has occurred over many years.
5. The condition of the existing shared access, considered not suitable for increased traffic
6. Limiting working hours should be considered.
7. Suggestions for other development, including relocating the access to the south, using an alternative access road, fencing off the site and creating a small housing development on the site.
8. Brighton Place is narrow as cars park there.
9. Concerns regarding existing road safety in the area.
10. The site is considered inappropriate for commercial use.
11. The extent of the building is not clear in the plans.
12. Tree clearance is not clear in the plans.
13. Traffic generation is not clear in the plans.
14. Matters relating to the responsibilities for maintaining the road.

Matters Raised in Representations in Support

- i. The existing buildings are beyond economic repair.



- ii. It would be a huge improvement for the area and bring business opportunities.
- iii. It is in an area in need of redevelopment and would provide three commercial units to enable new high-spec commercial units to enable new or established businesses to expand or open a new premises. It would create job opportunities in Peterculter.

## **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 9 (Brownfield, Vacant and Derelict Land and Empty Buildings)
- Policy 12 (Zero Waste)
- Policy 13 (Sustainable Transport)
- Policy 14 (Design, Quality and Place)
- Policy 15 (Local Living and 20 Minute Neighbourhoods)
- Policy 22 (Flood Risk and Water Management)
- Policy 26 (Business and Industry)

#### **Aberdeen Local Development Plan 2023 (ALDP)**

- Policy D1 (Quality Placemaking)
- Policy D2 (Amenity)
- Policy H1 (Residential Areas)
- Policy NE3 (Our Natural Heritage)
- Policy NE4 (Our Water Environment)
- Policy NE5 (Trees and Woodland)
- 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 WB3 (Noise)

### **Aberdeen Planning Guidance**

- Flooding, Drainage and Water Quality

- Materials
- Transport and Accessibility
- Trees and Woodland

## **EVALUATION**

### **Principle of Development**

The development comprises the replacement of an existing building in Class 5 (General Industrial Use) and associated works. The development would not comprise a change of use.

Policy 26 (Business and industry) of NPF4 is supportive of micro-businesses where it is demonstrated that the scale and nature of the proposed business and building will be compatible with the surrounding area and there will be no unacceptable impacts on amenity or neighbouring uses. The site is zoned as Policy H1 (Residential Areas) on the Proposals Map of the Aberdeen Local Development Plan 2023 (ALDP). Policy H1 (Residential Areas) of the ALDP states within existing residential areas, proposals for non-residential uses will be supported if:

1. they are considered complementary to residential use; or
2. it can be demonstrated that the use would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity.

As such, the development would be acceptable in principle, provided that it does not adversely affect the amenity of the surrounding residential uses. In considering this matter, the Qualities of Successful Places referred to in Policy 14 (Design, Quality and Place) of NPF4, the Qualities of Successful Placemaking referred to in Policy D1 and Policy D2 (Amenity) of the ALDP seek to ensure that existing levels of amenity would not be adversely affected to any significant degree by new development.

### **Noise**

As a building in class 5 use, the activities undertaken on the site could be noise generating (Representation 2). In assessing the impact on the existing level of amenity of the neighbouring dwellings, the assessment is whether the proposed replacement building would materially affect the existing level of amenity by way of increased noise generation.

The proposal is a replacement of an existing building that has been in long-standing class 5 use and is surrounded by similar uses. As such, there is already a degree of noise associated with these uses in the area. As the use already exists, it is considered that the proposal would not materially affect the existing levels of noise in the area. ACC - Environmental Health have been consulted and have not objected. It has, however, suggested, to protect local amenity, consideration could be given to restricting the operating times. In regard to this, the planning service has given consideration as to whether such a condition can be applied (Representation 6). However, as the proposal relates to a replacement building and associated works to an established use, it would not be competent to apply a condition to limit hours of operation. It is considered that such a condition would have to relate to a proposed use. However, the use already exists and would not be changed as a result of a replacement of the building.

The TRICS analysis in the technical report (as set out in further detail below) demonstrates that the proposal would not result in significant traffic generation. As such, the proposal would not adversely affect the amenity afforded to the neighbouring dwellings in terms of noise from traffic (Representation 3).

It is acknowledged in the representations that noise from the existing uses in the area have been raised in the objections (Representation 4). Concerns regarding noise from the existing premises, if they comprise a statutory nuisance can be addressed through the environmental protection legislation.

As such, given the development is a replacement building on a site which is in an existing class 5 use, the existing similar uses in the area, and the proposal would not generate traffic by any significant degree, it is considered that the development would not adversely affect the amenity afforded to the neighbouring residential dwellings by any significant degree relative to the existing situation in terms of noise, in accordance with WB3 (Noise) of the ALDP, acknowledging that statutory noise nuisance, if it were to occur, can be addressed through environmental protection legislation.

### Sunlight and Daylight

The proposed building would not adversely affect the level of amenity afforded to the neighbouring dwellinghouses in terms of impacting sunlight and daylight given the building would not bound any residential curtilage and given its overall height and massing.

### Privacy

The proposed building would not result in the overlooking of any neighbouring properties as it would not have any windows and it is not bounding any residential curtilage. It would thus not adversely affect the existing levels of privacy afforded to the neighbouring dwellings.

### Principle of Development – Summary

Provided that the recommended condition is applied, the proposed replacement workshop building (in existing class 5 use) would not result in any conflict with, or any nuisance to, the enjoyment of existing residential amenity. Highlighting that the proposal is not a change of use to class 5, but rather a replacement of a building in class 5 use with a building of the same use class, the proposal is considered complementary to existing residential uses in its specific context. The proposal thus complies with Policy 26 (Business and industry) of NPF4 and H1 (Residential Areas) of the ALDP.

### **Architectural Design and Visual Impact**

To determine the effect of the proposal on the character and visual amenity of the area it is necessary to assess it in the context of Policy D1 of the ALDP. This policy recognises that not all development will be of a scale that makes a significant placemaking impact but recognises that good design and detail adds to the attractiveness of the built environment.

The building would be utilitarian in its design and appearance, reflective of its class 5 use. Whilst a residential area, the area around the development is relatively varied in its architectural character with small-scale industrial buildings to the immediate north and west of the site, and residential dwellings of different architectural styles in the wider area. The proposed building would appropriately formalise the site and replace the existing building, which is in a state of disrepair.

Whilst it is recognised that the proposed building would be relatively large in the local context, the building and the proposed parking area would nevertheless be partially screened, there would be a 'dead hedge' along the eastern boundary and existing mature trees and shrubs along both the eastern and southern areas. The provision of juniper green paint on the external finish of the building would soften its overall massing on the streetscape, particularly as it would be seen in close proximity to trees and shrubs. The building would not bound any residential curtilage. As such,

notwithstanding its utilitarian architectural design and its relatively large massing, the building would not adversely affect the character and appearance of the surrounding area.

In the context, the proposal would not adversely affect the existing character and visual amenity of the surrounding area by any significant degree, in compliance with Policies 14 (Design, Quality and Place) of NPF4 and D1 (Quality Placemaking) of the ALDP.

## **Sustainable Transport, Road Safety and Parking Provision**

### Sustainable Transport

Policy 13 (Sustainable Transport) of NPF4 promotes and encourages the use of sustainable and active modes of travel where possible, as opposed to private vehicle trips. Policy T2 (Sustainable Transport) of the ALDP states that new developments must be accessible by a range of transport modes, with an emphasis on active and sustainable transport.

Whilst this is an existing use and thus the site would be accessible as the building it would replace, the proposed building would nevertheless be accessible by walking, cycling and public transport, in accordance with the principles of local living. The nearest bus stop is c.140m away on Malcolm Road, in accordance with Policy T2 of the ALDP, which requires development to be within 400m of the nearest bus stop.

### Site Access and Traffic Generation

The 'Technical Note' (transport assessment) prepared by transport consultants submitted with the application demonstrates that vehicles would access the site via Brighton Place and The Bush to the east from North Deeside Road. They would be able to access and egress from the site using a forward gear. Although the section of The Bush to the east of the site narrows to 3.5m, there are clear sight lines and spaces which enable vehicles to wait at each end in order to pass, acting as passing places (Representation 8). The statement includes TRICS analysis on the number of vehicle trips likely to be generated by the existing building and the proposed building (Representations 1 and 13), based on the increased floor area of approximately 30 sqm. It assesses that the difference between the existing and proposed building would result in a theoretical additional one two-way vehicle trip during AM and PM peak hours and an additional 8 two-way trips daily. It also assesses that the nature of the vehicles would remain the same/unchanged. The Technical Note provides satisfactory evidence that there would be an insignificant increase in traffic as a result of the development and that this can be accommodated by the existing infrastructure and road network. ACC – Roads Development Management Team have been consulted and accepts the outcome of the assessment and has not identified that road improvements are required to accommodate the development (Representation 5).

### Parking

Policy T3 of the ALDP requires the number of parking spaces to comply with the Parking Standards in the Transport and Accessibility Aberdeen Planning Guidance. Paragraph 11.24 of the ALDP states that Aberdeen City Council '*recognises that parking is an essential facility for many developments but will ensure that the level of parking complements its commitment to sustainable transport, through reducing emissions and congestion.*'

The Parking Standards set out in the Transport and Accessibility Aberdeen Planning Guidance requires industrial premises (excluding motor vehicle workshops) to have a maximum of one space per 40sqm of floor space. In this instance, that equates to a requirement of a maximum of '4.6' spaces and a minimum of one accessible space. Three spaces of dimensions compliant with this

guidance (2.5m x 5m) and an accessible space would be provided. The proposal would also include covered cycle storage. The proposed parking arrangements thus comply the Transport and Accessibility Aberdeen Planning Guidance and Policy T3 of the ALDP. ACC – Roads Development Management has been consulted and confirm that the proposed parking provision is acceptable.

### Sustainable Transport, Road Safety and Parking Provision - Summary

The proposal would have negligible impact on the surrounding road network, acceptable parking provision and access arrangements, would not adversely affect road safety and it would be accessible by different transport modes, including active and sustainable transport. The proposal therefore complies with Policies 13 (Sustainable Transport) of NPF4, T2 (Sustainable Transport) and T3 (Parking) of the ALDP and the Transport and Accessibility Aberdeen Planning Guidance.

### **Waste Storage and Collection**

Policy 12 (Zero Waste) of NPF4 and Policy R5 of the ALDP (Waste Management Requirements for New Development) requires all new developments to have sufficient space for the storage of general waste, recyclable materials and compostable wastes where appropriate. The development would include a waste and recycling storage area on the site plan to enable residential bins to be stored within the site rather than on the street. The proposal would have acceptable waste storage and collection arrangements, in accordance with Policies R5 of the ALDP and 12 (Zero Waste) of NPF4.

### **Flood Risk and Drainage**

Policies 22 (Flood Risk and Water Management) of NPF4 and NE4 (Our Water Environment) of the ALDP require development proposals to not increase the risk of surface water flooding, to minimise impermeable surfaces and provide sustainable urban drainage systems (SUDS). The SEPA Flood Risk Map identifies that the area is not at risk of river flooding. Given the minor scale of the development, it is furthermore not likely to increase the risk of flooding in the area by any significant degree. The proposal would include SUDS in the form of porous hard surfaces. The proposal complies with the aims of Policy NE4 (Our Water Environment) of the ALDP.

### **Low and Zero Carbon Buildings, Water Efficiency**

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

In March 2024, the Scottish Government published the Fourteenth Annual Report on the Operation of Section 72 of the Climate Change (Scotland) Act 2009, which concluded that the future effectiveness of section 3F as an approach for reducing greenhouse gas emissions from developments after 1 April 2024 is surpassed due to an updated and holistic policy approach set out in NPF4 and New Build Heat Standards seeking to minimise greenhouse gas emissions from new buildings.

Due to this, insofar as it relates to low and zero carbon buildings, Policy R6 of the ALDP no longer carries any significant weight and as such there is no useful purpose in requiring the policy to be met, relative to the development proposal.

Policy R6 also explains that to reduce the pressure on water abstraction from the River Dee, and the pressure on water infrastructure, all new buildings are required to use water saving technologies and techniques. Whilst the proposed floor plan indicates that there would be a toilet, given the small-scale nature of the development, the impact of water efficiency measures for this development would be negligible. As such, a condition requiring a scheme of water efficiency measures is not required in this instance, as the development accords with the aims of Policy R6 of the ALDP.

## **Tackling the Climate and Nature Crises**

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.

### Trees

Policy 6 (Forestry, Woodlands and Trees) of NPF4 states that development will not be supported where they result in the loss of ancient and veteran trees, or adverse impact on their ecological condition. Policy NE5 (Trees and Woodland) of the ALDP states that development should not result in the loss of, or damage to, trees and woodlands.

A tree report and arboricultural impact assessment have been submitted in relation to the application (Representation 12).

Whilst some shrubs would be removed to facilitate the development and the parking area would cover a small area of the unmaintained landscaping around the building, the proposal would not result in the loss of any trees. The building would be located in place of the existing building and would be outside the root protection areas of the surrounding trees.

Parking spaces would be formed within the root protection areas of trees which would be formed using a no-dig construction method. To ensure the ground within the root protection areas of these trees would not be compacted by vehicles on this hard surface in the long-term, a condition requiring finalised details of a cellular confinement system is recommended. Otherwise, tree protection fencing is proposed, which would ensure there would be no damage to these trees during demolition and construction pursuant to the permission, implementation of which would be ensured by a planning condition.

Subject to the implementation of these measures, the proposal would not result in the loss of, or damage to any trees, in accordance with Policies 6 (Forestry, Woodlands and Trees) of NPF4 and NE5 (Trees and Woodland) of the ALDP.

### Protected Species

Policy NE3 (Our Natural Heritage) of the ALDP requires a thorough assessment of protected species which may be impacted by development. The submitted bat survey is sufficient in demonstrating that the proposal would not impact any bat roosts or impact bats as it has limited bat roost potential.

### Biodiversity Enhancement

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.

As above, the proposed development would conserve existing biodiversity on the site. In terms of enhancement, a dead hedge would be provided. However, the bat survey recommends that at least one bat box should be provided on the site to enhance biodiversity, recognising that the surrounding area provides appropriate habitat for bats. To comply with Policy 3 of NPF4, a condition is to be applied requiring the implementation of these measures.

### Demolition

Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) of NPF4 also states:

*'Development proposals for the reuse of existing buildings will be supported, taking into account their suitability for conversion to other uses. Given the need to conserve embodied energy, demolition will be regarded as the least preferred option.'*

Whilst this proposal would have tensions with Policy 9 in that the existing building would be demolished rather than re-used, the existing building is in a dilapidated and deteriorating condition (Representation i), the proposed building would likely have a higher energy efficiency standard and the proposal would nonetheless comprise the redevelopment of an existing brownfield site in an small-scale employment use (Representation ii and iii).

### Local Living and 20 Minute Neighbourhoods

The formalisation and redevelopment of the existing small-scale employment use within the local community of Peterculter which would be accessible using sustainable and active modes of travel would comply with the principles of local living and 20 minute neighbourhoods, in accordance with Policy 15 (Local Living and 20 minute neighbourhoods) of NPF4.

### Tackling the Climate and Nature Crises - Summary

Proportionate to the scale of the development, the proposal has been designed to minimise lifecycle greenhouse gas emissions and place sufficient weight on positively addressing the climate and nature crises, in accordance with Policies 1, 2 and 3 of NPF4.

### **Other Matters Raised in Representations**

In relation to Representation 7, the planning authority must assess and determine the application for the proposal that has been submitted. Alternative ideas for the redevelopment of the site are not within the scope of the determination of the application. The proposal has, however, included a dead hedge, which corresponds with the suggestion of fencing off the site.

In relation to Representation 9, Matters relating to existing road safety in the area are for the Roads Authority to address and other than the road safety impact of this particular development, are not material in the determination of this planning application.

In relation to Representation 10, the site is in an established commercial use and the proposal would comprise the replacement of existing buildings on a site that is in existing commercial use.

In relation to Representation 11, the extent of the building has been set out in the submitted plans and elevations.

In relation to Representation 14, matters relating to the responsibilities for maintaining the access road are not a material planning consideration and are instead a civil matter to be addressed by relevant parties responsible for maintaining the road. Nevertheless, the Technical Note sufficiently

demonstrates that the proposal would not significantly generate traffic, and thus there is no requirement to upgrade the road as part of this development.

## **RECOMMENDATION**

Approve Conditionally

## **REASON FOR RECOMMENDATION**

The proposed replacement workshop building (in existing class 5 use) would not result in any conflict with, or any nuisance to, the enjoyment of existing residential amenity, notably in terms of noise. With it being recognised that the proposal is not a change of use to class 5, but rather a replacement of a building in an established class 5 use, the proposal is considered complementary to existing residential uses in its specific context. The proposal would not adversely affect the character and appearance of the surrounding area. The proposal complies with Policies 14 (Design, Quality and Place) and 26 (Business and industry) of National Planning Framework 4 (NPF4) and D1 (Quality Placemaking), D2 (Amenity) and H1 (Residential Areas) of the Aberdeen Local Development Plan 2023 (ALDP).

The proposal would have a negligible impact on the surrounding road network, acceptable parking provision and access arrangements, would not adversely affect road safety and it would be accessible using different transport modes, including active and sustainable transport. The proposal therefore complies with Policies 13 (Sustainable Transport) of NPF4, T2 (Sustainable Transport) and T3 (Parking) of the ALDP and the Transport and Accessibility Aberdeen Planning Guidance.

The proposal would have acceptable waste storage and collection arrangements, in accordance with Policies R5 (Waste Management Requirements for New Development) of the ALDP and 12 (Zero Waste) of NPF4. A condition is to be applied requiring a scheme of water efficiency measures to be agreed and implemented, in order for the development to comply with Policy R6 (Low and Zero Carbon Buildings and Water Efficiency) of the ALDP.

Whilst this proposal would have tensions with Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) of NPF4 in that the existing building would be demolished rather than re-used, the existing building is in a dilapidated and deteriorating condition, the proposed building would likely have a higher energy efficiency standard and the proposal would nonetheless comprise the redevelopment of an existing brownfield site in an small-scale employment use.

As the redevelopment of an existing small-scale employment use accessible using sustainable and active travel methods, the proposal complies with the principles of local living and 20 minute neighbourhoods, in accordance with Policy 15 (Local Living and 20 minute neighbourhoods) of NPF4. The proposal would not result in the loss of, or damage to any trees, in accordance with Policies 6 (Forestry, Woodlands and Trees) of NPF4 and NE5 (Trees and Woodland) of the ALDP. The development would conserve existing biodiversity on the site, notably local bat habitat. Subject to conditions requiring the implementation of tree protection measures, provision of cycle storage and biodiversity enhancements, proportionate to the scale of the development, the proposal would be designed to minimise lifecycle greenhouse gas emissions and place sufficient weight on positively addressing the climate and nature crises, in accordance with Policies 1 (Tackling the Climate and Nature Crises), 2 (Climate Mitigation and Adaptation) and 3 (Biodiversity) of NPF4, and Policy NE3 (Our Natural Heritage) of the ALDP.



## **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) INFRASTRUCTURE PROVISION**

That the proposed building shall not be brought into use unless the car parking layout, bin and cycle stores and drainage infrastructure have been implemented in accordance with the detailed approved plans (Ref: P03 REV C) or alternative details of this provision agreed in writing by the planning authority.

Reason - To ensure that the development has sufficient infrastructure.

### **(03) TREE PROTECTION – CELLULAR CONFINEMENT SYSTEM**

That no development shall take place unless finalised details of the cellular confinement system to protect trees, or other tree protection measures, have been submitted to, and approved in writing by the planning authority. Thereafter, the approved building shall not be brought into use unless this cellular confinement system has been installed in its entirety.

Reason – To protect existing trees, in the interests of biodiversity and visual amenity.

### **(04) TREE PROTECTION DURING DEMOLITION AND CONSTRUCTION**

That no development pursuant to this permission shall take place unless the tree protection fencing has been installed in full accordance with the approved Tree Protection Plan and Tree Report (Ref: BPC-2501-TP A and REV A) , or another scheme of tree protection agreed by the planning authority. Thereafter, the tree protection fencing shall remain in place until the development has been completed.

Reason – To protect existing trees, in the interests of biodiversity and visual amenity.

### **(05) COLOUR OF FINISHING MATERIALS**

That the external finishing materials of the approved buildings shall be painted 'juniper green', in accordance with the approved plans (Ref: P04 REV B) unless a variation has been agreed by the planning authority.

Reason – In the interests of the character and appearance of the surrounding area.

### **(06) BIODIVERSITY ENHANCEMENT**

That the development hereby approved shall not be occupied unless the 'dead hedge' has been installed in accordance with the approved plans (Ref: P03 REV C) and at least one bat box has been installed on the site, evidence of which has been submitted to the planning authority, unless a variation to the biodiversity enhancement measures is agreed by the planning authority.

Reason – In the interests of enhancing biodiversity.

**ADVISORY NOTES FOR APPLICANT**

(01) Construction Noise

To protect the amenity of neighbouring properties/occupants, development works (including site/ground preparation, demolition, and construction) causing noise beyond the site boundary should not occur outside the following hours:

- Monday to Friday 0700 hours to 1900 hours
- Saturday 0800 hours to 1300 hours