

# Public Document Pack



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

Town House,  
ABERDEEN 11 June 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, 19 JUNE 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 23 April 2025 - for approval (Pages 7 - 12)

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

- 5.1. Committee Planner (Pages 13 - 16)
- 5.2. Planning Appeal Digest (Pages 17 - 18)

## **GENERAL BUSINESS**

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

- 6.1. Detailed Planning Permission for the change of use from Class 1A (Shops, Financial, Professional and Other Services) to Class (Assembly and Leisure) and use for electric vehicle recreation (floors two and three) with associated retail (Class 1A), cafes and restaurants (Class 3) and public house use and extension to George Street elevation - Former John Lewis building, George Street Aberdeen (Pages 19 - 36)

Planning Reference – 250030

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

[Link.](#)

Planning Officer: Gavin Clark

- 6.2. Detailed Planning Permission for the change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 3 people - 4 Watson Street Aberdeen (Pages 37 - 48)

Planning Reference – 250391

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

[Link.](#)

Planning Officer: Samuel Smith

- 6.3. Detailed Planning Permission for the 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 - The Quad, (formerly Craigievar House), Howe Moss Avenue, Aberdeen (Pages 49 - 70)

Planning Reference – 250108

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

[Link.](#)

Planning Officer: Gavin Clark

- 6.4. Planning Permission in Principle for the erection of 14 Residential Plots (Including 25% Affordable Housing) and Supporting Infrastructure, Landscaping and Open Space; Including Demolition of Existing Industrial Unit - Waterton House, Stoneywood Terrace Aberdeen (Pages 71 - 88)

Planning Reference – 230297

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

[Link.](#)

Planning Officer: Lucy Greene

- 6.5. Detailed Planning Permission for the change of use and conversion of fire damaged former office (class 4) to form 6no residential flats (sui generis), erection 2 storey extension with terraces, installation of 2 new dormers and formation of garden to the rear, reinstatement of fire damaged roof and dormers of No 32, formation of 3 car parking spaces, bin and cycle store and installation of new rooflights to the front - 31 - 32 Albyn Place Aberdeen (Pages 89 - 104)

Planning Reference – 241162

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

[Link.](#)

Planning Officer: Laura Robertson

- 6.6. Detailed Planning Permission for the removal of carport and erection of garage and access gate to rear - 7 Richmondhill Place Aberdeen (Pages 105 - 114)

Planning Reference – 250173

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

[Link.](#)

Planning Officer: Rebecca Kerr

## **REPORTS**

- 7.1. Planning Annual Enforcement Report - CR&E/25/105 (Pages 115 - 146)

## **DATE OF NEXT MEETING**

- 8.1. Date of Next Meeting - Thursday 21 August 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](#). A new service update was published recently in regards to the National Planning Framework.

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 [lymcbain@aberdeencity.gov.uk](mailto:lymcbain@aberdeencity.gov.uk)

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

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

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## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 23 April 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), Farquhar, Lawrence, Macdonald and van Sweeden (as substitute for Councillor Copland).

The agenda and reports associated with this minute can be located [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. The following transparency statements were noted.
  - In relation to item 5.2 on the agenda (planning appeal digest), Councillor Cooke advised that he had engaged with a constituent in relation to the Cromwell Road application/appeal, however as the item was just for noting, at this stage he noted a transparency statement, however should the item be discussed, he would declare an interest and leave the meeting;
  - In relation to item 6.1 (West Church of St Nicholas, Back Wynd, Aberdeen), Councillor Boulton advised that she previously was the lead for the City Centre Masterplan, however did not consider that this amounted to an interest which would prevent her from participating in the item; and
  - Also in relation to item 6.1, the Vice Convener noted that he was the Council appointed Master of Kirk and Bridge Works but did not consider that this amounted to an interest which would prevent him from participating in the item.

### MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 13 MARCH 2025

2. The Committee had before it the minute of the previous meeting of 13 March 2025, for approval.

**The Committee resolved:-**

to approve the minute as a correct record.

### COMMITTEE BUSINESS PLANNER

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

**The Committee resolved:-**

## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

23 April 2025

- (i) to note that in relation to item 29 (Planning Guidance in regards to drive thrus), that a report would come back to Committee soon;
- (ii) to note the reasons for the removal of items 18 (James Hutton Institute - 241146) and 19 (Stoneywood House - 241406); and
- (iii) to note the committee business planner.

### PLANNING APPEAL 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:-**

to note the information contained in the planning appeal digest.

### WEST CHURCH OF ST NICHOLAS, BACK WYND, ABERDEEN - 250148

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

That the application for Listed Building Consent for internal alterations to provide renewed services and welfare facilities at West Kirk/Drum Isle/Tower including removal of partitions and doors; removal/relocation of boxed pews; removal of roof lantern; installation of flues and extract; and installation of signage with associated works, at West Church of St Nicholas, Back Wynd, Aberdeen, be approved subject to the following conditions:-

#### **Conditions**

##### (1) BUILDING SURVEY

Prior to any of the hereby approved works taking place, all areas of the building where works are proposed shall be surveyed and a detailed, photographic survey accompanied by floor plans recording the existing state of the building prior to alteration shall be submitted to, and agreed in writing by, the Council as planning authority.

Reason: In order to accurately survey the building prior to the works taking place, to provide a detailed record of its historic fabric and internal layout for future generations.

## **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

23 April 2025

### **(2) HEATING, LIGHTING AND CCTV DETAILS**

Prior to the hereby approved heating (including external flues), lighting and CCTV camera fixture installation works taking place, precise details of the specification and sitings of all such fixtures, as well as details of any associated cable routing, shall be submitted to, and agreed in writing by, the Council as planning authority. Thereafter the works shall take place in accordance with the agreed details.

Reason: In order to preserve the special character, architectural and historic interest of the building.

### **(3) PEW AND RAISED TIMBER FLOOR REMOVAL METHODOLOGY**

Prior to any works taking place to remove the pews and raised timber floor panels hereby approved for removal, as shown on approved drawing (01)200 Revision C (Proposed Downtaking Floor Plans), and any associated works to make good the flooring once the pews have been removed, a detailed methodology for those works shall be submitted to, and agreed in writing by, the Council as planning authority.

Reason: In order to minimise the risk of damage to the original flagstones beneath, and to preserve the special character, architectural and historic interest of the building.

### **(4) PROGRAMME OF ARCHAEOLOGICAL WORKS**

No ground-breaking works in connection with the development hereby approved shall commence unless an archaeological written scheme of investigation (WSI) has been submitted to and approved in writing by the planning authority informing how an appropriate programme of archaeological mitigation will be carried out for the ground-breaking works. 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 brought into use 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.

### **(5) ARCHAEOLOGICAL SURVEY**

No works in connection to the box pews, including alteration, cleaning or removal, shall commence unless an archaeological written scheme of investigation (WSI) has been submitted to, and approved in writing by, the planning authority informing how an appropriate programme of archaeological recording will be carried out on the pews which are to be removed, focusing in particular on the historic graffiti carved on them. The

## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

23 April 2025

survey shall not be undertaken unless its scope has been approved in writing by the planning authority. The survey must be in a digital format.

Reason: To ensure that a historic record of the pews is made for inclusion in the National Record for the Historic Environment for Scotland and in the local Historic Environment Record.

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

The Committee then heard from Dr Bill Harrison and Ms Lynne Deboer who both spoke in support of the proposed application.

The Committee then heard from Mr William Brodgen, who objected to the proposed application.

Finally, the Committee heard from Mr Iain Sneddon on behalf of Scot-ART, who was the applicant for the proposed application.

Councillor Macdonald, seconded by Councillor Boulton, moved a procedural motion:-  
That the Committee undertake a site visit before determining the application.

On a division, there voted – for the procedural motion (3) – Councillors Boulton, Farquhar and Macdonald – against the procedural motion (6) – the Convener, the Vice Convener and Councillors Cooke, Clark, Lawrence and van Sweeden.

As the procedural motion was defeated, the Committee then moved to determine the application.

The Convener moved, seconded by the Vice Convener:-  
That the application be approved conditionally.

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

That the application be refused for the following reasons:-

The removal of a portion of the original boxed pews would cause harm to the special character, architectural and historic interest of the building that was not outweighed by the benefits to be gained by the reuse of the building for the purpose proposed. The proposal would, therefore, be contrary to Policy D6 of the Aberdeen Local Development Plan 2023, Policy 7 (Historic Assets and Places) of National Planning Framework 4, Historic Environment Policy for Scotland (HEPS) and Historic Environment Scotland's 'Managing Change in the Historic Environment' guidance on 'Use and Adaptation of Listed Buildings' and 'Interiors'.

On a division, there voted – for the motion (7) – the Convener, the Vice Convener and Councillors Cooke, Clark, Lawrence, Macdonald and van Sweeden – for the amendment (2) – Councillors Boulton and Farquhar.

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

23 April 2025

**The Committee resolved:-**

to adopt the motion and therefore approve the application conditionally.

**Councillor Boulton intimated her dissent against the foregoing decision in accordance with Standing Order 32.8.**

- **COUNCILLOR CIARAN MCRAE – Convener**

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	A	B	C	D	E	F	G	H	I
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>19 June 2025</b>						
4	Enforcement Report	To provide annual report on enforcement activity		Dineke Brasier	Strategic Place Planning	Place	5		
5	Waterton House Abereen - 230297	To approve or refuse the application for PPP for 16 residential plots		Lucy Greene	Strategic Place Planning	Place	1		
6	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		Gavin Clark	Strategic Place Planning	Place	1		
7	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		Gavin Clark	Strategic Place Planning	Place	1		
8	31-32 Albyn Place Aberdeen - 241162	To approve or refuse the application for change of use and conversion of fire damaged former office (class 4) to form 6no residential flats (sui generis), erection 2 storey extension with terraces, installation of 2 new dormers and formation of garden to the rear, reinstatement of fire damaged roof and dormers of No 32, formation of 3 car parking spaces, bin and cycle store and installation of new rooflights to the front		Laura Robertson	Strategic Place Planning	Place	1		
9	4 Watson Street - 25039	To approve or refuse the application for change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 4 people		Sam Smith	Strategic Place Planning	Place	1		
10	7 Richmondhill Place - 250173	To approve or refuse the application for removal of carport and erection of garage and access gate to rear		Rebecca Kerr	Strategic Place Planning	Place	1		
11			<b>21 August 2025</b>						

	A	B	C	D	E	F	G	H	I
	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
2									
12			25 September 2025						
13			06 November 2025						
14			04 December 2025						
15			Future applications to PDMC (date of meeting yet to be finalised).						
16	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		
17	Former AECC - 240850	To approve or refuse the application for MSC		Lucy Greene	Strategic Place Planning	Place	1		
18	490 King Street - 241451	To approve or refuse the application for extension to form 21 Student Flats		Robert Forbes	Strategic Place Planning	Place	1		
19	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		

	A	B	C	D	E	F	G	H	I
	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
2									
20	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		
21	92 Crown Street - 250180	To approve or refuse the application for change of use from motorcycle garage and showroom to class 10 mosque (non-residential institution) and class 1A (shops and financial, professional and other services) to ground floor; formation of new windows, external stair, lift shafts and lobby, build up doorways and all associated works		Roy Brown	Strategic Place Planning	Place	1		
22	71 B/C Victoria Street - 240485	To approve or refuse the application for change of use to hot food take-away		Robert Forbes	Strategic Place Planning	Place	1		
23	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		
24	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		R	A service update was issued to members in this regard.

	A	B	C	D	E	F	G	H	I
	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
2									
25	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		
26	Annual Effectiveness Report - Service Update	At the meeting on Council on 16 April 2025, it was agreed that Annual Effectiveness Report would now be a service update		Lynsey McBain	Governance	Customers Service			
27	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.	Delayed consultation start due to begin early May. Will report back after this is completed.	Laura Robertson	Strategic Placing Planning	Place	5		
28	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		

## Planning Development Management Committee

19 June 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	Listed Building Consent	Application Reference	241415/LBC
Address	36 Albyn Place		
Description	Reconstruction Of Existing Garages To Form Triple Garage Building		
History	Appeal against non-determination of the application within the statutory time period of 2 months.		
DPEA Decision	<p>Appeal allowed and listed building consent granted.</p> <p>The design and materials (secured through a condition) would be visually in keeping with the area and in accordance with the development plan. The historic feu pattern would be retained. A condition will secure suitable replacement walls if the original walls have been removed due to lack of structural stability.</p>		
DPEA weblink	<a href="#">Scottish Government - DPEA - Case Details</a>		

Type of appeal	Advertisement Enforcement Notice	Application Reference	ENF240215
Address	160 Union Grove		
Description	<p>The Carrying Out Of The Following Work Without The Benefit Of Advertisement Consent: The Installation Of 1 Fascia Signage Consisting Of White Painted Backing Board, And Black And Pink Lettering And Images With The Wording "Sophie's Pawtique &amp; Spa Professional Pampering For Your Pooch" On The Principal Elevation Of The Commercial Unit</p>		

History	<p>Enforcement Notice served by planning authority on 25 March 2025.</p> <p>Appeal lodged with DPEA on 28 April 2025.</p> <p>Appeal withdrawn in 15 May 2025</p>
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### **Appeals Lodged**

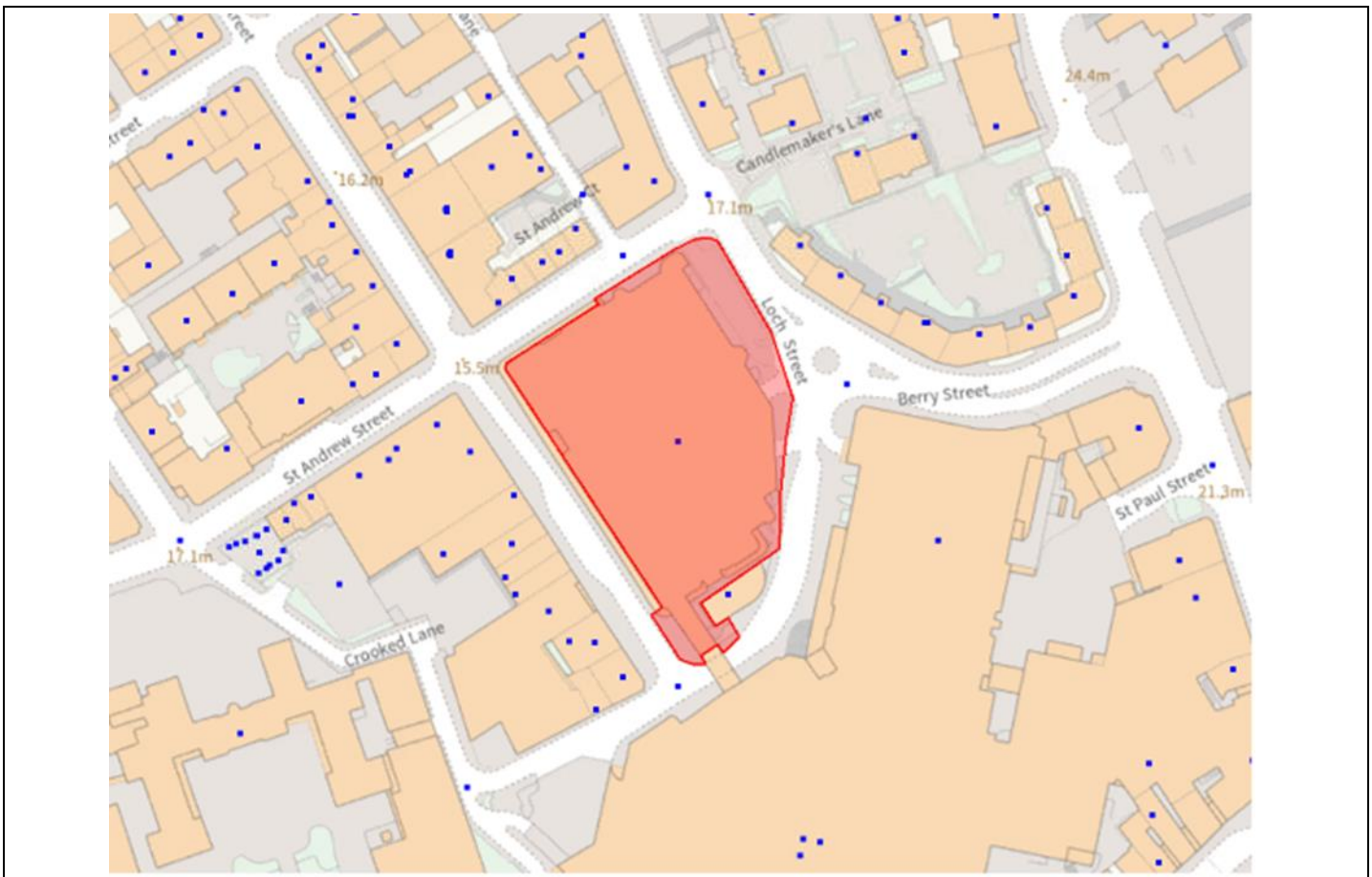
Type of appeal	Advertisement Consent	Application Reference	
Address	Land Adjacent To Beach Boulevard		
Description	Installation Of 1 Illuminated Double Sided Free-Standing Digital Display		
History	<p>Refused under delegated powers on 19 March 2025</p> <p>Allocated to a reporter</p>		
DPEA weblink	<a href="#">Scottish Government - DPEA - Case Details</a>		

### **Appeals still Pending**

Type of appeal	Enforcement Notice	Application Reference	ENF240138
Address	27 Cromwell Road		
Description	Development Works To The Front Curtilage Being Unauthorised As These Are Not In Accordance With The Approved Planning Permission For The Formation Of A Driveway And Alterations To Boundary Wall (230946/DPP)		
History	<p>Enforcement Notice served by planning authority on 27 February 2025.</p> <p>Appeal lodged with DPEA on 23 March 2025.</p> <p>Allocated to a Reporter</p>		
DPEA weblink	<a href="#">Scottish Government - DPEA - Case Details</a>		

	<b>Planning Development Management Committee</b>
	Report by Development Management Manager
	<b>Committee Date: 19<sup>th</sup> June 2025</b>

<b>Site Address:</b>	Former John Lewis Building, George Street, Aberdeen AB25 1BW
<b>Application Description:</b>	Change of Use from Class 1A (Shops, Financial, Professional and Other Services) to Class 11 (Assembly and Leisure) and use for electric vehicle recreation (floors two and three) with associated retail (Class 1A), cafes and restaurants (Class 3) and public house use and extension to George Street elevation
<b>Application Ref:</b>	250030/DPP
<b>Application Type</b>	Detailed Planning Permission
<b>Application Date:</b>	14 February 2025
<b>Applicant:</b>	Atree Retail Management Ltd
<b>Ward:</b>	George Street/Harbour
<b>Community Council:</b>	George Street



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## **RECOMMENDATION**

Approve Conditionally

## **APPLICATION BACKGROUND**

### **Site Description**

The application site is located to the north of Aberdeen City Centre and is bound by George Street to the west, St Andrew Street to the north and Loch Street to the south and east. The area is mixed use in nature with George Street and St Andrew Street including a number of uses such as retail and food establishments with residential properties generally located above and the Bon Accord Centre located on the southern side. George Street and Loch Street are pedestrianised for the majority of the length of the application site.

The building itself, originally designed by Covell Matthews Architects, is set over four storeys and was built between 1966 and 1970 as a department store for the Northern Co-operative (Norco) Society. The building has Brutalist ribbed concrete and glazed exterior elevations to the north, south and east. The western elevation has a modern granite block extension which was added in the late 1980s when the Bon Accord Centre was constructed, and the building was acquired by the most recent retail occupier (John Lewis). The southern elevation also includes a 1<sup>st</sup> floor pedestrian link to the Bon Accord Centre and car parking is provided on the roof of the building. The immediate surrounds include a small area of parking to the rear on Loch Street with associated areas of landscaping.

The consented use of the premises can be defined as Class 1A (Shops and Financial, Professional and Other Services) with John Lewis having closed in 2021. The building was utilised temporarily as a COVID vaccination centre between September 2021 and June 2023 but has been vacant since this time.

### **Relevant Planning History**

None relevant to the determination of this application.

## **APPLICATION DESCRIPTION**

### **Description of Proposal**

The proposals seek detailed planning permission to regenerate and utilise the former John Lewis building for use as a multi-purpose leisure facility for Class 11 (Assembly and Leisure) and use as electric vehicle recreation (floors two and three) with associated and ancillary retail (Class 1A), cafes and restaurants (Class 3) and public house use and a single storey extension to the western elevation to provide an entrance to the building.

The proposed plans show the following works for each floor:

Ground Floor: the provision of a bowling alley with 25 lanes, there would also be areas for food and drink, pool tables an arcade area and party area. The ground floor would also include offices, kitchens, stores, toilets and a plant room. Pedestrian access would be provided from a new single storey extension onto George Street at the south-western end of the building, where a new lift would also be installed. The existing ground floor entrance on the western elevation would be replaced with curtain wall glazing and utilised as an emergency exit.

First Floor: no defined end user at the time of the application. The use of this floor would fall within Class 11 (Assembly and Leisure) with other ancillary uses.

Second and Third Floor: would be utilised as an electric vehicle karting facility with two links between the second and third floors providing a ramped vehicular access. The third floor would also include a laser arena with associated facilities whereas the second floor would include a mini golf area with kart preparation and back of house facilities. The existing escalators would be removed to facilitate the ramps for the proposed karting facility.

Fourth Floor: this area would be utilised for plant and would replace existing services. Odour outlets for the kitchen facilities would also be provided and the existing rooftop parking areas would be stopped up to prevent vehicular access to the roof.

Service Area: the existing service area on the western side of the building would be retained.

The applicant also proposes to provide cycle parking area within the existing parking area to the rear of the building.

## **Amendments**

The proposals have been amended since the original submission along with additional information being submitted in support of the application:

- Clarification on the proposed extension to the building has been provided, with this also being reduced in projection;
- A Design and Access Statement has been submitted;
- A Noise and Odour Impact Assessment has been submitted
- Further transportation information/ parking surveys/ justifications provided at the request of colleagues in Roads Development Management.

Neighbour re-notification was carried out on the 30<sup>th</sup> April 2025 following the submission of the updated documentation.

## **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=SQ539PBZMXQ00>

- Planning Supporting Statement;
- Noise and Odour Impact Assessment;
- Supporting Statement – Parking Arrangements/ Bon Accord Parking Allocation and Occupancy Rates.

## **Reason for Referral to Committee**

The application has been referred to the Planning Development Management Committee because:

- it is being recommended for approval and has been the subject of six or more timeous letters of representation containing material planning considerations that express objection or concern about the proposal.

Determination of the application therefore falls out with the scheme of delegation.

## **CONSULTATIONS**

**ACC - Roads Development Management Team** – the applicant has provided data highlighting that the adjacent shopping centre has a sufficient amount of available parking to cater for this proposed use – both general and accessible parking. Also note that the small section of parking to the rear of the building which necessitated a slip road of its own is to be removed, with this area being repurposed as additional footway / shared space for all users. This is acceptable as there is a presumption against city centre parking, and it will improve pedestrian flow around the building, and may open up the opportunity to further enhance this space. Also note that the specifics of the layout of this additional area should be conditioned – at current it is shown as remaining as a road which is separated by bollards, however a more robust solution would be to reinstate a full height footway here to match the surroundings.

The site is well serviced by bus stops, is ~800m from the bus station / rail station / ferry terminal.

Note that the applicant is proposing to provide cycle lockers for public and staff use, in addition 2 banks of 5 cycle racks are to be provided adjacent to the accessible parking. Note that if these are for staff only, this is an acceptable location, however the bank of parking for visitors should also be covered to be classed as long stay. Further clarification can be controlled via condition.

In terms of waste collection, the applicant is proposing to dispose of waste via the servicing area to the east of the building as is the current methodology. Refuse is noted as being stored within the building, with refuse uplift occurring during the day from the service yard. The bin store and service yard are shown on the ground floor plan and are acceptable. No swept path analysis has been provided, however it is assumed that if this was the existing collection methodology then it will remain acceptable, and the refuse team have not commented negatively in this regard.

Confirmed no objection to the application in principle. Their response will be discussed in greater detail in the below evaluation.

**ACC - Environmental Health** – note that the Odour Impact Assessment indicates a “high” level of odour control, with a suitable system required. They are satisfied that a detailed specification for the Local Extract Ventilation (LEV) system could be secured via planning condition. Also recommend the insertion of an advisory note requiring the submission of an Odour Management Plan.

In terms of noise control, they consider the NIA to be appropriate and the development to be acceptable provided the implementation measures (discussed further in the below evaluation) are installed.

**ACC - Waste and Recycling** – have advised of the general waste arrangements for the proposed development.

**ACC - City Growth** – no response received.

**ACC - Developer Obligations** – an assessment was undertaken, where it was concluded that no contributions were required to the core path network and open space, due to the site's location within the city centre.

**Disability Equity Partnership** – provided some general guidance and advice on the proposals from a disability access perspective. Their response will be discussed in greater detail in the below evaluation.

**George Street Community Council** – no response received.

## **REPRESENTATIONS**

62 representations have been received (52 objections, eight in support and two neutral comments). The two neutral comments raised matters in support and also objection and have been summarised in the two sections below. The matters raised can be summarised as follows –

### **Material Considerations Raised**

#### **Support**

1. The proposals would be a positive for Aberdeen and would increase vibrancy in the city centre (and George Street in particular), with the proposed uses not found within a city centre location;
2. The proposals would bring a vacant building back into use and would help to enhance the attraction of the Bon Accord Centre;
3. The proposal already has sufficient parking, waste and other facilities;
4. The proposal would create a number of jobs.

#### **Objection**

5. The negative impacts that the proposals would have on the city centre and that the proposed development would not regenerate the city centre;
6. Lack of parking for the proposed facility and the knock on impact that the development would have on existing parking facilities in the surrounding area;
7. The site will be difficult to access given its location in the city centre, the bus gates and low emissions zone along with potential traffic congestion issues; in addition concerns about the proposed hours of operation;
8. The proposals are not a suitable use for the building, and other uses should be considered such as continued retail use/ a mixture of uses similar to the under construction “Flint” building;
9. Noise impacts as a result of the proposed development, and the impact that this would have on surrounding properties and uses in the area. Concerns were also raised in relation to an increase in air pollution;
10. Impacts on the surrounding environment and pedestrian experiences and safety impacts given the potential for accidents;
11. That a lack of information, such as transport considerations and noise and odour have not been submitted in support of the application.

### **Non-Material Considerations Raised**

12. The detrimental impact on existing karting business in Aberdeen (at Codona’s and Bridge of Don), whether there is a need for a karting facility in the city centre and the business not being local to Aberdeen, whereas the existing facilities are operated by local businesses;
13. The proposal will result in an increase in anti-social behaviour and the location of the facility on George Street not being a pleasant environment for proposed users/ families;

## **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 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 21: Play, Recreation and Sport
- Policy 27: City, Town, Local and Commercial Centres
- Policy 30: Tourism

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

- Policy WB1: Healthy Developments
- Policy WB2: Air Quality
- Policy WB3: Noise
- Policy D1: Quality Placemaking
- Policy R5: Waste Management Requirements for New Development
- Policy VC1: Vibrant City
- Policy VC2: Tourism and Culture
- Policy VC4: City Centre and Retail Core
- Policy T2: Sustainable Transport
- Policy T3: Parking

### **Aberdeen Planning Guidance**

- Noise
- Hierarchy of Centres
- Harmony of Uses
- Transport & Accessibility
- Waste Management Requirements for New Developments

### **Other Material Considerations**

- George Street Mini-Masterplan
- City Centre Masterplan

## **EVALUATION**

### **Principle of Development**

Policy VC1 (Vibrant City) of the ALDP states that: *“proposals for new development, or expansion of existing activities, in the city centre, which support its vibrancy and vitality throughout the day and/or into the evening will be supported in principle. Proposals will contribute towards the wider aims of the City Centre Masterplan and its vision for the city centre. The applicant/agent must demonstrate that any adverse impacts can be mitigated and, where applicable, that suitable residential amenity is achieved or maintained. Proposals will be considered in relation to their locality and context within the city centre.”* Similar guidance is provided by Policy 27 (City, town, local and commercial centres) of NPF4.

The Harmony of Uses Aberdeen Planning Guidance also notes that *“the protection of the living conditions of residents in close proximity to any proposed amusement centres, amusement arcades will form a major consideration in assessing applications of this nature. These uses can generate unacceptable levels of noise, vibration, odours, traffic disturbance and litter. It is therefore important that such uses are controlled or restricted to protect residential amenity.”*

In terms of the above, the proposal relates to the conversion of a vacant building to assembly and leisure use, with additional karting facilities and ancillary uses such as food and drink. The proposal would see visitors to the premises which in turn would enhance the attraction of the city centre and increase its vitality and vibrancy during the day and in the evening by a variety of ages and groups. The applicant has also demonstrated through the submission of a Noise and Odour Impact Assessment (as discussed further below) that though appropriate mitigation the proposed uses would have no adverse impact on surrounding amenity (*Issues 8-10*). The proposals are therefore fully compliant with the aims and aspirations of both Policy VC1 of the ALDP, the City Centre Masterplan, Policy 27 of NPF4 and with the Aberdeen Planning Guidance: Harmony of Uses and Hierarchy of Centres.

Policy VC2 (Tourism and Culture) states that: *“proposals for new, or expansion of existing, visitor attractions and facilities capable of strengthening the appeal and attraction of Aberdeen to a wide range of visitors will be supported. Proposals should complement existing visitor facilities and be sequentially located in the city centre, or on a site allocated for that use in this Plan, unless activity and locality specific issues demonstrate that this is impracticable.”* Whilst more generic in its wording, Policy 30 (Tourism) of NPF4 provides similar guidance and mentions issues such as contributions to the local economy, impacts on the surrounding area, transport impacts, accessibility for disabled people and measures to reduce carbon emissions.

In terms of the above, the proposals would provide a facility that would enhance the attraction of Aberdeen city centre and potentially encourage additional visitors to the area. The proposed facility would be located within the city centre, where such uses are encouraged and anticipated to enhance the local economy by bring a vacant building back into use, would not have an adverse impact on amenity (as discussed elsewhere), would have no adverse transport impacts (as discussed elsewhere), and would provide a degree of access for disabled users. The proposals would comply with Policy VC2 of the ALDP and Policy 30 of NPF4.

The site is zoned in the ALDP under Policy VC4 (City Centre and Retail Core) which states that: *“development within the city centre must contribute towards the vision for the city centre as a major regional centre as expressed in the City Centre Masterplan and that the city centre the*

*preferred location for all retail, office, hotel, commercial leisure, community, cultural and other significant footfall generating development serving a city-wide or regional market.”*

The above policy, amongst other things notes that the city centre is the preferred location for commercial leisure uses and footfall generating development. The proposed use would constitute both and is therefore appropriately located within the city centre. The use would therefore comply with Policy VC4 of the ALDP.

In addition to the above, the George Street Mini-Masterplan, whilst not formally adopted, seeks to retain the current building (Norco House) and support its conversion to a mixed use leisure and cultural destination for the area and wider city. Whilst this document explores a number of different uses for the building and looks at various aspects such as demolition and rebuilt, the re-use of the building and the variety of differing uses and facilities proposed are considered to comply with the aims and objectives of this document in principle.

Policy 9 (Brownfield, vacant and derelict land and empty buildings) of NPF4 states that: *“development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported.”*

The building has been vacant since June 2023 when it ceased its temporary use as a COVID vaccination centre, whilst the consented retail operations ceased on site in 2021. The proposals, which are for a mixed use development primarily for assembly and leisure and karting purposes would see a large city centre building brought back into use and would therefore comply with the aims and aspirations of Policy 9 of NPF4.

Policy 21 (Play, Recreation and Sport) of NPF4 is of relevance and advises that *“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.”* In addition, Policy WB1 (Healthy Developments) of the ALDP advises that *“developments are required to provide healthy environments, reduce environmental stresses, facilitate physical activity and promote physical and mental wellbeing”*.

The provision of such a facility would likely improve the health and wellbeing of the proposed users to some extent by encouraging a new recreational activity (although noted not specifically for exercise) and promote physical and mental wellbeing. The proposals would therefore comply with the provisions of Policy 21 of NPF4 and Policy WB1 of the ALDP.

## **Layout, Siting and Design**

Policy 14 (Design, quality and place) of NPF4) and Policy D1 (Quality Placemaking) of the ALDP both seek to ensure that all development is of a high quality design and appropriate for its context.

The majority of the alterations to the building are to be internal, but the proposals do involve the addition of a single storey extension on the western elevation of the building to provide a new, clearly identifiable access to the building. The extension has been altered since the original submission to reduce its overall projection to around 4.1m and its design amended to provide a light touch, but “statement” entrance to the building. The proposal involves a glazed box area surrounded by rainscreen metal cladding and a standing seam metal roof, sited in front of the 1980s extension part of the building. This would provide an additional 43.5m<sup>2</sup> of floor area and a clearly identifiable entrance for the new facility. A condition is to be added to the consent seeking finalised details of the colour of the metal cladding. The works are considered to be acceptable for their context and would have no significant adverse impact on the character or amenity of the

surrounding area. There would be no conflict with either Policy 14 of NPF4 or with Policy D1 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 Harmony of Uses Aberdeen Planning Guidance also notes that *“noise and vibrations generated from cooking and essential extraction equipment in hot food shops and noise generated from music in liquor licensed premises and in amusement centres, amusement arcades or casinos, along with increased levels of customer movement, can cause disturbance to residents Applications within close proximity to residential units will be refused where it is considered that there may be significant adverse impacts on residential amenity in terms of noise, vibration, odours, traffic disturbance, litter or hours of operation as a result of the proposed premises”.*

A number of objections to the application raised concerns in relation to noise and air quality and as a result a Noise and Odour Impact Assessment was submitted in support of the application (Issue 9). In terms of noise impacts this suggested a number of mitigatory measures for the proposed uses including the electric vehicle karting facilities:

- The external walls and roof shall achieve an overall sound reduction index of at least 54 decibels with the following:
  1. The existing wall and roof constructions should be confirmed during the fit-out phase to verify that they achieve this standard.
  2. Windows requiring additional sound insulation as detailed in Section 4.11 of the Noise and Odour Impact Assessment: *“windows backed with metal stud partition of nominal width 300 mm, two frames of minimum 60 mm metal “I” studs at 600 mm centres, minimum cavity width 240 mm, 100 mm mineral wool insulation, double layer of 15 mm plasterboard each side, minimum plasterboard density 25 kg/m2 each side” (or equivalent).*”
  3. Any gaps or holes in the facade must be sealed with materials having a sound reduction index of at least 54 decibels;
  4. Sound insulation (with a sound reduction index of at least 54 decibels) will require to be installed within the two central risers.
- The front entrance shall retain a double door entry system to minimise noise break-out;
- The ground level shall have an installed floor design that reduces noise and vibration from the bowling alleys;
- The air conditioning plant and kitchen extraction systems (end termination points and air intake) shall be located as detailed in Section 3.3, with nominal maximum sound power levels not exceeding those detailed in Section 6.2.1 of the report; and
- The kitchen extraction system installer shall ensure that all necessary measures are taken to reduce the effects of vibration on the internal and external building structure using various anti-vibration methods (e.g. pads/mats/mounts and flexible hose connections).

The report was accepted by colleagues in Environmental Health and a condition can be added to the consent ensuring that the development is undertaken in accordance with the recommendations of the assessment, and evidence of this provided. This would help ensure that any noise from the development is kept to a minimum and in turn ensure that the proposed development would have no adverse impacts on residential amenity. Provided the Noise and

Odour Impact Assessment is complied with, the proposed development would comply with Policy WB3 of the ALDP and with the Harmony of Uses Aberdeen Planning Guidance.

## **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”*

In terms of the above, an odour impact assessment (*Issue 9*) was submitted and reviewed by colleagues in Environmental Health, which noted that a high level of odour control would be required including carbon filtration. The applicant has proposed the insertion of a planning condition for the kitchen extraction systems similar to this condition, *“Class 3 (food and drink) use hereby approved shall not occur unless a detailed specification in line with the Noise and Odour Impact Assessment report for the local extract ventilation (LEV) systems has been submitted to and approved in writing by the planning authority. The LEV systems shall be installed according to the approved specification, and evidence of its installation has been submitted to, and confirmed in writing by the planning authority. The specifications of the LEV system shall meet the requirements for a 'high-level of odour control' as detailed in the EMAQ guide on 'The Control of Odour and Noise from Commercial Kitchen Exhaust Systems.’”*

This Service considers the odour assessment to be reasonable and we are satisfied that a detailed specification for the Local Extract Ventilation (LEV) system could be secured by planning condition. This would help to ensure that the proposed use (primarily the ancillary food and drink elements) would be appropriately vented and to ensure that the proposals would have no adverse impact on residential amenity.

They have also requested the submission of an Odour Management Plan (as an advisory) to reduce risk of malodour and statutory nuisance going forward.

The above is considered reasonable and acceptable to colleagues in Environmental Health and it has been adequately demonstrated that the proposals would have no adverse impact on amenity (subject to appropriate information being submitted via condition). The proposals would therefore comply with Policy WB2 in principle.

## **Transport and Accessibility**

Policy T2 (Sustainable Transport) of the ALDP 2023 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.

The proposal has been subject to consultation with colleagues in Roads Development Management, who have reviewed the submitted information and note that in terms of waste collection, the applicant is proposing to dispose of waste via the servicing area to the east of the building as is the current arrangement. Refuse is noted as being stored within the building, with refuse uplift occurring during the day from the service yard. The bin store and service yard are

shown on the ground floor plan and are acceptable. No swept path analysis has been provided, however as the applicants are proposing to use the existing collection methodology then it will remain acceptable, and the refuse team have not commented negatively in this regard (as discussed further below).

In addition, and in terms of parking, the applicant has submitted further supporting data highlighting that the adjacent Bon Accord shopping centre (which is in the control of the applicant) has a sufficient amount of available parking with 366 spaces including 16 disabled bays and 24 parent and child parking spaces in the Harriet Street car park and 847 spaces including 42 disabled bays and 36 parent and child spaces in the Loch Street car park. An occupancy survey undertaken between the 17<sup>th</sup> April 2025 and 24<sup>th</sup> April 2025 showed that the car park was at between 16.7% and 28.3% capacity. These figures have been noted and demonstrate that the adjacent parking facilities, which are in the control of the applicant are sufficient to cater for this proposed use – both general and accessible parking and this will cater for the loss of parking on the roof of the building (*Issue 6*).

They also note that small section of parking to the rear of the building adjacent to Loch Street which necessitated a slip road of its own is to be removed, with this area being repurposed as additional footway / shared space for all users (to allow for biodiversity enhancements discussed below. RDM colleagues consider this to be acceptable as they note that there is a presumption against city centre parking, and the works would improve pedestrian flow around the building. They also noted that there is sufficient parking, including disabled parking, in the surrounding area to mitigate against the loss of provision. They have requested that the specifics of the layout of this additional area should be conditioned – at current it is shown as remaining as a road which is separated by bollards, however a more robust solution would be to reinstate a full height footway here to match the surroundings. The anticipation is that an element of landscaping would be provided within this area and it would be closed off for vehicles.

The site is within the city centre and is well serviced by bus stops (in close proximity to the site), and is easily accessible, being within ~800m from the bus station / rail station / ferry terminal. They have also provided comments in terms of cycle parking, with 10 cycle parking spaces indicated in the supporting statement and controlled via a planning condition.

The proposals are accepted by colleagues in Roads Development Management, with further detail to be controlled via appropriate planning conditions. The proposal would be in general compliance with Policies T2 and T3 of the ALDP and with Policy 13 of NPF4.

## **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.”*

With regards to the above, the proposal sets out that the existing serving area to the rear of the premises and accessed from Loch Street would be utilised for waste storage and collection. Colleagues in Waste Management were consulted on the proposals and raised no objections to the development, confirming general waste management requirements for the development. The waste arrangements are also expected to be to a lesser extent / pick up rate than the previous retail use of the site. The proposals would be in accordance with Policy 12 of NPF4 and Policy R5 of the ALDP.

## Natural Heritage/ Biodiversity Enhancements

Policy NE3 (Natural Heritage) of the ALDP advises that, among other things “*development should not have a detrimental effect (directly or indirectly) on its own or in combination with other proposals on sites, habitats, ecosystems or species of regional or local nature conservation value.*” Policy 1 (Tackling the Climate and Nature Crises) of NPF4 requires significant weight to be given to the global climate and nature crises in the consideration of all development proposals. Policy 2 (Climate mitigation and adaptation) of NPF4 requires development proposals to be designed and sited to minimise lifecycle greenhouse gas emissions as far as possible, and to adapt to current and future risks from climate change. Policy 3 (Biodiversity) of NPF4 requires proposals for local development to include measures to conserve, restore and enhance biodiversity, proportionate to the nature and scale of development.

In terms of the above, the proposals for a change of use of an existing building with some minor external alterations to the building is sufficiently small scale that it would not make any material difference to the global climate and nature crises nor to climate mitigation or adaptation. The proposal does include the removal of two semi-mature non-native trees on the western boundary of the site and a number of planters have been proposed as a mitigation measure on the eastern boundary of the site (in place of the existing car park). These small scale alterations are considered to be appropriate and finalised details are to be agreed via planning condition. The proposals are therefore considered compliant with Policies 1 and 2 of NPF4. Similarly, the proposed development would be small-scale and does not offer significant opportunity for any biodiversity gain (other than that discussed above) and the proposals are thus considered to be acceptable, despite some minor tension with Policy 3 of NPF4.

## Disability Equity Partnership

The Disability Equity Partnership, as a consultee on the application, made a number of comments on the content of the application. Concerns were expressed over the use of dark cladding inside the building and the impacts this would have on those with limited vision and have suggested contrasting colours to indicate walls, doors and columns etc. Whilst this is not a matter that can be controlled by the Planning Service, the comments have been passed on to the agent.

DEP also made comment on accessibility for wheelchair users in that the door, and lifts should allow access to all floors. The comments raised have also been passed on to the developer. Accessible toilets will also be required. Comments were also made in relation to petrol fumes, but this is not relevant given the use of electric karts (and consent would be required if it were ever to be karting for petrol vehicles). They were generally supportive of the scheme and willing to work with the developer on these aspects.

## Matters Raised in Representation

### Support

1. The proposals would be a positive for Aberdeen and would increase vibrancy in the city centre (and George Street in particular), with the proposed uses not found within a city centre location. *Response: issue discussed above – principle of development.*
2. The proposals would bring a vacant building back into use and would help to enhance the attraction of the Bon Accord Centre. *Response: issue discussed above – principle of development.*
3. The proposal already has sufficient parking, waste and other facilities. *Response: issue discussed above – transportation.*

4. The proposal would create a number of jobs. *Response: comment noted.*

### Objection

5. The impacts that the proposals would have on the city centre and that the proposed development would not regenerate the city centre. *Response: issue discussed above – principle of development. The proposals will in some way help to re-generate the city centre by bringing a vacant building back into use.*
6. Lack of parking for the proposed facility and the knock on impact that the development would have on existing parking facilities in the surrounding area. *Response: issue discussed above – transportation.*
7. The site will be difficult to access given its location in the city centre, the bus gates and low emissions zone along with potential traffic congestion issues in addition concerns about the proposed hours of operation. *Response: issue discussed above – transportation. No concerns have been received from consultees in relation to the hours of operation and these would be controlled via separate licensing legislation. If members were concerned in respect of this issue then a further condition could be added.*
8. The proposals are not a suitable use for the building, and other uses should be considered such as continued retail use/ a mixture of uses similar to the under construction “Flint” building. *Response: issue discussed above – principle of development. Whilst alternative suggestions were included in the George Street mini masterplan, the Planning Authority has to consider the development proposed through the current application and the proposals are considered to be acceptable.*
9. Noise impacts as a result of the proposed development, and the impact that this would have on surrounding properties and uses in the area. Concerns were also raised in relation to an increase in air pollution. *Response: issue discussed above – noise and air quality.*
10. Impacts on the surrounding environment and pedestrian experiences and safety impacts given the potential for accidents. *Response: issue discussed above – transportation. The proposed uses will not impact on pedestrian safety or experience to an unacceptable degree.*
11. That a lack of information, such as transport considerations and noise and odour have not been submitted in support of the application. *Response: the required additional information was submitted and considered acceptable to allow for determination of the application.*

### Non-Material Matters

12. The impact on existing karting business in Aberdeen (at Codona’s and Bridge of Don), the need for a karting facility in the city centre and the business not being local to Aberdeen, whereas the existing facilities are operated by local businesses. *Response: issue discussed above – principle of development. In addition, it is noted that competition between businesses is not a material planning consideration.*
13. The proposal will result in an increase in anti-social behaviour and the location of the facility on George Street not being a pleasant environment for proposed users/ families. *Reason: there is no reason to suggest that the above will occur. The provision of such a facility will enhance the surrounding area and if anti-social behaviour were to occur then this would be dealt with by the appropriate body, such as Police Scotland.*

### RECOMMENDATION

Approve Conditionally

## **REASON FOR RECOMMENDATION**

The proposal would support the vibrancy and vitality of the city centre, support the aims of the City Centre Masterplan and subject to appropriate conditions would have no adverse impact on surrounding amenity and would provide a footfall generating commercial leisure development in the city centre, in accordance with Policy 27 (City, town, local and commercial centres) of National Planning Framework 4 and Policies VC1 (Vibrant City) and VC4 (City Centre and Retail Core) of the Aberdeen Local Development Plan.

The proposal would provide a new visitor attraction, enhancing the attractiveness of Aberdeen and is appropriately sited within the City Centre. The proposals would enhance the local economy, would have no adverse impact on amenity and would have acceptable transport impacts, in accordance with Policy 30 (Tourism) of NPF4 and with Policy VC2 (Tourism and Culture) of the ALDP.

The proposals would see the re-use of a vacant building, in accordance with Policy 9 (Brownfield, vacant and derelict land and empty buildings) of NPF4 and would support health and wellbeing, providing physical activities in accordance with Policy 21 (Play, Recreation and Sport) of NPF4 and Policy WB1 (Healthy Developments) of the ALDP.

The proposed external alterations have been designed with due consideration for their context and would have no adverse impact on the character or amenity of the surrounding area, in accordance with Policy 14 (Design, quality and place) of NPF4 and Policy D1 (Quality Placemaking) of the ALDP.

A Noise and Odour Impact Assessment has also confirmed that, subject to the implementation of mitigation measures, the proposals would have no adverse impact on the character or amenity of properties in the surrounding area in accordance with Policies WB2 (Air Quality) and WB3 (Noise) of the ALDP.

The site is accessible nature of the site and the information submitted in support of the application demonstrates that there would be sufficient parking available in car parks in close proximity to the site and under the applicant's control. Appropriate levels of cycle parking and waste facilities would also be provided, in accordance with Policies 12 (Zero Waste) and 13 (Sustainable Transport) of NPF4 and with Policies T2: Sustainable Transport, T3: Parking and R5: Waste Management Requirements for New Development of the ALDP.

The proposal does include the removal of two semi-mature non-native trees on the western boundary of the site and a number of planters are proposed as a mitigation measure on the eastern boundary of the site (in place of the existing car park). These small scale alterations are considered to be appropriate. The proposals are therefore considered compliant with Policies 1 (Tackling the Climate and Nature Crises) and 2 (Climate Mitigation and Adaptation) of NPF4. Similarly, the proposed development would be small-scale and does not offer significant opportunity for any biodiversity gain (other than that discussed above) and the proposals are thus considered to be acceptable, despite some minor tension with Policy 3 (Biodiversity) of NPF4.

## **CONDITIONS**

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

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

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

## (02) RESTRICTION ON USE CLASSES

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 or the Town and Country Planning (Use Classes) (Scotland) Order 1997 or any order amending, revoking or re-enacting these Orders, the premises hereby granted for Class 11 (Assembly and Leisure) shall not be used for any of the following uses that fall within Class 11:

- Cinemas
- Concert halls
- Bingo halls
- Casinos
- Dance halls
- Discotheques
- Skating rinks
- Swimming baths
- Gymnasiums

without the express grant of planning permission from the planning authority.

Reason: To enable the planning authority to consider the impact of any other uses within Class 11 on the site and surrounding area.

## (03) NOISE IMPACT ASSESSMENT COMPLIANCE

The development hereby approved shall not be occupied unless the noise mitigation measures and recommendations set out in the approved Noise Impact Assessment (Ref: TTG 160225 REVISION 3 – Grosle Environmental Services – 29<sup>th</sup> April 2025) or other measures achieving at least an equivalent effect as may be agreed in writing with the Planning Authority, have been implemented in full and suitable evidence provided to the Planning Authority that these works have been installed and implemented. For avoidance of doubt, the mitigation measures shall include, but are not limited to:

- The external walls and roof shall achieve an overall sound reduction index of at least 54 decibels
  - With the existing wall and roof constructions should be confirmed during the fit-out phase to verify that they achieve this standard.
  - The windows requiring additional sound insulation as detailed in Section 4.11 of the Noise and Odour Impact Assessment: *“windows backed with metal stud partition of nominal width 300 mm, two frames of minimum 60 mm metal “I” studs at 600 mm centres, minimum cavity width 240 mm, 100 mm mineral wool insulation, double layer of 15 mm plasterboard each side, minimum plasterboard density 25 kg/m<sup>2</sup> each side” (or equivalent).”*
  - Any gaps or holes in the facade must be sealed with materials having a sound reduction index of at least 54 decibels.
  - Sound insulation (with a sound reduction index of at least 54 decibels) will require to be installed within the two central risers.
- The front entrance shall retain a double door entry system to minimise noise break-out.

- The ground level shall have an installed floor design that reduces noise and vibration from the bowling alleys.
- The air condition plant and kitchen extraction systems (end termination points and air intake) shall be located as detailed in Section 3.3, with nominal maximum sound power levels not exceeding those detailed in Section 6.2.1 of the report; and
- The kitchen extraction system installer shall ensure that all necessary measures are taken to reduce the effects of vibration on the internal and external building structure using various anti-vibration methods (e.g. pads/mats/mounts and flexible hose connections).

Reason: To protect residents from external sources of noise and in the interests of amenity.

#### (04) ODOUR CONTROLS

That no Class 3 (food and drink) elements hereby approved shall occur unless a detailed specification in line with the Noise and Odour Impact Assessment report for the local extract ventilation (LEV) systems has been submitted to and approved in writing by the planning authority in consultation with Environmental Health. The LEV systems shall be installed according to the approved specification, and evidence of its installation shall be submitted to, and confirmed in writing by the planning authority. The specifications of the LEV system shall meet the requirements for a 'high-level of odour control' as detailed in the EMAQ guide on 'The Control of Odour and Noise from Commercial Kitchen Exhaust Systems.

Reason: To protect residents from external sources of odour and in the interests of amenity.

#### (05) LANDSCAPING

That no works in connection with the development hereby approved shall take place unless a scheme of landscaping works has been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include the location of new trees and planters and a programme for the completion and subsequent maintenance of the proposed landscaping and a scheme for the closing off of the existing vehicular parking area.

All 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.

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.

#### (06) MATERIALS

That no development shall take place unless a scheme detailing all external finishing materials to the extension of the building hereby approved has been submitted to, and approved in writing by, the planning authority and thereafter the development shall be carried out in accordance with the details so agreed.

Reason - in the interests of visual amenity.

## (07) CYCLE PARKING

That the uses hereby granted planning permission shall be occupied unless a scheme detailing finalised provision of the proposed cycle storage facilities has been submitted to, and approved in writing by the planning authority, and thereafter implemented in full accordance with said scheme.

Reason - in the interests of encouraging more sustainable modes of travel.

### **ADVISORY NOTES FOR APPLICANT**

The operator should establish a written Odour Management Plan, including cleaning and maintenance procedures for the plant (based on extent of use) in accordance with manufacturers guidelines and Noise and Odour Impact report recommendations (Appendix I) to reduce risk of malodour and statutory nuisance going forward.

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	<b>Planning Development Management Committee</b>
	Report by Development Management Manager
	<b>Committee Date: 19<sup>th</sup> June 2025</b>

<b>Site Address:</b>	Attic Floor Left, 4 Watson Street, Aberdeen AB25 2QD
<b>Application Description:</b>	Change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 3 people
<b>Application Ref:</b>	250391/DPP
<b>Application Type</b>	Detailed Planning Permission
<b>Application Date:</b>	24 April 2025
<b>Applicant:</b>	ACN Property Group
<b>Ward:</b>	Mid Stockton/Rosemount
<b>Community Council:</b>	Rosemount and Mile End



## **RECOMMENDATION**

Approve Conditionally

## **APPLICATION BACKGROUND**

### **Site Description**

The application site relates to a two-bedroom top-floor (attic) flat within a 2.5-storey mid-terraced tenement building, located on the east side of Watson Street and within the Rosemount and Westburn Conservation Area. The flat shares a building, front door and stairwell with five other flats which are all understood to be in mainstream residential use. There is a shared garden to the rear which includes a seated area, an extension for individual sheds and an area of drying green. There are two areas of front garden fronting onto Watson Street with a path to the front door between.

### **Relevant Planning History**

None

## **APPLICATION DESCRIPTION**

### **Description of Proposal**

Detailed planning permission is sought for the change of use of the property from a residential flat to Short Term Let (STL) accommodation (both sui generis).

The applicant advises that the maximum occupancy for the two-bedroom STL would be three persons at any one time, with a minimum stay duration of 2 nights. The property would be operated as an STL on a permanent basis. Customers of the property would have access to controlled on-street parking. The property would be cleaned after each visit or twice monthly for longer stays.

### **Amendments**

None.

### **Supporting Documents**

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SUTGECBZI0100>

- STL Checklist

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

The application has been referred to the Planning Development Management Committee because:

- Seven timeous letters of representation containing material planning considerations that express objection or concern to the proposal have been received.

Determination of the application therefore falls outwith the scheme of delegation.

## **CONSULTATIONS**

### **Aberdeen City Council (ACC) Internal Consultees**

- **ACC - Roads Development Management Team** – No objection to the proposal. The site is located in the inner city, and lies in controlled parking zone M. The existing and proposed uses have the same associated parking requirement, therefore shall be no change or detrimental shortfall on parking within the area. As there are existing parking controls in place there is no scope for indiscriminate parking.
- **ACC - Waste and Recycling** – No objection. The proposed development is classified as commercial and will therefore receive a business waste collection. Customers of the STL could continue to utilise existing domestic waste and recycling bins until commercial status can be determined. Further information is included as an advisory note for the applicant to be aware of.

### **External Consultees**

- **Rosemount and Mile End Community Council** – No comments received.

## **REPRESENTATIONS**

Seven representations have been received in objection to the proposal. The matters raised can be summarised as follows.

### **Material Considerations**

1. The area is a relatively quiet residential neighbourhood with a strong and valued sense of community. The negative impact of STLs elsewhere is evident and can lead to fragmenting and subsequent erosion within the community impacting quality of life, character of the neighbourhood and elements which make Rosemount a desirable area to live. Strangers are not socially invested in the neighbourhood. Relationships between residents would be affected by having short term occupants. An area feels safe when you know the people you cross in the street.
2. Increased foot traffic with frequent coming and going of strangers, with a likelihood of increased noise and movement as well as late night disturbances. The flat is at the top of the building, up three flights of stairs and is unsuitable for frequent passage with wheelie luggage, resulting in noise as well as wear and tear of communal areas. This is an older property in which noise travel between properties is exceptionally noticeable, with additional noise created being detrimental to the neighbouring properties.
3. Strangers would be using the rear garden.
4. Concerns for additional strain on communal amenities such as waste and bin control.
5. Shortage of local rental property. Long term tenancy or ownership are better options near hospitals and town centre.
6. Aberdeen already has a number of hotels to suit a variety of budgets with occupancy rates suggesting there is plenty of space for visitors. A search for properties on Airbnb shows 340 properties with availability, demonstrating supply outstripping demand.

## Non-Material Considerations

1. Confusion about the entry system and impacts on security and safety from strangers using the front door key as well as cleaners, with a key safe on the front door not being secure, with it envisaged that occupants will regularly seek entry assistance from residents.

## **MATERIAL CONSIDERATIONS**

### **Legislative Requirements**

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that where making any determination under the planning acts, regard is to be had to the provisions of the Development Plan; and, that any determination shall be made in accordance with the plan, so far as material to the application, unless material considerations indicate otherwise. Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires the planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

### **Development Plan**

#### National Planning Framework 4

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 2 (Climate Mitigation and Adaptation)
- Policy 3 (Biodiversity)
- Policy 12 (Zero Waste)
- Policy 13 (Sustainable Transport)
- Policy 30 (Tourism)

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

- Policy D2 (Amenity)
- Policy H1 (Residential Areas)
- Policy R5 (Waste Management Requirements for New Developments)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)
- Policy VC2 (Tourism and Culture)

### **Aberdeen Planning Guidance**

- Short-term Lets

### **Other National Policy and Guidance**

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

## **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 amenity of the area, including the residential amenity of immediately neighbouring properties.

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

Policy 30 (Tourism), paragraph (e) of National Planning Framework 4 (NPF4) states:

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

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

Policy 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.*

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

The application property is situated within a residential area as zoned in the ALDP Proposals Map, albeit at the edge of the residential area, and is bordered immediately to the south by the Rosemount Town Centre, starting from the neighbouring property (2 Watson Street). Watson Street itself is fairly quiet and residential in character, however, as you get closer to Rosemount Place, the character is that of a busier road, with a mix of shops and businesses along the main street, sitting c. 20m south of the application building. Representations made in objection to the application have noted that the introduction of a short-term let in this location would harm the character of the area and sense of community (*issue 1 in representations*).

The use of the application property as an STL would require access by transient guests and cleaners, presenting an increase in activity and coming and goings, compared to mainstream residential use. Given the small-scale nature of the property, comprising a proposed maximum occupancy of three people at any one time, the use of the property when occupied is not considered to significantly change. In addition, the introduction of this short-term let would not result in a clustering of this type of accommodation in the area and as such, it is considered that the character of the area would be preserved.

In terms of impacts on amenity, the property shares a communal entrance, stairwell and rear garden with five other properties, which are understood to be in mainstream residential use. In general, it is considered that the use of properties as STL's within residential flatted buildings could result in increased harm to the amenity of neighbouring properties, beyond that which would

typically be expected from a property in mainstream residential use, particularly due to the following:

- the potential for noise from increased coming and goings via the communal entrance and stairwell due to frequent customer turnovers (check-ins and check-outs) and cleaning between occupancies;
- the potential for noise from customer activities within the property, particularly in the quieter, more sensitive late evening and early morning periods – especially if used as a ‘party flat’;
- the potential for the disturbance of privacy and the perceived impact on safety resulting from the use of communal areas (including gardens) by transient persons unknown to permanent residents.

The application property is located on the top floor and as such, requires guests, as well as cleaners, to ascend the entirety of the communal stairwell for access, passing the other properties in the building. Representations also raised potential additional noise from the movement of luggage up the stairs and that noise within the building is exceptionally noticeable due to it being an older building. Noise transmissions could therefore be heard from movement within the communal hallway as well as from the use of the property, with neighbouring flats sitting below (*issue 2*). However, due to the small-scale use of the property, used by up to three guests at any one time, the noise created from its use is not likely to be beyond what would be expected from permanent residents living in a two-bedroom property. The proposed check in time is from 15:00 and the agent has advised that this would be until 10pm and check out time is before 10:00, using a lockbox to access the key. While the property could be accessed at later times of the day, and due to the nature of the lockbox access, potentially later than the 10pm limit, it is likely that check in and out would be during less sensitive times of day when residents are more likely to be out of the building and as such, the noise from the movement of luggage and check in and out would likely not be significantly experienced by neighbouring residents. Although the building is of an older construction and could exacerbate noise, the stairs within this building are carpeted, dampening some of the sound from the use of the stairwell. The proposed STL is a 45sqm two-bedroom flat with a stated maximum occupancy of three people. It is thus unlikely that the flat would be used for the hosting of parties or other events of an anti-social nature that could harm the amenity of neighbouring properties in terms of noise from activities within the property during the more sensitive late night and early morning periods. Such activities could nevertheless take place in the property if operated as mainstream residential accommodation. The proposal is therefore not considered to present significant harm to the amenity of the existing building for the neighbouring residents given that it would be used in a similar way to how it would as a permanent residence.

The rear garden is accessed via the shared hallway at ground floor level. Upon conducting a site visit, the garden was notably well maintained, with defined areas of planting, an area of grass mostly used for drying clothes and a small section of hardstanding in the corner of the garden, with a table and a couple of chairs. As such, the layout of the rear garden could be used for sitting out in for prolonged periods of time, enjoyed by both existing residents and potential future guests to the short-term let. Given the existing nature of the garden, shared by six flats, the presence of three transient guests would not significantly harm the existing level of privacy afforded to this rear garden or the enjoyment of its use. The existing layout of the chairs and table, and limited open grass area suggests it is typically used by a small group at one time at present and this would continue to be the case. In any case, it is not anticipated that customers staying at the property on a short-term basis would be likely to use the garden area for any significant periods of time, if at all, particularly if the property is used by tourists or business travellers, who would be more likely to be out sightseeing or working during the day. The site also lies 200m from Victoria Park and 400m from Westburn Park, that may be more attractive to visitors.

It is therefore considered that the impacts on amenity from the use of the property as an STL could most likely arise from the increased probability of noise emissions affecting the occupants of the other flats from arrivals and departures by customers, via noise transmission from the communal hallway, and to the impact on safety and security (either actual or perceived) from the use of the communal areas by transient non-residents. However, given the nature of the application property (with a maximum of three customers when in use and periods of time when the property will likely not be in use), and the number of other properties in the building, combined with the context of the surrounding area, would be sufficient to ensure that its use as an STL would not, in itself, cause any significant harm to the amenity of the neighbouring mainstream residential properties within the building, beyond the impacts to amenity which could occur if the property were to remain in mainstream residential use. Although a reduction in safety and security for the permanent residents in the building resulting from the use of the property as an STL could occur, it is considered that any such reduction would be relatively minor and mitigated by appropriate management of the property – ensuring that the risk of actual harm to safety and security would be low.

It is therefore considered that the use of the property as an STL, with a maximum occupancy of three people would not cause significant harm to either the character or amenity of the area, in accordance with Policy 30(e)(i) of NPF4 and Policy H1 of the ALDP.

#### Provision of Short Term Let tourist accommodation and local economic benefits

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

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

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

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

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

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

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

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

Given that the proposal would comprise a tourism facility that would not be in the city centre, the proposal would have tensions with Policy VC2 (Tourism and Culture) of the ALDP. In assessing the magnitude of this tension, it is noted that the application site is c. 600m from the city centre boundary, via a route through Rosemount Town Centre and Neighbourhood Centre. As such, it is within a less than 5 minute walk to the main businesses and amenities in the city centre and 10 minutes to Union Street and the main city centre. It is also within close walking distance to numerous local shops and businesses on Rosemount Place which can be expected to be used by guests, supporting this local town centre. In addition, the site is within a 15 minute walk to Aberdeen Royal Infirmary and could be utilised as suitable accommodation for users and visitors to the hospital, including for guests to the teaching hospital. It is therefore considered that the use of the property as an STL is generally compliant with Policy VC2 of the ALDP.

### Housing

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

The Aberdeen City Council Communities, Housing and Public Protection Committee declared a housing emergency in Aberdeen on 5 September 2024, with an action instructed to commit to the creation of a Housing Emergency Action Plan to develop solutions to resolve it. To date, there has been no revision to the Short-Term Lets Aberdeen Planning Guidance following this declaration. There is no guidance within the declaration itself regarding its application in relation to the change of use of existing mainstream residential properties to STLs, nor has any been any issued at the time of writing. Furthermore, there is no guidance regarding if the forthcoming action plan would have any implications on such proposals. Because of this, at the time of the determination of this application, minimal weight can be placed on the declaration relative to the other material planning considerations, notably the Development Plan and the adopted Aberdeen Planning Guidance.

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

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

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

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

The grant of planning permission for the use of the property as an STL on a permanent basis would result in the permanent loss of residential accommodation in a sustainable location. As such, it is considered necessary in this instance to recommend the grant of planning permission for a time-limited period of five years, which is the time period between the publication of Housing Need and Demand Assessments:

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

## **Transport & Accessibility**

Policy 13 (Sustainable Transport) on NPF4 and Policy T2 (Sustainable Transport) of the ALDP all promote and encourage the use of sustainable and active modes of travel where possible, as opposed to private vehicle trips. Policy T3 (Parking) of the ALDP is supportive of low or no car development in suitable locations where there is adequate access to active travel and public transport options.

The application property is situated 600m outside of the city centre boundary as defined in the ALDP Proposals Map. It is therefore within walking distance to the city centre's main businesses and amenities, as well as closer local businesses within Rosemount. Controlled on-street car parking would be available for use by customers of the STL and it is considered that the STL would likely generate a similar level of car parking demand as if the property were to remain / revert to mainstream residential use. Nevertheless it is anticipated that the majority of customers staying at the property on a short-term basis would likely be tourists or business travellers, the majority of whom could reasonably be expected to arrive in the city by plane, train or bus and access the property sustainably, not generating any traffic or requiring any car parking. The proposals are therefore compliant with Policies 13 of NPF4 and T2 and T3 of the ALDP.

## **Waste Management**

Policy 12 (Zero Waste) of NPF4 and Policy R5 (Waste Management Requirements for New Development) of the ALDP both require developments that generate waste and/or recyclables to have sufficient space for the appropriate storage and subsequent collection of that waste and recyclable materials.

The applicant has advised that the property will have a commercial waste management agreement in place for the collection of waste generated by the customers of the STL. Although the property would be a business and would therefore not pay Council Tax, customers of the STL would be able to utilise existing domestic general waste and mixed recycling bins situated on the site. Should the applicant wish to utilise the existing communal domestic bins then the Council's Waste & Recycling Service have advised that the property could utilise the existing, subject to the applicant paying a financial contribution towards the collection of the waste, via a business waste contract with the Council, in lieu of not paying Council Tax. Therefore waste and recyclables generated by the customers of the property can be adequately stored and collected and an

advisory note is recommended for the applicant to be aware of in relation to entering into the required business waste contract with the Council. The proposals are therefore acceptable in accordance with Policies 12 of NPF4 and R5 of the ALDP.

### **Tackling the Climate and Nature Crises, Climate mitigation and Biodiversity**

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

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

### **Matters raised in representations**

Matters 1 and 2 have been considered within the foregoing report.

#### *3. Strangers would be using the rear garden.*

The impact of safety and security (actual and perceived) has been assessed earlier in the report. It is generally anticipated that due to the visiting nature of guests, the rear garden is likely to not be regularly used as they would typically be out during the day. However, when it is in use, due to the layout and existing shared nature of the garden, its use by up to three transient guests would not harm the enjoyment of this shared garden.

#### *4. Concerns for additional strain on communal amenities such as waste and bin control.*

The attached advisory note outlines the requirement for a contract to be entered for the management of business waste.

#### *5. Shortage of local rental property. Long term tenancy or ownership are better options near hospitals and town centre.*

The impact of short-term let accommodation on housing has been assessed in this report which has outlined that the loss of residential accommodation resulting from the use of the property as an STL would not have any significant impact on local housing need provided they align with NPF4 Policy 30 (Tourism) of NPF4. A condition for a time-limited period of five years has been recommended, which is the time period between the publication of Housing Need and Demand Assessments to review the impact this type of accommodation could have on housing. This location would align with NPF4 Policy 30 in that it would sit near to the city centre and the local Rosemount Town Centre, as well as Aberdeen Royal Infirmary, offering suitable accommodation to visitors to these areas.

6. *Aberdeen already has a number of hotels to suit a variety of budgets with occupancy rates suggesting there is plenty of space for visitors. A search for properties on Airbnb shows 340 properties with availability, demonstrating supply outstripping demand.*

The location of the application site is in a suitable location for tourist accommodation, c.600m from the city centre boundary and would align with ALDP Policy VC2 (Tourism and Culture). There is also not considered to be an overprovision or clustering of this type of accommodation in the immediate vicinity and as such, would not restrict the need for other accommodation of this type.

## **ADMINISTRATIVE MATTERS**

None

## **RECOMMENDATION**

Approve Conditionally

## **REASON FOR RECOMMENDATION**

Due to the stated maximum occupancy of three people, the layout of the shared building and the context of the surrounding area, it is considered that its use as Short Term Let (STL) accommodation would not have a significant adverse impact on the character or amenity of the area, nor on the amenity of the immediate neighbouring properties within the application building, beyond what could typically be expected if it were to be used as mainstream residential accommodation, in accordance with Policy H1 (Residential Areas) of the Aberdeen Local Development Plan 2023 (ALDP). The property's use as an STL would likely provide some local economic benefits, potentially to the tourism and hospitality sectors, as it is within walking distance to the city centre through the adjacent Rosemount Town Centre and Neighbourhood Centre as well as Aberdeen Royal Infirmary, without causing any significant harm to local housing need through the loss of residential accommodation, in accordance with Policy 30 (Tourism) of National Planning Framework 4 (NPF4).

The development would provide tourist accommodation within walking distance of the city centre and to the adjacent Rosemount Town and Neighbourhood Centre, in accordance with Policy 13 (Sustainable Transport) of NPF4 and Policy T2 (Sustainable Transport) of the ALDP. The development would have access to controlled on-street parking and be accessible via active and public transport links which is considered acceptable in accordance with Policy T3 (Parking) of the ALDP. The STL would be sited within walking distance of the city centre, and to local shops and amenities in the Rosemount Town Centre and Neighbourhood Centre which would be readily accessible via sustainable and active modes of travel. The site is also close to Aberdeen Royal Infirmary as a potential required accommodation location for visitors to this site. Therefore the proposed development is considered to be acceptable despite some minor tension with Policy VC2 (Tourism) of the ALDP.

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

The proposed development, comprising the change of use of an existing property, with no associated external alterations, is sufficiently small-scale such that it would not make any material difference to the global climate and nature crises nor to climate mitigation and adaptation, nor are there any opportunities to minimise greenhouse gas emissions given the nature of the proposals,

therefore the proposed development is compliant with Policies 1 (Tackling the Climate and Nature Crises) and 2 (Climate Mitigation and Adaptation) of NPF4. There is no opportunity to enhance on-site biodiversity, therefore the proposals are acceptable, despite some minor tension with Policy 3 (Biodiversity) of NPF4.

## **CONDITIONS**

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

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

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

### **(2) TIME LIMIT FOR SHORT-TERM LET USE**

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

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

## **ADVISORY NOTES FOR APPLICANT**

### **(1) COMMERCIAL USE OF COMMUNAL DOMESTIC STREET BINS**

As Short Term Let accommodation comprises a commercial use, business rates are payable by the operator, rather than Council Tax. In the absence of a Council Tax payment which would cover the cost of the collection of waste from the on-street bins, the operator is required to enter into a contract with Aberdeen City Council's Business Waste & Recycling team, to enable the lawful use of the on-street bins by customers of the property, if they haven't done so already.

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

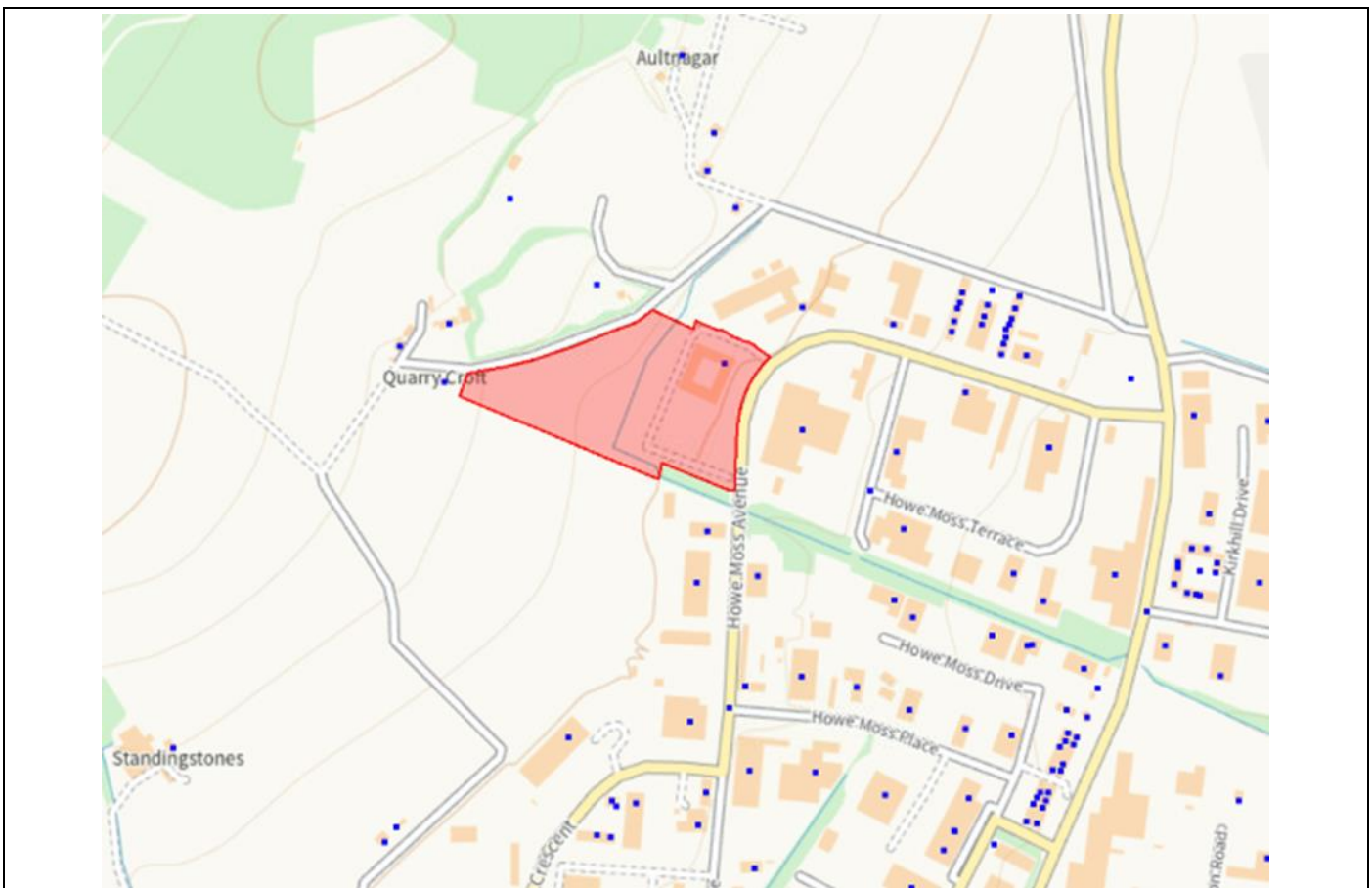
<https://www.aberdeencity.gov.uk/services/bins-waste-and-recycling/business-waste>

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

[businesswaste@aberdeencity.gov.uk](mailto:businesswaste@aberdeencity.gov.uk)

	<b>Planning Development Management Committee</b>
	Report by Development Management Manager
	<b>Committee Date:</b> 19 June 2025

<b>Site Address:</b>	The Quad (formerly Craigievar House), Howe Moss Avenue, Aberdeen AB21 0GP
<b>Application Description:</b>	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
<b>Application Ref:</b>	250108/DPP
<b>Application Type</b>	Detailed Planning Permission
<b>Application Date:</b>	10 February 2025
<b>Applicant:</b>	Arrowmere Capital 2 Ltd
<b>Ward:</b>	Dyce/Bucksburn/Danestone
<b>Community Council:</b>	Dyce and Stoneywood



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## **RECOMMENDATION**

Approve Conditionally

## **APPLICATION BACKGROUND**

### **Site Description**

The application site, which extends to just over 4 hectares, relates to an area of designated business and industrial land on a mixed greenfield/ brownfield site located within and at the north western edge of the Kirkhill Industrial Estate. The eastern part of the site was most recently occupied as an office development with associated parking areas and other ancillary facilities, which has recently been demolished, and the site now having been cleared. The site is relatively flat in nature, with the public road located to the rear of the site (north-west) sitting at a significantly higher level and leading to a small number of residential properties. The surrounding area is mixed in nature and includes offices and business/ industrial units to the north (currently vacant), east and south and with areas of open space to the south. The area of land to the west includes residential properties and areas of land which have been utilised as parking for the airport.

### **Relevant Planning History**

- 240991/PAN – A Proposal of Application Notice for a proposed business and industrial development, comprising c7,500 sqm of class 5 and 6 uses with ancillary class 4 use and associated works was submitted in August 2024. The Planning Authority confirmed that the proposed consultation measures were acceptable on the 27<sup>th</sup> August 2024.

## **APPLICATION DESCRIPTION**

### **Description of Proposal**

The proposal seeks detailed planning permission for a proposed business and industrial development, comprising approximately 7500 square metres of class 5 (General Industry) and class 6 (Storage and Distribution) uses with ancillary class 4 (Business) use, with associated yard areas, boundary treatments, roads, parking, landscaping and other associated works. Six units are proposed in total, set around a central landscaped area. The works can be described in greater detail as follows:

Unit A1/A2: These units would be located to the front (east) of the site and would have a floor area of 929 sqm each (total 1,858sqm). The yard areas would be located to the rear of the buildings and would be accessed from Howe Moss Avenue on the eastern side of the site, using an existing access. The buildings would have a combined overall length of 57m, height of around 13.2m and width of 35.2m. Internally, both buildings would include a warehouse/ workshop area with around 139sqm of office space, that would be sited on the eastern, public side of the building. The building would sit slightly elevated from the road and would include elements of glazing on its eastern and southern/ northern elevations, with roller shutter/ access doors located on the western (rear) elevation. Materials proposed would include metal cladding panels (in a variety of colours). Each building would also have 24 spaces (48 in total) located to the front, which would be accessed from the north.

Unit B: This unit would also front onto Howe Moss Avenue and would have a floor area of 1672sqm. The yard area would be located to the rear and would be accessed from a newly built internal access road to the south. The building would have an overall length of 55.7m, height of 13.2m and width of 35.2m. The building would also sit elevated from the road and would include a warehouse/ workshop area with 250sqm of office space. Materials and design would match Unit A1/A2. The plot would be provided with 39 parking spaces, which would be accessed from the northern access.

Unit C: This building would be located centrally within the site and would have a floor area of 1,207 sqm, with a southern facing principal elevation. The yard area would be located to the side, along with the parking (26 spaces) and would be accessed from the new access road to the south. The building would be approximately 47.2m in length, height of 13m and width of 28.4m. Materials would match all other units. The building would have a warehouse/ workshop area with 185sqm of office space.

Unit D: Would be located to the south of Unit C and would have a floor area of 1,059 sqm with a northern and eastern facing principal elevation. The yard area would be located to the north of the building and parking for 24 vehicles located to the east. The building would have an overall length of approximately 40m, height of 12.8m and width of 27.9m. Materials would match all other units. The building would have a warehouse/ workshop area with 155sqm of office space.

Unit E: Would be located in the westernmost section of the site and would have a floor area of 1,300 sqm with a northern and eastern facing principal elevations containing office and workshop accommodation respectively. Parking for 30 vehicles would be located to the north of the building and the yard area located to the east. The building would have an overall length of approximately 45.5m, height of 12.7m and width of 30.3m. Materials would match all other units. The building would have a warehouse/ workshop area with 195sqm of office space. The building would sit at a lower level, approximately 60m from the boundary of the curtilage of the nearest residential property at Quarry Croft, and 74m from the dwelling.

Other Works: two accesses to the site are proposed, and existing one to the north which would provide vehicular access to Units A1/A2 and B and yard access to Units A1 and A2 and a new southern access which would serve all other units. Various areas of landscaping are also proposed though the site and around the buildings including a landscaping/ ecological buffer zone between Unit E and the adjacent residential property. A further landscape zone is located centrally within the site around the burn which runs through the site (which would be partially culverted to allow the formation of the access road). An access to the core path to the north is also proposed. A total of 167 parking spaces are also proposed which would include 18 EV parking spaces, 6 motorcycle parking spaces and 13 accessible spaces.

## **Amendments**

The following amendments / additional supporting information has been submitted:

- Revised landscaping scheme (to address comments received from Aberdeen International Airport)
- A revised site layout and swept path analysis has been submitted (to address comments received from colleagues in Roads Development Management)
- A revised Flood Risk Assessment and details in relation to the culverting of the burn running through the site has been submitted (to address comments received from SEPA); and
- A revised Noise Impact Assessment has been submitted (to address comments received from colleagues in Environmental Health).

## **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=SR7D1OBZFUN00>

- Biodiversity Action Plan

- Design and Access Statement
- Flood Risk Assessment and Drainage Impact Assessment
- Noise Impact Assessment (updated May 2025)
- Planning Statement
- Pre-Application Consultation Report
- Preliminary Ecological Appraisal
- Site Investigation (Part 1 and Part 2)
- Sustainability Statement
- Transport Assessment and Framework Travel Plan
- Tree Survey and Arboricultural Impact Assessment

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

The application has been referred to the Planning Development Management Committee because:

- The proposal is defined as a “major” development.

Determination of the application therefore falls outwith the scheme of delegation.

### **Pre-Application Consultation**

The applicant undertook statutory pre-application consultation which included notification to Dyce and Stoneywood Community Council, local Councillors and a number of residential and commercial properties located within 250m of the application site boundaries. Two public consultation events took place on the 26<sup>th</sup> September and 24<sup>th</sup> October 2024. The first event was attended by eight people, with the second event attended by five. The concerns raised related to the amenity impacts of the proposed development, lack of demand for the proposed development and concerns about the scale of development.

The applicant also presented to the Pre-Application Forum on the 7<sup>th</sup> November 2024. The following matters were raised by Councillors and the following comments noted:

- In terms of landscaping at the airport, Aberdeen International Airport were a statutory consultee for the application and provided feedback;
- The buildings would be very modern in design and built to the highest standards in regards to carbon omissions;
- The applicant would be happy to investigate the use of solar panels, however they may be an issue with being in close proximity to Aberdeen Airport;
- A local drainage consultant had been appointed to look at any potential flooding and drainage issues; and
- Queries in relation to the proposed operators. The applicant advised that no operators had been confirmed to date.

## **CONSULTATIONS**

### **Aberdeen City Council (ACC) Internal Consultees**

**ACC - Developer Obligations** – advise of the requirement for on-site contributions towards the core path network and open space. No financial contributions are required in this instance. The response will be discussed in greater detail in the below evaluation.

**ACC - Environmental Health** – raised some concerns with the initial noise assessment raising concerns that the proposed use had the potential to have an adverse impact on nearby residential receptors. A further assessment should be undertaken with the aim of achieving Noise Rating Levels that are -5 decibels below background.

Following the receipt of an amended Noise Impact Assessment, they were content with the proposed mitigation measures; which should be implemented in accordance with the recommendations of the report. These included matters such as insulation to the buildings and restrictions on hours of operation of the loading bays.

Satisfied that the proposed external lighting shall not cause a nuisance to nearby sensitive receptors provided it is installed in accordance with the External Lighting Plan. Request the insertion of an informative in relation to the hours of construction.

**ACC - Roads Development Management Team** – have provided various comments on the proposals and note that, in terms of walking and cycling the site is surrounded by a good standard of footpath, with bus stops located in close proximity to the site. They also note that new pedestrian facilities including dropped kerbs and internal paths have been proposed which will facilitate better pedestrian access to the site and is acceptable.

They note that there is no accessible route from car parks serving units A1, A2 and B and that the applicant has addressed this by providing additional accessible parking to the rear/near the site entrances of the building, with this solution acceptable.

Note that cycling to and around the site is mostly on carriageway. There are various facilities in proximity to the site which can be utilised by those commuting to the site including Dyce Drive shared use footway(s).

In terms of public transport, the applicant has provided a summary of the public transport stops and routes within the proximity to the site. The nearest stop is located on Howes Moss Avenue almost directly outside the site. This stop is however not frequently served with only three AM and PM service during the working week.

In terms of parking, the applicant has provided a parking breakdown for the site and is proposing a total of 167 parking spaces. This includes thirteen accessible bays, six motorcycle parking spaces and a total of eighteen EV bays. This is acceptable. The size and layout of the parking spaces are considered to be acceptable. Each unit would also be provided with a cycle shelter containing five Sheffield Stands which is acceptable.

In terms of the impact on the local road network, the results of the trip generation for the proposed development are for 54 two way trips in the AM peak and 47 in PM peak. When compared to those estimated for the previous land use (offices) this is a reduction of 46 two way AM peak trips and a reduction of 51 PM peak trips. The proposal would therefore likely have positive impact on the local road network compared to the current consented use of the land. They also note that given the industrial nature of the site the number of HGV's expected to visit the site will be greater than the existing consented use. However, as the site is in an industrial estate and has excellent links to the AWPR this is not a concern.

In terms of access, they note that the southernmost access to the site is to be amended. The visibility splays of 4.5m x 60m are acceptable as is the swept path analysis showing a 16.5m articulated HGV accessing the site and the service yards. They also consider the travel plan and waste management details to be acceptable and note that the applicant has provided a Drainage Impact

Assessment which shows the proposed mitigation measures index outweighs the pollution index which is acceptable to Roads.

Colleagues in Roads Development Management have confirmed that they have no objection to the application.

**ACC - Structures, Flooding and Coastal Engineering** – reviewed the updated information ‘Flood Risk Assessment’ submitted on 10.02.2025 and had no comments, however note and agree with SEPA’s request for additional information (discussed elsewhere) dated 26.02.2025. Note that the proposed discharge rates from the new development are acceptable.

**ACC - Waste and Recycling** – raised a specific concern that the entry to the bin store of Unit E may be blocked by a parked car. An amended parking scheme was submitted which removed this concern. They have also advised of the general waste management requirements for the development and have no objection to the application in principle.

### **External Consultees**

**Aberdeen International Airport** – confirmed that the proposed development had the potential to conflict with safeguarding criteria. To ensure the safeguarding of the airport they have requested the insertion of conditions in relation to the submission of a Bird Hazard Management Plan and further details of proposed landscaping for the site. Have also requested the insertion of an informative in relation to the use of cranes on the development site.

The airport confirmed that they have no aerodrome safeguarding objection to the proposal, provided that the above conditions are applied to any planning permission. These issues are discussed further in the below evaluation.

**Dyce and Stoneywood Community Council** – support the application noting that the proposals for six industrial/ business units is an appropriate use for the land, as far as Policy B1 (Business and Industrial Land) is concerned. Also consider the proposal to be consistent with contaminated land, infrastructure delivery, design and vacant and derelict land policies.

**Health and Safety Executive** – do not advise, on safety grounds, against the granting of planning permission in this case.

**INEOS Forties Pipeline System** – note that the safety and engineering integrity of the pipeline will not be affected and therefore have no comments to make on the application.

**Police Scotland** – have provided some general advice and guidance, noting that the proposals should be designed for purposes of designing out crime and encouraging the applicant to attain a “Secured by Design” award. They also noted that the area is a relatively low crime area and consideration should be given to crime reduction measures during the construction phase.

**Scottish Environment Protection Agency** – welcome the provision of an updated Flood Risk Assessment (FRA) and find that it fully addresses the comments made in their previous response. Cross sections and an updated site plan of the proposed re-routed watercourse have now been provided and show peak water levels and flood extents associated with the design flood event (200 year plus climate change and consideration of culvert blockages), as requested. Peak water levels downstream from the site are also shown to be unaffected in the post-development cross sections, and so the development proposals and re-routed watercourse are unlikely to increased flood risk downstream.

The proposal for the realigned burn now includes a greater sinuosity and a two-stage channel, supported by an initial geomorphology assessment. Welcome the further information on the current burn condition, which shows that although it is relatively small has a high energy, which appears to be resulting in bed and bank erosion in places. Given these conditions we welcome the proposals to improve the burns condition through increased sinuosity and allowing higher flows to spread over a larger cross section by inclusion of a two-stage channel. Given a consentable solution is likely under CAR we have no objection to the principles of these proposals.

## **REPRESENTATIONS**

One representation has been received (1 objection). The matters raised can be summarised as follows –

### **Material Considerations**

1. Overdevelopment – there are various other vacant sites in the Dyce area which could be developed as an alternative;
2. The proposals will result in light pollution to surrounding residential properties;
3. Loss of wildlife within the proposed development, including badgers, deer and birds of prey and loss of woodland.

### **Non-Material Considerations**

4. Concerns that the existing access track (to the properties to the north) will be damaged by ground works.

## **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 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 22 (Flood Risk and Water Management)
- Policy 23 (Health and Safety)

- Policy 24 (Digital Infrastructure)
- Policy 26 (Business and Industry)
- Policy 20 (Blue and Green Infrastructure)

### Aberdeen Local Development Plan 2023

- Policy WB1 (Healthy Developments)
- Policy WB3 (Noise)
- Policy NE3 (Our Natural Heritage)
- Policy NE4 (Our Water Environment)
- Policy NE5 (Trees and Woodland)
- Policy D1 (Quality Placemaking)
- Policy D5 (Landscape Design)
- Policy R2 (Degraded and Contaminated Land)
- Policy R5 (Waste Management Requirements for New Developments)
- Policy I1 (Infrastructure Delivery and Planning Obligations)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)
- Policy B1 (Business and Industrial Land)
- Policy B3 (Aberdeen International Airport and Perwinnes Radar)
- Policy B6 (Pipelines, Major Hazards and Explosive Storage Sites)
- Policy CI1 (Digital Infrastructure)

### **Aberdeen Planning Guidance**

- Planning Obligations (Supplementary Guidance)
- Noise
- Landscape
- Aberdeen International Airport & Perwinnes Radar
- Transport & Accessibility
- Open Space & Green Infrastructure
- Natural Heritage
- Flooding, Drainage & Water Quality
- Trees & Woodlands
- Waste Management Requirements for New Developments
- Resources for New Development

### **EVALUATION**

#### **Principle of Development**

The site is wholly designated as business and industrial land in the Aberdeen Local Development Plan 2023 (ALDP), where Policy B1 (Business and Industrial Land) applies. This states that the Council will, in principle, support the development of the business and industrial land allocations set out in the Plan. It goes on to advise that *“where business and industrial areas are located beside residential areas, we will restrict new planning permissions to Class 4 (Business). Buffer zones, which are appropriately sized and landscaped, may be required to separate these uses and safeguard residential amenity. Low amenity ‘bad neighbour’ uses must have regard to surrounding uses and their potential impact on the environment and existing amenity. In all cases, conditions may be imposed restricting levels of noise, hours of operation and external storage”* and that *“new*

*business and industrial land proposals shall make provision for areas of recreational and amenity open space, areas of strategic landscaping, areas of wildlife value and footpaths.”*

In addition, the above, Policy 26 (Business and Industry) of NPF4 states that *“development proposals for business and industry uses on sites allocated for those uses in the LDP will be supported”* and *“development proposals for business and industry will take into account: impact on surrounding residential amenity; sensitive uses and the natural and historic environment”*.

In terms of the principle of development, the entire site is allocated for business and industrial uses. It is noted that there are residential properties in proximity to the site, with a small grouping located, at their closest, within 60-75m of the western boundary of the application site, and from where the objection to the application has been received. Whilst a mixture of Class 4, 5 and 6 uses are proposed, the applicant has proposed the installation of a landscape buffer zone between the closest industrial unit, which has also been sited so that the yard area is located on the eastern side of the building, with the Noise Impact Assessment (NIA) advising that the proposals would have no adverse impact on residential amenity (as will be discussed in further detail below). Compliance with the findings of the NIA will be controlled via an appropriately worded planning condition. The provision of a buffer zone would help to safeguard residential amenity. It is therefore the view of the Planning Authority that the proposals are acceptable in principle, and therefore the development would be generally compliant with Policy B1 of the ALDP and with Policy 26 of NPF4.

Policy 9 (Brownfield, vacant and derelict land and empty buildings) of NPF4 states that: *“development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported.”* It is noted that the buildings previously located on the eastern section of the site have been demolished. The land itself is defined as brownfield with elements of greenfield and the re-use of the brownfield elements would comply with the intentions of the aforementioned policy in principle.

## **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.”*

In terms of materials the elevations of the buildings would be predominantly faced with horizontally laid metal cladding panels arranged in a series of horizontal grey bands. A number of window openings are proposed around the office space to provide an active frontage, along with servicing openings would also be provided and the design is generally typical of such current business and industrial developments. The distribution of the cladding treatments would also provide a horizontal emphasis to the buildings and prevent them from appearing to be overly uniform in their design and would reduce their visual massing. The massing of the buildings has also been determined by issues such as site levels, where the site slopes from west to east and their positioning chosen relative to banking and slopes within the site, noting that the areas of development site at a much lower level than the existing roads located to the rear (north) of the site.

The proposed finished ground level at the westernmost part of the site is around 121.7m (on the boundary with Quarry Croft) above ordnance datum (AOD), whereas Unit E sits at 112.9m AOD and the most easterly units sit at 102.35m AOD. Some site excavations would be required to form development platforms, although these wouldn't be to a significant degree and would not adversely

impact on any amenity. A landscape buffer between the neighbouring residential property to the west and the site would also be provided to lessen the visual impact, with the submitted cross-section indicating that the nearest building would sit around 9m lower.

It is the view of the Planning Service that the development has been laid out and designed with due consideration for its surrounding context. The materials proposed are acceptable and typical of such a facility and subject to the implementation of the Noise Impact Assessment (as discussed further below) would have no adverse impact on the character or amenity of the surrounding area. The proposals are therefore considered to be generally compliant with Policy 14 of NPF4 and with Policy D1 of the ALDP 2023.

## 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.”* Policy 23 (Health and Safety) sections (e) of NPF4 is relevant: *“development proposals that are likely to raise unacceptable noise issues will not be supported. The agent of change principle applies to noise sensitive development. A Noise Impact Assessment may be required where the nature of the proposal or its location suggests that significant effects are likely.”*

ACC’s Environmental Health Service, in their initial consultation response, raised a number of concerns, noting that noise associated with the development (internal noise breakout and HGV movements) would have an adverse impact on the amenity of existing neighbouring receptors (dwellinghouses to the west), particularly at night if 24 hour operations were proposed.

In response to this, a revised Noise Impact Assessment was submitted in support of the application and this has been reviewed by ACC’s Environmental Health Service who considered that its findings were reasonable. They therefore accept the proposed development provided the mitigation measures detailed in the report are implemented (including but not limited to):

- Units A-D have built-up cladding incorporating a mineral wool thermal insulation. The combined system having a sound reduction of Rw 33 dB (Rw = an acoustic rating used to measure and indicate how effective a soundproofing wall, system or material is);
- Where Unit E is used for Class 5 general industrial use at night (23:00 – 07:00), it shall be provided with upgraded cladding with a sound reduction of at least Rw 36 dB;
- Unit C west elevation has roller shutter doors with a sound reduction of Rw 26 dB;
- Loading bays allow HGVs to reverse up so that loading/unloading with forklifts or pallet trucks largely takes place inside the buildings;
- Refrigerated vehicles are only permitted at the loading bays of Units A, B, and C between 07:00 and 19:00 hours;
- Further recommendations to control HGV delivery noise include:
  - yard road surfaces to be maintained as smooth surfaces to prevent undue rumbling and vehicle rolling noise
  - vehicle engines to be switch off at loading bays when parked; and
  - use of vehicle horns to be avoided
- Any unscreened external building services plant items shall have a sound power limit (LWA) not exceeding 85 decibels. Louder plant items would either need to be screened (i.e. installed around the sides of the buildings away from the houses) or have noise mitigation measures applied (i.e. attenuators, local screens, or enclosures). Where a tenant proposes to install a number of new noisy building services plant items, a detailed assessment should be carried out.

ACC's Environmental Health Service were also satisfied that the proposed external lighting would not cause a nuisance to nearby sensitive receptors provided it is installed in accordance with the External Lighting Plan (Drawing: 24334-WWL-XX-XX-DR-E-97001 REV P02). This was raised as an issue in representation – issue 2).

Environmental Health also requested the insertion of an informative in relation to proposed hours of operation.

Subject to the implementation of the above, and subject to the imposition of a suitably worded planning conditions, the proposals are considered to be an acceptable form of development that would not have an adverse impact on surrounding amenity. The proposals would therefore comply with Policy 23 of NPF4 and with Policy WB3 of the ALDP.

## Natural Heritage

Policy NE3 (Natural Heritage) of the ALDP states that, among other things *“development should not have a detrimental effect (directly or indirectly) on its own or in combination with other proposals on sites, habitats, ecosystems or species of regional or local nature conservation value.”* In addition Policy D5 (Landscape Design) states: *“Development proposals will be designed with an effective, functional and attractive landscape framework supported by clear design objectives.”*

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

In relation to the above, an ecological appraisal was submitted in support of the application. This noted that there was no evidence of protected faunal species identified during the survey, but did note that the site had potential for nesting birds, badgers, hedgehog, red squirrel, hare, reptiles and invertebrates. The report also recommended that a pre-works survey check is undertaken prior to the commencement of development to ensure that no species are found on site, given such surveys are valid for a period of 12 months. Mitigation measures have been suggested to avoid any negative impacts and these include retention of areas of neutral grassland where possible and retention of ecological connectivity, vegetation clearance avoided during nesting bird season (March – August) and temporary lighting not illuminating areas of woodland to reduce potential impacts on badgers or bats. (*Issue 3*).

The report also suggested the submission of a planting scheme of native species, lawns and hedgerows and the provision of bird and bat boxes within retained woodland. The planting scheme has been amended since the original submission as Aberdeen International Airport raised some concerns regarding the nature of planting proposed, noting that fruit and berry bearing trees and shrub species should be avoided.

A revised landscaping plan was submitted which has shown the provision of 115 trees within the development site including acers, birch, hornbeams, goat willows and *tilia cordata*. The application also proposes the provision of around 7270 sqm of wildflower/ grass planting and 3000 sqm of amenity grass planting. Bulb planting, native whip planting and hedging is also proposed throughout the development site. The proposals would provide an effective, functional and attractive landscape design.

The levels of planting, along with the proposed biodiversity enhancement are considered to be appropriate for the site and would allow for an high level of biodiversity net gain along with levels of landscaping that would enhance the attraction of the business and industrial development and provide area of open space/ recreational opportunities for employees of the premises to sit out in.

The proposals are considered to be in general compliance with Policies 1, 2 and 3 of NPF4 along with Policies NE3 and D5 of the ALDP. Consultees are content and a condition will be inserted to the permission to ensure that the enhancements and landscaping are provided in accordance with the approved plans.

Policy WB1 (Healthy Developments) of the ALDP advises that *“developments are required to provide healthy environments, reduce environmental stresses, facilitate physical activity and promote physical and mental wellbeing.”* The proposed levels of landscaping on site are considered to provide a healthy environment and may encourage users to sit out within the landscaped areas. The provision of a footpath connection to the west may also encourage users to explore the existing core path networks. There would be no significant conflict with the first part of WB1.

Policy WB1 also advises that *“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.”* As no definitive guidance has been submitted regarding the above, an HIA was not requested from the applicants for this development. The mitigation measures as discussed above proposed would go some way to providing what would generally be expected in such a document.

## **Trees and Woodland**

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.”*

A Tree Survey and Arboricultural Impact Assessment was submitted in support of the application, which was reviewed by colleagues in Natural Environment Policy. This noted that tree loss is mainly restricted to the removal of areas of deciduous regeneration and that the overall loss of trees would appear to be adequately compensated for by the level of proposed replacement planting resulting in a higher quality treescape than what is currently present. The proposals are therefore in line with Policy 6 of NPF4, Policy NE5 of the ALDP or with the associated APG: Trees and Woodlands.

## **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. In addition, Policy 18 (Infrastructure First) of NPF4 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 reviewed by colleagues in Roads Development Management who are content that appropriate levels of parking would be appropriate for the site. They were also content with the visibility splays for accessing the site, the layout of the internal roads and the proposed swept path analysis to ensure that any delivery vehicles (including HGV's) could enter and exit the site.

The site also has non-frequent bus stops in close proximity to the site, would provide an enhanced access to the core paths located to the north and would have reasonably easy walking and cycling routes.

Colleagues in Roads Development Management have raised no objections to the application following the submission of amended plans and it is therefore an acceptable scheme and would accord with Policies 13 and 18 of NPF4, Policies T2 and T3 of the ALDP and the associated APG: Transport & Accessibility.

### **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 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 terms of the above, the proposals have been subject to consultation with SEPA and ACC's Flooding and Coastal Protection Service, who consider the information submitted to be acceptable in principle. In line with NPF4 a precautionary approach to flood risk should be taken by avoiding development within areas at risk of flooding (land or built form with an annual probability of being flooded of greater than 0.5% which must include an appropriate allowance for future climate change).

The Flood Risk Assessment has been updated since the original submission and provides an updated site plan of the proposed re-routed watercourse which shows peak water levels and flood extents associated with the design flood event (200 year plus climate change and consideration of culvert blockages). Although the post-development proposals for the re-routed burn have been amended since the original FRA and a two-stage channel is now proposed, the design flood level is shown to remain in-bank throughout the site and is therefore unlikely to place the development proposals at risk of flooding. Specifically, the proposed road crossing culvert is shown to convey the design flood flow in a 50% blockage scenario and is shown to stay within bank. Peak water levels downstream from the site are also shown to be unaffected in the post-development cross sections, and so the development proposals and re-routed watercourse are unlikely to increased flood risk downstream. As a result of the above SEPA and colleagues in flooding have no objection to the proposals.

In terms of watercourse engineering, the proposal for the realigned burn includes a greater sinuosity and a two-stage channel, supported by an initial geomorphology assessment. Further information on the current burn condition, which shows that although it is relatively small has a high energy,

which appears to be resulting in bed and bank erosion in places. Given these conditions, SEPA welcome the proposals to improve the burns condition through increased sinuosity and allowing higher flows to spread over a larger cross section by inclusion of a two-stage channel. Given a consentable solution is likely under CAR (Controlled Activities Regulations) there is contentment with the principles of these proposals.

In terms of drainage, the DIA notes that poor infiltration of the subsoils is noted and that surface water discharge can be undertaken to surface waters, to the existing unnamed burn located in the southern part of the site and the scheme consists of on-site surface water drains, geocellular attenuation crates and treatment tank systems, with controlled discharge via orifice plates.

Foul water will be discharged to the Scottish Water facility sewer located under Howe Moss Avenue. The foul discharge will be through an existing foul drain connection to be reused and a new connection proposed, both subject to the Scottish Water approval process.

The drainage proposals set out that the site is suitable for the proposed development and that a sustainable drainage solution can be implemented. The above findings have been accepted by colleagues in Roads Development Management and Flooding & Coastal Protection. The proposals would therefore be generally compliant with Policy 22 of NPF4 and with Policy NE4 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”*. The assessment was reviewed by colleagues who are satisfied that the risks from land contamination are low and should not present a constraint to development. They have requested the insertion of an informative in the event that contamination is found during construction works. There would be no conflict with Policy R2 of the ALDP in principle.

### **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.”*

The proposed waste arrangements have been reviewed by colleagues in Roads Development Management and Waste Management. Waste facilities would be located within the yard space of each unit and appropriate layouts and turning areas have been provided (following the submission of amended plans altering the parking layout of Unit E). The proposals are therefore considered to be in compliance with Policy 12 of NPF4, Policy NE5 of the ALDP and with the associated APG: Resources for New Development.

### **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 were subject to an initial consultation with Aberdeen International Airport, who confirmed that the proposed development had the potential to conflict with safeguarding criteria. To ensure the safeguarding of the airport they have requested the insertion of conditions in relation to

the submission of a Bird Hazard Management Plan and further details of proposed landscaping for the site.

The Bird Hazard Management Plan must ensure that the flat/ shallow pitched roofs are constructed to allow access to all areas by foot using permanent fixed access stairs and that the owner/ occupier must not allow gulls to nest/ roast or loaf on the building and outwith breeding season gull activity must be monitored and the roofs checked regularly. Any gulls found nesting, roosting or loafing must be dispersed by the owner/ occupier. A condition (condition 2) has been added in respect of the above.

They had also requested the insertion of a condition in relation to landscaping on site, confirming the species, number and spacing of trees and shrubs on the development site. Amended plans were submitted by the applicant and a re-consultation was undertaken with the airport, who confirmed that the proposed landscaping measures were acceptable (as discussed in the landscaping section above). A condition to ensure compliance with the approved landscaping scheme (condition 3) has been added above.

Finally, AIA has requested the insertion of an informative in relation to the use of cranes on the development site. This has been added (informative 1).

AIA confirmed that they have no aerodrome safeguarding objection to the proposal, provided that the above conditions are applied to any planning permission. The proposals would therefore comply with Policy B3 of the ALDP and its associated APG: Aberdeen International Airport & Perwinnes Radar in principle.

### **Pipelines/ Health and Safety Executive**

Policy B6 (Pipelines, Major Hazards and Explosives Storage Sites) of the ALDP 2023 advises that *“where certain types of new development are proposed within the consultation zones of pipelines, the Council will consult the Health and Safety Executive (HSE) to determine the potential risk to public safety. In addition to consultation with the HSE, the Council will consult the operators of pipelines where development proposals fall within these zones.”*

In the case of the current application the proposals have been subject to consultation with both HSE and INEOS (as the operator of the Forties pipeline). Firstly, the HSE Padhi + response confirmed no objections to the proposal on safety grounds given that it is anticipated to be occupied by less than 100 persons (within the consultation distance) across the site and the buildings would be less than 3 storey in height and the INEOS response confirmed that the integrity of the pipeline would not be affected by the proposed development. Subsequently, the development would comply with the terms of Policy B6.

### **Developer Obligations/ Infrastructure Delivery**

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.”*

A Developer Obligations consultation was undertaken on the application. This noted that no financial contributions are required for the proposed development and highlighted that on-site works are required towards the core path network and open space. Colleagues in Natural Environment Policy have confirmed that the proposed connection to the core path network to the north is acceptable, along with the proposed levels of landscaping and open space provision on the development site.

The proposals would therefore comply with Policy I1 of the ALDP and its associated Supplementary Guidance: Planning Obligations.

## 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. Further details to ensure compliance with the above would be provided at AMSC stage.

## Digital Infrastructure

Policy CI1 (Digital Infrastructure) of the ALDP 2023 advises that “*all new commercial development 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 within a designed business and industrial designation in Dyce, and a check of the OFCOM website confirms that the area has access to standard and superfast 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 Representation

1. Overdevelopment – there are various other vacant sites in the Dyce area which could be developed as an alternative. *Response: addressed in the principle of development section above.*
2. The proposals will result in light pollution to surrounding residential properties. *Response: due to the orientation, layout and distances involved, this is not considered to be an issue and colleagues in Environmental Health have raised no concerns with this aspect of the proposal.*
3. Loss of wildlife within the proposed development, including badgers, deer and birds of prey and loss of woodland. *Response: these issues have been discussed in the “natural heritage” section above.*

4. Concerns that the existing access track (to the properties to the north) will be damaged by ground works. *Response: this is not a material planning consideration and is a civil issue. If there was damage to the existing road then this would be an issue between neighbours and the applicant.*

## **RECOMMENDATION**

Approve Conditionally

## **REASON FOR RECOMMENDATION**

In terms of the principle of development, the site is wholly zoned as B1 business and industrial land in the Aberdeen Local Development Plan 2023 and is therefore acceptable in principle. Whilst a mixture of Class 4, 5 and 6 uses are proposed on the boundary of the business and industry designation, the applicant has proposed the installation of a landscape buffer between the closest nearby residential property and proposed industrial unit, which has been sited so that the yard area is located on the eastern side of the building, with the Noise Impact Assessment advising that the proposals would have no adverse impact on residential amenity. The proposals are acceptable in principle, and therefore the development would be compliant Policy B1 of the Aberdeen Local Development Plan (ALDP) and with Policy 26 (Business and Industry) of National Planning Framework 4 (NPF4). The proposals would also relate to the redevelopment of a partially brownfield site, in compliance with Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) of NPF4.

The proposed development has been designed with due consideration for its context and would have no adverse impacts on the character or amenity of the surrounding area. A suitable level of landscaping, tree loss/ replacement planting and biodiversity enhancements would also be provided on the development site and controlled via planning conditions. The proposals therefore comply with Policies WB1 (Healthy Developments), NE3 (Our Natural Heritage), NE5 (Trees and Woodland), D1 (Quality Placemaking) and D5 (Landscape Design) of the Aberdeen Local Development Plan and Policies 1 (Tackling the Climate and Nature Crises), 2 (Climate Mitigation and Adaptation), 3 (Biodiversity), 6 (Forestry, Woodland and Trees) and 14 (Design, Quality and Place) of NPF4.

An appropriate layout from a roads perspective has also been provided, and the site can be adequately accessed via a range of transport methods. Waste arrangements are also appropriate, as are broadband connections, land contamination investigations. The proposals would also not impact on the operation of the airport (subject to conditions), would have no health and safety concerns and would not impact on any pipelines located in proximity of the site in compliance with Policies R2 (Degraded and Contaminated Land), R5 (Waste Management Requirements for New Developments), I1 (Infrastructure Delivery and Planning Obligations), T2 (Sustainable Transport), T3 (Parking), B3 (Aberdeen International Airport and Perwinnes Radar), B6 (Pipelines, Major Hazards and Explosive Storage Sites) and CI1 (Digital Infrastructure) of the ALDP and Policies 12 (Zero Waste), 13 (Sustainable Transport) and 24 (Digital Infrastructure) of NPF4.

Appropriate drainage and flooding information has been submitted, along with details to show that part of the site can be culverted to allow for the formation of the access road through the site. The site would not result in flooding either within the site or downstream. The proposals would be in accordance with NE4 (Our Water Environment) of the ALDP and Policy 22 (Flood Risk and Water Management) of NPF4.

A revised Noise Impact Assessment was submitted and provided the mitigation measures proposed, which include sound insulation measures, landscape buffers and management of deliveries to the

service yards, then the proposals would not have an adverse noise impact on surrounding amenity in accordance with Policy WB3 (Noise) of the ALDP and Policy 23 (Health and Safety) of NPF4.

## **CONDITIONS**

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

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

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

### **(02) BIRD HAZARD MANAGEMENT PLAN**

That prior to the commencement of development on any building hereby approved, a Bird Hazard Management Plan shall be 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 3 – Wildlife Hazards (available at <https://www.aoa.org.uk/policy-campaigns/operations-safety/>)

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 building. 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.

### **(03) LANDSCAPING PER APPROVED PLANS**

That all planting, seeding and turfing comprised in the approved scheme of landscaping, as shown on drawing Nos: PP01.00 REV P3, PP01.01 REV P3 , PP01.02 REV P3 , PP01.03 REV P3, PP01.04 REV P3, PP01.05 REV P3, PP01.06 REV P3 and PP01.07 REV P3 shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority.

Reason - in the interests of the amenity of the area.

### **(04) BIODIVERSITY ENHANCEMENT PLAN COMPLIANCE**

That prior to the commencement of development, an updated Biodiversity Enhancement Plan shall be submitted to, and approved in writing by the Planning Authority. Thereafter the development shall be undertaken in full accordance with the recommendations of the approved document.

Reasons: to ensure an appropriate level of compensatory planting is provided and compliance with the relevant policies of National Planning Framework 4.

#### (05) NOISE IMPACT ASSESSMENT COMPLIANCE

The development hereby approved shall not be occupied unless the noise mitigation measures and recommendations set out in the approved Noise Impact Assessment (Sandy Brown, 30<sup>th</sup> May 2025 [Ref: 025589-R01-B) or other measures achieving at least an equivalent effect as may be agreed in writing with the Planning Authority, have been implemented in full and suitable evidence provided to the Planning Authority that these works have been installed and implemented. For avoidance of doubt, the mitigation measures shall include, but are not limited to:

- Units A-D have built-up cladding incorporating a mineral wool thermal insulation. The combined system having a sound reduction of Rw 33 dB (Rw = an acoustic rating used to measure and indicate how effective a soundproofing wall, system or material is)
- Where Unit E is used for Class 5 general industrial use at night (23:00 – 07:00), it shall be provided with upgraded cladding with a sound reduction of at least Rw 36 dB
- Unit C west elevation has roller shutter doors with a sound reduction of Rw 26 dB
- Loading bays allow HGVs to reverse up so that loading/unloading with forklifts or pallet trucks largely takes place inside the buildings
- Refrigerated vehicles are only permitted at the loading bays of Units A, B, and C between 07:00 and 19:00 hours.
- Further recommendations to control HGV delivery noise include:
  - yard road surfaces to be maintained as smooth surfaces to prevent undue rumbling and vehicle rolling noise
  - vehicle engines to be switch off at loading bays when parked; and
  - use of vehicle horns to be avoided
- Any unscreened external building services plant items shall have a sound power limit (LWA) not exceeding 85 decibels. Louder plant items would either need to be screened (i.e. installed around the sides of the buildings away from the houses) or have noise mitigation measures applied (i.e. attenuators, local screens, or enclosures). Where a tenant proposes to install a number of new noisy building services plant items, a detailed assessment should be carried out.

Reason: To protect residents from external sources of noise and in the interests of amenity.

#### (06) PARKING PER APPROVED PLANS

That prior to the occupation of any of the units hereby granted planning permission the parking area, including disabled and electric vehicle parking spaces and yard areas hereby granted planning permission shall be constructed, drained, laid-out and demarcated in accordance with drawing No. 11528-PL2-XX-L03 REV P3 of the plans hereby approved or such other drawing as may subsequently be submitted and approved in writing by the planning authority. Such areas shall not thereafter be used for any other purpose other than the purpose of the parking of cars ancillary to the development and use thereby granted approval.

Reason - in the interests of public safety and the free flow of traffic.

#### (07) WATER EFFICIENCY

No development shall take place unless a scheme of water efficiency for each unit has been submitted to and approved in writing by the planning authority. Thereafter, unless otherwise agreed in writing with the planning authority, no unit shall be occupied unless for that unit the approved measures have been implemented and are available for use.

Reason - to reduce pressure on water abstraction from the River Dee, which at times of low flow can have impacts on freshwater pearl mussel, one of the qualifying features of the River Dee Special Area of Conservation.

### **ADVISORY NOTES FOR APPLICANT**

1. 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 (available at <https://www.aoa.org.uk/policy-campaigns/operations-safety/>).
2. The Bird Hazard Management Plan (as requested by condition 2) 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 or when requested by Aberdeen Airport Airside Operations staff. 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 from NatureScot before the removal of nests and eggs.

3. A CAR license will need to be submitted to SEPA for the proposed channel alignment. This should include design drawings (e.g., planform, cross sections, long profile, bedforms, bed material, etc.) that are supported by a design statement. This statement should provide morphological justification for the design choices. The new channel will have a steep-gradient (1 in 24) and this is normally associated with a step-pool morphology under natural conditions. Consequently, the applicant may wish to consider including step-pools in their design or at least step-pool forming materials. SEPA recommend a qualified and experienced fluvial geomorphologist should lead the detailed channel design. We would be happy to review initial designs as part of any pre-CAR application discussions and the applicant should contact [waterpermitting@sepa.org.uk](mailto:waterpermitting@sepa.org.uk)
4. 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.
5. To protect the amenity of neighbouring properties/occupants, development works (including site/ground preparation, demolition, and construction) causing noise beyond the site

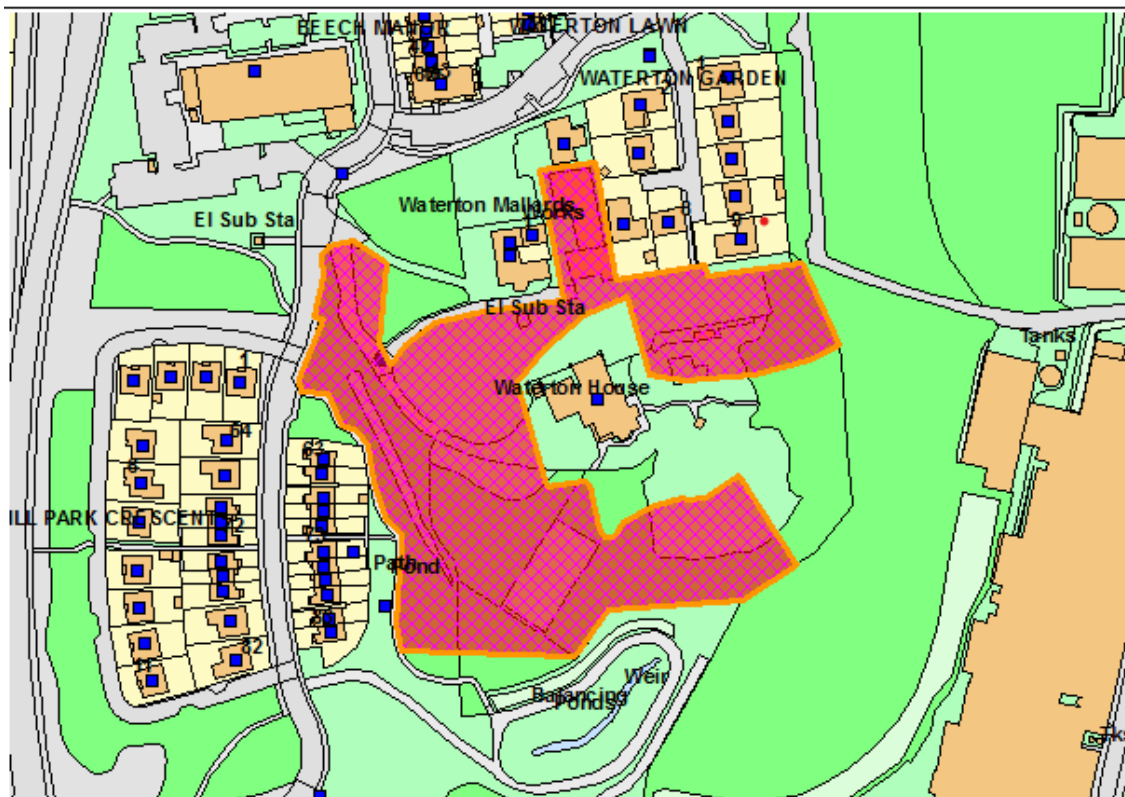
boundary should not occur outside the following hours: Monday to Friday 0700 hours to 1900 hours and Saturday 0800 hours to 1300 hours.

6. It is recommended that the developer liaise with the Police Scotland Architectural Liaison service at each stage of the development, for more detailed advice and for the purposes of designing out crime using the principles of Crime Prevention Through Environmental Design (CPTED).
7. Police Scotland encourage the applicant to attain the 'Secured by Design' award as this demonstrates that safety and security have been proactively considered and that this development will meet high standards in these respects.

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	<b>Planning Development Management Committee</b>
	Report by Development Management Manager
	<b>Committee Date: 19 June 2025</b>

<b>Site Address:</b>	Waterton House, Stoneywood Terrace, Stoneywood Aberdeen AB21 9HX
<b>Application Description:</b>	Erection of 14 Residential Plots (Including 25% Affordable Housing) and Supporting Infrastructure, Landscaping and Open Space; Including Demolition of Existing Industrial Unit
<b>Application Ref:</b>	230297/PPP
<b>Application Type</b>	Planning Permission in Principle
<b>Application Date:</b>	15 March 2023
<b>Applicant:</b>	Mr N Robson
<b>Ward:</b>	Dyce/Bucksburn/Danestone
<b>Community Council:</b>	Dyce And Stoneywood - Pre Review 2024



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## **RECOMMENDATION**

Approve conditionally, subject to securing of developer contributions for primary and secondary education, healthcare and affordable housing.

## **APPLICATION BACKGROUND**

### **Site Description**

The site of 1.53ha consists of a large part of the partially wooded grounds of Waterton House, which is located in Stoneywood. The site is roughly 'C' shaped, and wraps around the Category B listed Waterton House and its private garden ground, comprised areas of grass and hardstanding. A large number of mature trees lie within the site and most are healthy. Trees within the western area of the site are identified as Ancient Woodland Inventory, with much of the remainder shown in the National Forest Inventory, the woodland around the house is shown on maps from 1865 within the submitted Archaeology Report. The surrounding area is predominantly residential in character, with the site bound by residential dwellings in Stoneywood Estate to the north and west, part of Dandara's Stoneywood development built out in the last ten years. Interspersed throughout the residential dwellings are areas of open space and woodland. The application site is bordered by woodland to the east and a SUDs basin to the south. A path leads from Beech Manor through the woodland to the rear of the houses, at some point since the application was submitted, heras fencing panels have been erected along the eastern side of the path, so that the path remains accessible with access to the woodland to the east being restricted. Further to the east is the Stoneywood papermill site

The site comprises of Waterton House, a category B listed two storey harled building with a single storey office set in substantial private gardens. Adjoining Waterton House to the north is an industrial shed with approximately 500m<sup>2</sup> floor area and an expansive area of hardstanding outdoor storage and, known as Waterton Yard, which also falls within the application site. The industrial uses of Waterton Yard include industrial conveying, fabrication, manufacturing, open storage and engineering support services.

The application site is currently accessed by a driveway from Beech Manor. This access is shared by the adjoining dwelling of Waterton Mallards to the north.

Aberdeen International Airport lies 2.2km to the north-west and Dyce Railway Station is located 2.3km to the north-west. The national cycle route and the core path network are also in close proximity to the proposed development.

The site is within walking distance of an M & S foodhall and Co-op convenience store, located just 150m to the northwest.

### **Relevant Planning History**

- 110561 – Erection of 5 detached dwelling houses and associated domestic garages was Approved conditionally on 14 July 2011. This permission related to the northern part of the current application site and has since expired.

## **APPLICATION DESCRIPTION**

### **Description of Proposal**

The application seeks planning permission in principle for the creation of fourteen residential plots on the site. The plans illustrate indicative footprints for detached houses and associated access, garden areas and boundary planting. Plots areas range from 400 – 800sqm. The proposal involves demolishing existing buildings in the northern area of the site, including a single-storey granite building with a lean-to and a modern warehouse building. These buildings appear to be used in conjunction with the yard area between them and Waterton House.

Existing established trees and boundary planting would be retained and used as a setting for the proposed housing. Two individual trees (Norway spruce and Rowan, both semi-mature at 6 meters in height) and one group of mature Sycamores (16 meters in height) would be felled for the development. Additionally, six trees and one group of Sitka spruce would be felled for woodland management and health and safety reasons.

The submitted indicative site plan illustrates that the a new access from Beech Manor would be provided and would serve nine of the proposed plots. A further new access road would be formed off this, leading southwards to serve a further four plots, along with Waterton House.

### **Amendments**

The number of plots has been reduced from 16 to 14.

### **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=RRB5LYBZHFO00>

Environmental Walkover Survey Report (Revision A)

Heritage Statement

Noise Impact Assessment

Design Statement

Archaeological Assessment

Drainage Strategy Plan

Planning Statement

Transport Statement

Geo-environmental desk study

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

The application has been referred to the Planning Development Management Committee because:

- it is being recommended for approval and has been the subject of six or more timeous letters of representation containing material planning considerations that express objection or concern about the proposal.

Determination of the application therefore falls outwith the scheme of delegation.

### **CONSULTATIONS**

#### **Aberdeen City Council (ACC) Internal Consultees**

**Archaeology Service (Aberdeenshire Council)** – No objection. Agrees with the archaeological requirements contained in the report and recommends attachment of a condition requiring a photographic survey of existing buildings and structures to be demolished.

**ACC - Developer Obligations** – Required contributions as follows:

Primary Education - £14,620

Secondary Education - £78,828

Healthcare - £12,505

Affordable Housing – On site provision or a commuted sum for 3.5 units.

**ACC - Environmental Health** – Agrees with Noise Impact Assessment report findings and provided these are implemented and installed, an acceptable level of residential amenity would be achieved in respect of noise.

**ACC - Roads Development Management Team** – Do not object to the application.

Requirement for a condition to be attached with regards to the design of the access off Beech Manor and footway to rear of proposed parking space on access road, including provision of visibility splays.

Site is zoned within the outer city and not in a controlled parking zone. Good standard of footways existing in the area immediately outside the site; cycling is on carriageway and facilities around the site area good. Local amenities are available within a 20 minute walk. Public transport provision is good.

Application notes that parking will accord with standards – this should be conditioned.

Electric vehicle charging is required for each property – this should be conditioned.

**ACC - Waste and Recycling** – Plans showing a communal collection point for plots 7-10 on the access road and for plots 2-3 and 4-6 are acceptable together with the requirement for double yellow lines within the turning head adjacent to plot 3.

### **External Consultees**

**Dyce And Stoneywood - Pre Review 2024 Community Council** – No comments received.

**Scottish Water** – No objection. Unable to confirm capacity for water; there is capacity for foul drainage only. There is a 525mm combined sewer within the boundary of the site.

### **REPRESENTATIONS**

Fourteen representations have been received (all in objection). The matters raised can be summarised as follows –

#### **Material Considerations**

1. Proposal would result in over development of the area with too many plots on the site, resulting in an adverse impact on its character and amenity.
2. The industrial use is described as unsightly, however, this has not been experienced by residents that would be affected by the proposed development. Submissions state that the proposal would remove the impact of HGVs accessing the industrial use, however, this access rarely happens in reality.
3. Loss of green space. Impact on green space network, urban green space, paths and recreation, with fragmentation of network of green spaces. Proposal is contrary to those policies.
4. Loss of trees and impact on woodland. Trees to be felled are the most visible ones.
5. Height of properties would impact light, privacy and outlook of existing houses. With new houses being able to view existing houses.

6. That proposal to erect a house of more than one storey to rear (east) of 81 Beech Manor, would result in further overshadowing of rear garden.
7. Adverse impact on air quality.
8. Adverse impact on well-being and healthy environment.
9. Impact on wildlife, biodiversity and protected species (bats, red squirrels, owls, woodpeckers, house sparrows are mentioned); several trees have been felled with resultant reduction in wildlife activity.
10. Beech Manor is already busy with traffic with two supermarkets, more houses will result in more traffic; speeding traffic creates a danger particularly for children. Residents have already requested traffic calming for Beech Manor.
11. Adverse impact by removing well-used visitor parking on Beech Manor, leading to on street parking creating congestion. Walkers also use the parking bay when visiting footpaths.
12. Unsafe point of access adjacent to bend in road on Beech Manor.
13. Pedestrian access on a shared surface would be inconsistent with the nearby roads where there are pavements.
14. Potential adverse impact on setting of listed building.
15. Impact on landscape features.
16. Proposal does not comply with Stoneywood Development Framework & Masterplan. Lack of consultation on Masterplan, which does not show this area for housing development.
17. Impact of additional residents on local school and doctors surgery.
18. Proposal is contrary to many relevant policies in the development plan.

### **Non-Material Considerations**

1. Disturbance due to construction, including because self-build houses may be built at different times.
2. Title deeds shown boundary of objector's property conflicts with the outline proposal and the land on which affordable housing is proposed. Further ownership confusion over the area of the proposed access and ownership of land along Beech Manor at northern edge of site.
3. Residents were assured by Dandara (builder of existing housing) that no further housing would be built adjacent or near Waterton House.
4. Over 4 years ago the applicant fenced off the proposed site, due to youths congregating. Tree surgeons were then brought in to remove trees, residents were not aware before work was carried out.
5. Archaeology Statement mentions proposed development of Waterton House – the current application significantly under-estimates the impact on the area.
6. Provision of affordable housing may result in anti-social behaviour as is the case for other similar housing in the area.

### **MATERIAL CONSIDERATIONS**

#### **Legislative Requirements**

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

## Development Plan

### National Planning Framework 4

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

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 2 (Climate Mitigation and Adaptation)
- Policy 3 (Biodiversity)
- Policy 4 (Natural Places)
- Policy 5 (Soils)
- Policy 6 (Forestry, woodland and trees)
- Policy 7 (Historic Assets and places)
- Policy 9 (Brownfield, vacant and derelict land and empty buildings)
- Policy 12 (Zero Waste)
- Policy 13 (Sustainable Transport)
- Policy 14 (Design, Quality Place)
- Policy 15 (Local Living and 20 minute neighbourhoods)
- Policy 16 (Quality Homes)
- Policy 18 (Infrastructure First)
- Policy 19 (Heating and Cooling)
- Policy 20 (Blue and green 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 (LDP)

- Policy H1 (Residential Areas)
- Policy D1 (Quality Placemaking)
- Policy B3 (Aberdeen International Airport and Perwinnes Radar)
- Policy D2 (Amenity)
- Policy D4 (Landscape)
- Policy D5 (Landscape Design)
- Policy D6 (Historic Environment)
- Policy D7 (Our Granite Heritage)
- Policy H3 (Density)
- Policy H4 (Housing Mix and Need)
- Policy H5 (Affordable Housing)
- Policy NE2 (Green and Blue Infrastructure)
- Policy NE3 (Our Natural Heritage)
- Policy NE4 (Our Water Environment)
- Policy NE5 (Trees and Woodland)
- Policy R2 (Degraded and Contaminated Land)
- Policy R5 (Waste Management Requirements for New Developments)
- Policy R6 (Low and Zero Carbon Buildings and Water Efficiency)
- Policy T2 (Sustainable Transport)

- Policy T3 (Parking)
- Policy WB1 (Healthy Developments)
- Policy WB3 (Noise)
- Policy I1 (Infrastructure)

## **Aberdeen Planning Guidance**

- Flooding, Drainage & Water Quality
- Trees & Woodlands
- Stoneywood Estate Development Framework and Masterplan
- Open Space and Green Infrastructure
- Trees and Woodland
- Outdoor Access

## **Other National Policy and Guidance**

- Historic Environment Policy for Scotland
- Managing Change in the Historic Environment: Setting

## **EVALUATION**

### **Key Determining Factors**

The key determining factors in the consideration of this planning application are:

- The principle of residential use;
- Impact of development on existing trees and open space;
- Impact of the development on the setting of the B listed Waterton House.

### **Residential Use**

The majority of the application site area lies within an area zoned under Policy H1: Residential Areas, whilst the south west corner is zoned as Urban Green Space under Policy NE2: Green and Blue Infrastructure.

Policy H1 welcomes residential development unless the proposal results in over development, adverse impact on residential amenity and character and loss of open space. The proposal therefore complies in principle with this policy, with the aforementioned matters considered further below.

The application proposals include an indicative layout plan with no details of the houses, however, it can be concluded from the submissions that it would be possible to design houses that would not adversely affect privacy, or overshadow the existing housing nearby. This is due to the proximity and relationship between the houses, generous plot sizes and existing and proposed boundary planting. The low density of the proposal would be in keeping with the surrounding area and in that sense, the site would not be over developed. The proposal would provide 14 house plots over a site of 1.53ha in total and so would be significantly below the density sought by policy H3, which is 50 dwellings per hectare. This is considered acceptable and desirable given the characteristics of the site with considerable tree cover, the open space and proximity of the listed Waterton House. Other impacts, including on open space, trees and the listed Waterton House, are considered below.

The Stoneywood Development Framework and Masterplan are no longer material considerations as they are not part of the development plan, nor approved as non-statutory guidance in connection with the LDP 2023. The site is not identified as an Opportunity Site as it was previously.

#### Green Space and brownfield land

The south west corner of the application site area is zoned under Policy NE2 – Green and Blue Infrastructure. This area of the site has been excluded from the area proposed for residential plots and would remain as existing, as part of the woodland to the west.

Areas around the periphery of the site are included in the Green Space Network, including the frontage onto Beech Manor and the linear area of woodland that would remain to the west, just outside the site. The network has functions which include access for people, wildlife habitat and biodiversity, landscape and recreation. Policy NE2 states the proposals that do not protect, support and enhance the network, will not be supported. It also seeks the maintenance of the coherence of the network.

It is noted that currently the site area to the west and south west of Waterton House is bound by heras fencing and not accessible to people, although it remains a green space of value for biodiversity and visually. Under this proposal, one house plot is proposed on the Beech Manor frontage of the site, with the driveway access into Waterton House and the other proposed plots, being re-located further south off Beech Manor, between the existing dwellinghouse at no.63 and the proposed aforementioned house plot. The access road would create a strip of hard surface, and with the boundaries of plots 1 and 2 abutting, a break in the green Space Network would potentially be created in this area. However, hedgerows are indicated along the plot boundaries and the green space on the south side of the new access road would remain, as well as the green space to the north of plot 1. Furthermore, the existing drive into Waterton House is shown as being re-greened. Elsewhere within the site a publicly accessible open space would be created centrally within the site, and areas currently fenced off would be opened up to access with a footpath laid out from Beech Manor. Overall, this would preserve the coherence of the Network, providing there are attached suitable conditions to cover the planting and laying out of the open space.

Given that much of the site has not been accessible to the public for several years, and the matters discussed above, it is concluded that the proposal would not result in the loss of open space in terms of Policy H1: Residential Areas.

In Policy 21: Play, recreation and sport in NPF4 parts d) and e) are relevant and state that developments likely to be occupied or used by children and young people will be supported where they incorporate provision for play, recreation and relaxation that is proportionate to the scale and existing provision in the area. Also stating that these developments should be inclusive, allowing children and young people to play and move around safely and independently, maximising opportunities for informal play.

Matters Specified in Conditions (MSC) applications would need to be submitted for the details of the houses, however these are likely to be family houses, therefore it would be appropriate to provide opportunities for informal play and outdoor space would be appropriate. There are three areas of open space within the development, with the one to north being existing and contributing to the wider

area. The two green spaces within the centre of the development are more intimate and contained within this area. Tree planting is proposed within these areas and this is indicated on the landscape and biodiversity plan, a woodland area near to houses would be suitable for informal play, this could be augmented by simple additions such as logs/ tree stump. A revised landscape and biodiversity plan is required by condition in order to allow further consideration of tree species in areas where children would be likely to play and to include measures for informal play.

The yard area immediately to the north of Waterton House and industrial buildings in the northern extremity are brownfield land and the re-use of this reduces pressure on greenfield sites. As such, the development proposals comply with Policy 9: Brownfield, Vacant and Derelict Land of NPF4.

### Trees and Woodland

There are a large number of mature and semi-mature trees of a mix of species within the site, these include sycamores, beech, birch, spruce, cypress, cherry, lime, rowan and others. The development would require the removal of a group of sycamores, a small spruce and small rowan, the latter two being in close proximity to the proposed access driveway and the former being on the site of plot 1. A further group of sitka spruce would be removed for management or health and safety reasons, as well as a further six trees. The sitka spruce are also on the site of plot 1.

The landscape and biodiversity plan indicates 79 trees of at least 2.5m being planted and 7 holly trees at 1.75m; some of these would be within plots. Eleven trees would be planted within the area bounding Beech Manor and the mature healthy beech tree in this area would be retained, following amendments to the original proposal which removed three plots from this area. Beech, a wildlife mix hedging and privet hedging would be planted comprising lengths of 585m, 325m and 130m respectively.

The most significant tree loss would be on Beech Manor where two tree groups would be removed; these are prominent trees within a residential area and on a main route to the neighbourhood shops. Whilst the sitka spruce are in danger of being blown over and their removal is sensible, the nine stems of mature sycamore are healthy. The access into the site is to be taken at this point and requires the removal of the trees. Alternative access routes have been considered and would potentially affect the root protection area of the mature beech, and result in a junction with sub-optimal visibility. Replacement trees would provide numerical mitigation for the loss, although it would be some time before they present a similar visual appeal. A variety of native species are proposed and this would contribute to biodiversity.

The submitted plans indicate Root Protection Areas and 'Zones of Influence' (ZOI) for the trees. Root protection areas are generally avoided, although this would be subject to details submitted through Matters Specified in Conditions applications. Many ZOIs covers parts of the garden areas of plots, although indicative house footprints are outside ZOIs, except on Plot 1 on Beech Manor and the first plot on the access road. The following points are noted:

Plot 1, Beech Manor – the mature beech is to the north of this house and would not affect sunlight.

Plot 1, access road – the indicative house footprint was amended so that it is only slightly overlapping with the ZOI.

Plot 2 and 3, access road – ZOI of relatively small trees to north.

Plot 4 and 5 – ZOIs are to east and with more optimal shape and location of house footprint, garden areas would be enhanced by the tree presence.

Plot 7 – ZOIs are to the south east, sunlight would reach the garden during the later part of the day and with suitable orientation and locating of the house, a satisfactory level of amenity would be achieved.

Plot 9 and 10 – ZOIs of trees overlap gardens to varying degrees, however, trees are outside the gardens.

It is acknowledged that the proposal does not comply with the guidance on Zones of Influence in the Aberdeen Planning Guidance on Trees, however, in this instance the proposal is considered acceptable for the reasons stated, the retention of existing trees providing an attractive, mature setting for the proposed residential plots, and the proposed development being located outwith tree root protection areas.

### Biodiversity

An Environmental Walkover Survey was submitted and indicated that red squirrel habitat would be unlikely to be affected; badger foraging habitat would not be affected; there is suitable bat foraging and commuting habitat which is to be retained; there is hedgehog habitat on site and the development of plots could decrease habitat connectivity. A landscape and biodiversity plan was submitted and found to be acceptable. This includes tree, hedge and wildflower areas. With the attachment of conditions requiring the planting to be carried out, bat and bird boxes and measures to allow for hedgehog movements ('hedgehog highways' – which consist of gaps in boundaries) it is considered that the proposal would enhance biodiversity.

In addition, a condition is recommended to be attached to achieve climate change mitigatory measures in accordance with Policy 19: Heating and Cooling. This policy supports buildings including houses where: they are designed to promote sustainable temperature management, for example by prioritising natural or passive solutions such as siting, orientation, and materials.

### Historic Environment

Waterton House is a Category B listed building. It is a 19<sup>th</sup> Century two storey mansion with single storey offices to the west wing. It is harled, slated with curvilinear gable with bow window in front (South elevation). The north elevation is visible from the industrial site and the front elevation of the house is partially visible from South-West viewpoints within the green space. The bow window is particularly visible from this view point.

The proposal would not affect the fabric of the listed building, whilst the site includes the part of its curtilage. The impact on its curtilage and setting are matters for consideration. Policy 7 a) requires an assessment of significance and c) states that proposals affecting the setting of a listed building should preserve its character and its special architectural or historic interest. Managing Change in the Historic Environment: Setting sets out how to assess the impact of proposals on setting as follows:

1. Identify historic assets affected
2. Define and analyse setting
3. Evaluate impact of proposed change and extent to which impact can be mitigated.

A Heritage Statement was submitted. This identifies the southern elevation as the principal one, with living rooms overlooking the south western curtilage. Existing development in the surrounding area, including the walled garden, are identified as having gradually eaten into the curtilage of Waterton House as it originally existed. Removal of the industrial area to the north is identified as a positive impact of the proposal. Plots 5 and 7 are acknowledged as encroaching to some degree into the garden area to the east and south of the house. The design approach of meandering drives and paths, retention of trees and use of shrubs / hedges as boundary treatments are identified as helping to retain the landscape character and the setting of the house. It is noted that the wall to the north of the house would be retained,

It is considered that by paying careful attention to the details of the houses and landscaping submitted through MSC applications, the proposal is capable being acceptable in terms of impact on the character and setting of the listed building.

### Archaeology

An Archaeological Assessment was submitted with the application and the Archaeology Service agrees with the requirements therein. Noting that the application does not include Waterton House itself, a photographic survey is taken on the buildings, structures and views of the formal gardens. This would ensure that a suitable record is kept of the buildings and former formal gardens and would comply with Policy D6 which requires such recording.

### Transportation and Access

Policy 13 supports proposals connected to good walking, wheeling and cycling networks, public transport and where electric vehicle charging would be provided.

The site is well connected in accordance with this policy and electric vehicle charging on each plot is required by condition.

The point of access on Beech Manor would provide a suitable safe access into the site, with a shared surface within the site. Subject to agreement of details of the access road through MSC applications the Roads Service is content with this arrangement in terms of safety. The existing visitor parking would be replaced with a parking bay on Beech Manor and a further single space bay on the access road.

### Refuse

The submitted plans show communal collection points for all plots other than plot 1 and this arrangement, together with the requirement for double yellow lines on the turning head, is to the satisfaction of both the Roads DM Team and the Waste Team.

### Drainage

The site is not shown as being at risk of flooding on the SEPA Flood Maps or Future Flood Maps. Surface water drainage is indicated in the Drainage Strategy as linked into the existing SUDS pond to the south of the site. Any permission granted is recommended to be conditional upon surface water drained into the SUDS pond or such other similar measure. The houses would be connected to the public water mains and comply with Policy 22 in NPF4.

### Affordable Housing

Policy H5 and Policy 16 (Quality Homes) requires 25% of the homes to be affordable housing. After discussion with the Housing Service and Developer Obligations Team it was concluded that there is no mechanism within Aberdeen Planning Guidance or the development plan that would reliably secure the provision of self-build affordable housing. Furthermore, Registered Social Landlords are not interested in buying individual plots. For this reason it is proposed to accept commuted payments for the 3.5 affordable units.

In order to allow for circumstances where the site is taken forward by developers rather than as self-build units, and to provide flexibility for the applicant any legal agreement entered into in order to secure the contributions would allow for the option of affordable housing to be provided on site.

### Impact on Local Services

In accordance with Policy I1: Infrastructure Delivery and Planning Obligations in the LDP and 18: Infrastructure first in NPF4, an assessment has been carried out by the Developer Obligations Team of the impact of the proposal on local services including school and healthcare provision. In order to ensure that any impact on these is mitigated, suitable contributions are sought from the developer and these are as noted in the Consultations section above.

In relation to digital infrastructure, Policy 24 seeks proposals that incorporate appropriate future proofed infrastructure and the recommended conditions seek details of the provision of this within the site so that the developers of each plot may connect.

### Climate Change, Health and Well-being

In terms of climate change the proposal would provide housing within an accessible location within walking distance of food shops and other facilities. The site is not liable to flooding and overall there would not be an adverse impact on trees and biodiversity. The recommended conditions would result in the occupants being protected from noise and being provided with a pleasant residential environment including with the provision of communal open space and paths. The proposal complies with Policy WB1: Health and Wellbeing in the LDP and Policy 1: Tackling the climate and nature crises and Policy 2: Climate mitigation and adaptation in NPF4.

### Matters Raised in Representations

The majority of matters raised are dealt with above. The following is for noting in respect of other points:

Point 7. The Environmental Health Service did not raise concerns in respect of air quality, the site is accessible by public transport and active travel. A condition requires electric vehicle charging to each plot.

Point 10., 12. and 13. Existing speeding is not a material consideration and any future law breaking is a matter for the police. The Roads Service do not object to the application and are content with the location of the access and shared surface.

In respect of non-material considerations, these are largely covered by other legislative regimes or are private legal matters.

### **Legal Agreement Heads of Terms**

Secure contributions for primary and secondary education, health and affordable housing.

### **RECOMMENDATION**

Approve conditionally, subject to securing of developer contributions for primary and secondary education, healthcare and affordable housing.

### **REASON FOR RECOMMENDATION**

The approval of planning permission in principle for this proposal, subject to details approved through further applications for Matters Specified in Conditions (MSCs), would result in:

1. A residential development on land largely zoned within the Aberdeen Local Development Plan 2023 for that use, that would be acceptable in terms of its impact on the residential character and amenity of the area. The proposal would result in a density of development that would be in keeping with the character of nearby residential areas and is consistent with maintaining the landscape setting of the site. It would provide public access to landscaped

and tree planted green space that is currently fenced off and would therefore comply with Policy R1: Residential Areas and Policy D2: Amenity in the Aberdeen Local Development Plan 2023 (LDP) and Policy 16: Quality Homes in the National Planning Framework 4 (NPF4). Affordable Housing would be provided for, in accordance with Policy H5: Affordable Housing. The density of development would be lower than is required by LDP Policy H3: Density and this is justified in order to retain trees and green space and preserve the setting of the listed building.

2. The area of urban green space would remain as a natural habitat and the integrity of the Green Space Network would be preserved and enhanced with tree and hedge planting. Loss of trees would be mitigated by the planting of a significant number of trees, including of native species, and biodiversity would be capable of being enhanced. The proposal therefore complies with Policy 3: Biodiversity, 4: Natural Places, Policy 6: Forestry, woodland and trees, Policy 20: Blue and Green Infrastructure, Policy 21: Play, recreation and space in NPF4 and Policy D4: Landscape, D5: Landscape Design.
3. The site being capable of being development with housing of a suitable scale, massing design and landscape planted setting that the character and setting of the Category B listed Waterton House would be preserved. The proposal accords with Policy 7: Historic Assets and places and Policy D6: Historic Environment.

## **CONDITIONS**

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

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

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

### **(02) MATTERS REQUIRING FURTHER APPROVAL – SITE WIDE**

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

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

- a. Details of the layout and finish of all roads and road junction onto Beech Manor, including visibility splays, swept path analysis and footpaths;
- b. Details of strategic landscaping and site boundaries including the communal open spaces;
- c. Details of design and layout of drainage and connections to SUDS features;
- d. Details of the provision of appropriate, universal and future-proofed digital infrastructure connections such that occupants of each house will be able to connect their house.

e. A scheme for the phasing and delivery of all of the above matters. For the avoidance of doubt, this phasing plan shall indicate when communal infrastructure including the access road through the site, open spaces and drainage shall be constructed.

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

### (03) MATTERS REQUIRING FURTHER APPROVAL – RESIDENTIAL PLOTS

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

That no development shall take place on any individual plot unless there has been submitted by way of further application for Matters Specified in Conditions (MSC) detailed scaled layout and elevational drawings where appropriate showing the following:

- a) Details of layout, siting, design and external appearance of buildings and any ancillary structures, including all external finishing materials.
- b) Details of measures incorporated into house construction and design to achieve internal sound reduction as per the recommendations in the Noise Impact Assessment Report by Sandy Brown 23280-R01-B.
- c) Details of vehicular and pedestrian access and parking.
- d) Details of on site passive or active electric vehicle charging facilities on each plot.
- e) Details of measures to promote sustainable temperature management for each house, for example by prioritising natural or passive solutions such as siting, orientation, and materials.
- f) Details of landscaping and boundary treatments the latter which shall be shrub and hedgerow plants, all generally in accordance with the Landscaping and Biodiversity Plan 2504-WHS-LS or such other plan as subsequently approved, including planting plan showing species, number of plants and size at planting
- g) Topographical plan showing ground levels as existing and as proposed, including cross section showing the proposed building in relation to Waterton House and any other houses which have planning permission (Matters Specified in Condition).
- h) Surface water drainage arrangements (Sustainable Urban Drainage Systems) for the plot

The house shall not be occupied unless the plot planting has been carried out and development carried out in complete accordance with the details as so agreed.

All soft and hard landscaping proposals, including boundary hedges, within each plot 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 on that plot or as otherwise 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. All tree planting within the root protection area of existing trees shall be hand dug.

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). In the interests of residential amenity, the setting of the Category B listed building and the landscape character of the site. 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.

#### (04) LANDSCAPING & BIODIVERSITY ENHANCEMENT PLAN – SITE WIDE

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

- (i) Existing landscape features and vegetation to be retained.
- (ii) The location of new trees, shrubs, hedges, grassed areas and water features, for the avoidance of doubt this shall not include yew trees within the areas south of the access road.
- (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 features. In one of the open spaces to the south of the access road, this shall include measures to encourage informal play, such as tree trunks/stumps.
- (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 the locations of bat boxes, bird boxes and hedgehog highways as recommended in the Environmental Walkover Survey Report

All soft and hard landscaping proposals and biodiversity measures shall be installed and 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: 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). In the interests of residential amenity, the setting of the Category B listed building and the landscape character of the site. 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.

## (05) PROTECTION OF TREES

No development shall take place on site other than with the tree protection measures in place in accordance with the layout plan 2302-WHS-TP and the details within the Tree Survey Report by Astell Associates WHS-2302-TR, or such plan and details as are subsequently approved through MSC applications in relation to this permission.

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

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

Reason: In order to preserve the character and visual amenity of the area and to ensure adequate protection of trees.

## (06) PROVISION OF VISITOR PARKING LAY-BYS

That the access road shall not be brought into use nor any of the houses occupied unless there has been provided visitor parking lay-bys provided in accordance with the approved layout plan 004 P09 or such other plan as may be approved by the planning authority by means of MSC application relating to condition 02.

Reason: In the interests of road safety and residential amenity.

## (07) PHOTOGRAPHIC SURVEY

No demolition or any other works in connection with the development hereby approved shall commence unless a photographic survey of the existing buildings and structures, and general views of the formal garden areas, on the application site has been submitted to and approved in writing by the planning authority. All external elevations of the buildings and structures together with the setting of the buildings and structures and any unusual features of the existing buildings and structures or garden shall be photographed. The photographic viewpoints must be clearly annotated on a plan to accompany the survey. The photographs and plan must be in a digital format and must be clearly marked with the planning reference number.

Reason: To ensure that a historic record of the buildings and former formal garden area is made for inclusion in the National Monuments Record for Scotland and in the local Historic Environment Record.

## (08) REFUSE STORAGE

That no individual house shall be occupied unless there been laid out and provided bin collection points in accordance with details submitted to and approved in writing by the planning authority by way of matters specified in conditions application. These shall be in accordance with drawing 12140-HFM-ZZ-ZZ-DR-A-P(00) 002 P10 or such other plan as is subsequently approved, unless otherwise agreed in writing by the planning authority.

Reason: In the interests of health and safety.

**(09) YELLOW LINES TURNING HEAD**

That within six months of occupation of the first house on plots 4, 5 or 6 yellow lines shall be painted on the turning head at the east end of the access road, in accordance with a scheme approved by way of matters specified in conditions application.

Reason: In order to ensure safe access for refuse collection vehicles.

**(10) CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN**

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

- a. Surface water management, including construction phase sustainable drainage measures;
- b. Measures to control dust and protect residential amenity during demolition and construction
- c. Measures to protect wildlife, including breeding birds, during construction
- d. Site waste management including details of re-use on-site and off-site disposal of demolition materials.

Reason: To minimise the environmental impact of construction and demolition.

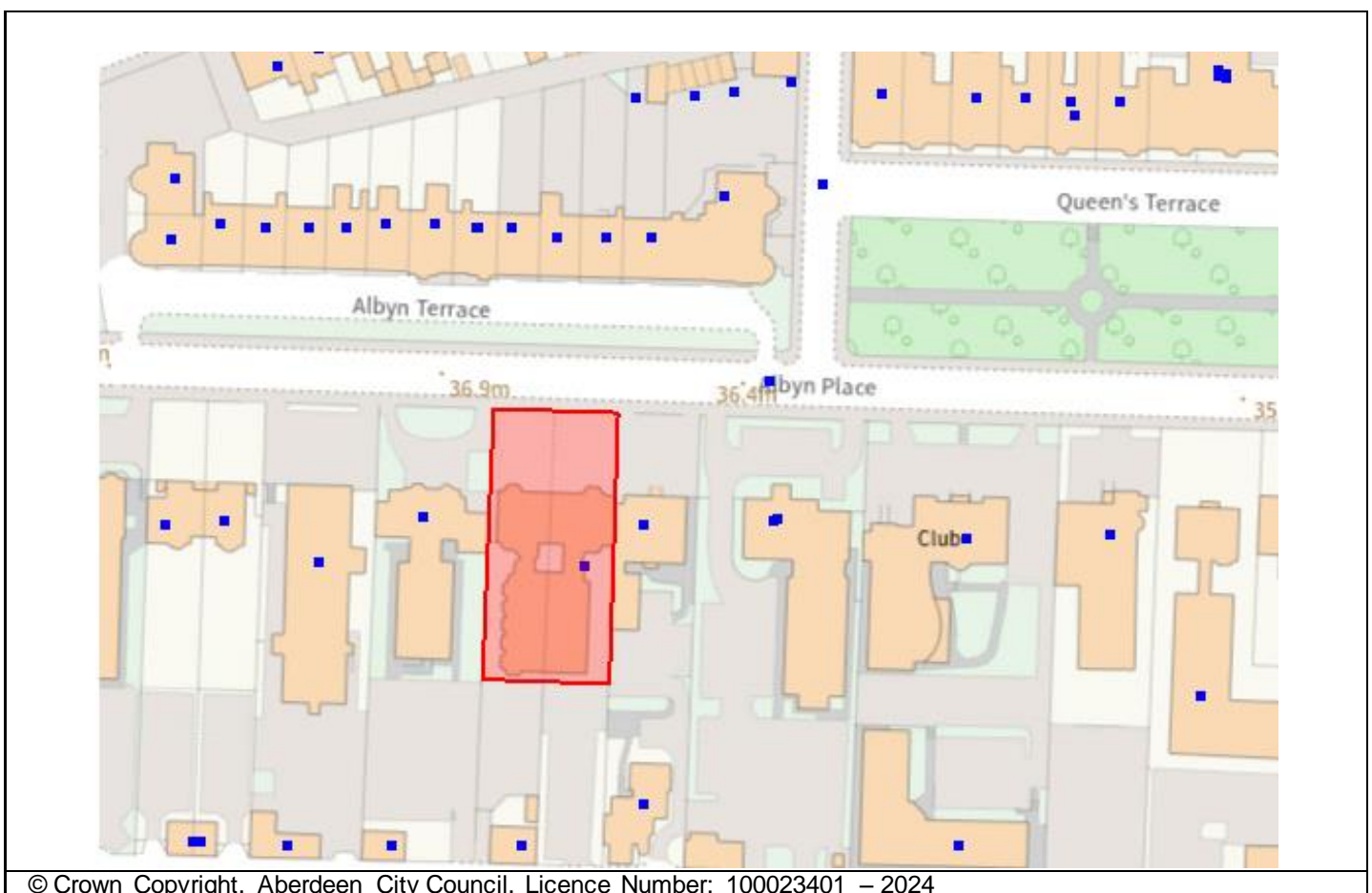
**ADVISORY NOTES FOR APPLICANT**

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

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	<b>Planning Development Management Committee</b>
	Report by Development Management Manager
	<b>Committee Date: 19 June 2025</b>

<b>Site Address:</b>	31 - 32 Albyn Place, Aberdeen, AB10 1YL
<b>Application Description:</b>	Change of use and conversion of fire damaged former office (class 4) to form 6no residential flats (sui generis), erection 2 storey extension with terraces, installation of 2 new dormers and formation of garden to the rear, reinstatement of fire damaged roof and dormers of No 32, formation of 3 car parking spaces, bin and cycle store and installation of new rooflights to the front
<b>Application Ref:</b>	241162/DPP
<b>Application Type</b>	Detailed Planning Permission
<b>Application Date:</b>	11 October 2024
<b>Applicant:</b>	Albyn Court Ltd
<b>Ward:</b>	Hazlehead/Queen's Cross/Countesswells
<b>Community Council:</b>	Queen's Cross and Harlaw



## **RECOMMENDATION**

Approve Conditionally & Legal Agreement

## **APPLICATION BACKGROUND**

### **Site Description**

The property at 31-32 Albyn Place comprises a pair of semi-detached traditional granite-built dwellings, that were latterly converted and extended for office use. They are located within the Albyn Place and Rubislaw Conservation Area but are not covered by a listed designation. The property sits on a north – south orientation with the formal frontage to Albyn Place presenting 1½ storeys in height over a basement, but to the rear, due to levels, the buildings are 2½ storeys. 32 Albyn Place suffered significant fire damage and as a result the roof and some windows have been lost. The original doors and windows are still present within 31 Albyn Place. Metal railings are present on the stepped access to the front and the lightwells to the basement, but those on the low front boundary wall, were removed many years ago.

To the front on Albyn Place, the original grand in-out layout of the garden and vehicular access remains, with a large mature beech tree present that is covered by a Tree Preservation Order which also covers the other trees along Albyn Place, showing its significance within the streetscape.

To the rear is a cleared site, where a large brick extension previously stood and the remnants of the disused car park. The whole feu of the two buildings extends to 2520 sqm but this application site equates to 1596 sqm. The remainder of the plot has consent for four properties, accessed from Albyn Lane (application reference 230386/DPP).

The south side of Albyn Place is characterised by granite villas large extensions of varying quality and design, as a result of changes in the past from large private dwellings to office accommodation, particularly oil-related and professional service uses. Directly to the east at number 30, occupied by Albyn Medical Practice, is a large extension running approximately 14m along and built on the boundary wall and has a two storey blank gable facing into the application site. To the west, at 33 Albyn Place is another large extension currently in office use. The extension at 33 Albyn Place has ten large windows, spread across two levels and looking east into 31-32 Albyn Place.

### **Relevant Planning History**

- 210311/DPP – Detailed planning permission for change of use from and conversion of offices (class 4) to form 16 no. residential flats (sui generis), including the removal of existing link to form separate buildings, various alterations, formation of parking to rear and installation of railings to front was appealed on the basis of non-determination of the application and was refused by Local Review Body on 21 April 2022.
- 220666/DPP – Detailed planning permission for change of use from class 4 (office) to form 2 no. residential dwellings, including demolition of office extension; alterations/replacement of windows; re-instatement/alterations of access doors; installation of replacement rooflights; gate replacement with associated works was approved under delegated powers on 17 August 2022 under delegated powers.
- 220670/CAC – Conservation area consent for substantial demolition of office extension was conditionally granted consent on 29 July 2022. The extension has now been demolished.
- 230386/DPP – Detailed planning permission for erection of 4 dwellinghouses with associated access, landscaping and car parking was approved conditionally on 19 January 2024 under delegated powers.

## **APPLICATION DESCRIPTION**

### **Description of Proposal**

Detailed planning permission is sought for the change of use and conversion of 31-32 Albyn Place to form six residential flats and includes the reinstatement of the roof and dormers on the fire damaged building. The proposal would also include the formation of a two storey extension with terraces to the rear. The extension would extend around 6.6m in height, with a maximum projection of 5.5m from the building at lower ground floor level and 3m at ground floor level. Each property would have a private terrace, which diminishes in size, as you go up the building. The flats vary in size with the largest containing three bedrooms and measuring around 146 sqm and the smallest a two bedroom property, set within the attic space, measuring around 103 sqm. All have generously proportioned rooms.

Other elements of the proposal include:

- Installation of two new peinded dormers to the rear.
- Formation of a garden area to the rear to include private for the lower ground floor flats and communal for the remaining four flats.
- Formation of bin stores to the front.
- Formation of cycle stores to the rear.
- Installation of new rooflights to the front.
- Installation of railings on the front wall.
- Formation of three parking spaces to the front.
- Construction of a retaining wall to level the rear garden, using the down takings of granite from the rear elevation.
- Replacement of fire damaged windows.
- Alterations to window openings to the rear to form doors.
- Reinstatement of feu boundary wall between 30 and 31 Albyn Place.

### **Amendments**

- Extension at lower ground floor level reduced in length from 8m to 5.5m, at ground floor level from 4.1m to 3m and at 1<sup>st</sup> floor level catslide dormers off wall head to peinded dormers.
- Extension at lower ground floor level reduced in width from 12m to 10.5m, at ground floor level from 12m to 8.5m and at first floor level catslide dormers to peinded dormers.
- Amendments to garden proportions and layout.
- Addition of traditional railings to the front wall.
- Redesign of bin stores.
- Redesign and relocation of cycle stores to rear.
- Reuse of granite downtakings within retaining and rear feu walls.
- Reduction of proposed car parking provision from four,(with two additional potential spaces shown on the grass) down to three.

### **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=SKQ10JBZK5X00>

- Heritage Statement version 2 (April 2025)

- Supporting Planning Statement Version 3 (April 2025)
- Tree Survey (8 January 2025) Astell Associates.

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

The application has been referred to the Planning Development Management Committee because:

- it is being recommended for approval and has been the subject of formal objection from the Council in its capacity as roads authority.

Determination of the application therefore falls outwith the scheme of delegation.

### **CONSULTATIONS**

#### **Aberdeen City Council (ACC) Internal Consultees**

##### **ACC - Developer Obligations –**

Secondary Education - £3,655

Healthcare Facilities - £5,002

Open Space – £1,243

Affordable Housing Requirement – This site is located within the affordable housing wavier area.

##### **ACC - Roads Development Management Team –**

Object to the proposal on the ground of insufficient on-site parking. Parking standards for six flats would be 1.5 spaces per unit. In this circumstance, given the site's location, accessibility to sustainable transports means and proposed cycle parking/storage, it is advised that one parking space per flat/unit (six total) would be considered acceptable level of provision. The most recent proposals for this application show the provision of three parking spaces which is a shortfall as per the standards stated above, which would not be considered acceptable. The applicant was advised that such hybrid volume of parking (three) would not be considered acceptable with concerns that this encourages future residents to 'think' they will get parked rather than getting an on-street parking permit, therefore the demand for only three spaces would be oversubscribed and potential for residents to rogue park within the front loop impacting access/egress for others within the site. It was advised most recently that the two options that could be allowed was for minimum one parking space per flat/unit (six total) or the provision of one disabled space only and effectively the site becomes a 'no car' development given its proximity to city centre, access to public transport and potential any parking accommodated within CPZ via permit. As the applicant has not amended the proposals, it required Roads Development Management to assess the application in its current form of 3 spaces which as per above is not acceptable.

The site is located in inner city boundary and lies within controlled parking zone (CPZ) N. This site would remain served by direct access onto the adopted footpath network along Albyn Place, which provides connectivity to the wider area and city centre. It is noted that the site would be served by on-road cycle lanes along Albyn Place which provide connection to further recommended cycle routes by Aberdeen City Council and Aberdeen Cycle Forum. Noted site would be well serviced by public transport provision given Albyn Place forms part of a regular bus route in and out of the city centre. The nearest bus stop is within 100m of the site.

It is noted that the site proposes to provide cycle parking/storage provision of the necessary volume of, one cycle space per unit (six total minimum). However, the proposed provision of storage is not considered to be fully secure for the likes of long term storage and should be fully covered and secured.

Note that the existing site access which allows an in/out operation would be retained and does not require alterations and as such is acceptable. If changes are proposed or required further detail would need to be submitted.

### **ACC - Waste And Recycling –**

Do not object to the proposal but request that it is ensured the bin stores will be of appropriate dimensions to accommodate the bins for the site.

### **External Consultees**

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

### **REPRESENTATIONS**

None

### **MATERIAL CONSIDERATIONS**

#### **Legislative Requirements**

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

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

#### **Development Plan**

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

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 2 (Climate Mitigation and Adaptation)
- Policy 3 (Biodiversity)
- Policy 7 (Historic Assets and Places)
- Policy 13 (Sustainable Transport)
- Policy 14 (Design, Quality and Place)
- Policy 16 (Quality Homes)
- Policy 24 (Digital Infrastructure)

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

- Policy D1 (Quality Placemaking)
- Policy D2 (Amenity)
- Policy D4 (Landscape)

- Policy D6 (Historic Environment)
- Policy D7 (Our Granite Heritage)
- Policy NE2 (Green and Blue Infrastructure)
- Policy NE5 (Trees and Woodland)
- Policy R3 (New Waste Management Facilities)
- Policy R6 (Low and Zero Carbon Buildings and Water Efficiency)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)
- Policy VC6 (West End Area)

### **Aberdeen Planning Guidance**

- Amenity & Space Standards
- Landscape
- Materials
- Natural Heritage
- Open Space & Green Infrastructure
- Repair and Reinstatement of Cast Iron Railings
- Repair and Replacement of Windows and Doors
- Transport & Accessibility
- Trees & Woodlands

### **Other National Policy and Guidance**

- Historic Environment Policy for Scotland
- Managing change in the historic environment – extensions, windows and doors

### **Other Material Considerations**

- Albyn Place and Rubislaw Conservation Area Character Appraisal and Management Plan

## **EVALUATION**

### **Key Determining Factors**

- The acceptability of the conversion of the two vacant properties located within the West End Area, as defined in the Aberdeen Local Development Plan.
- The requirement to provide an appropriate level of amenity for future residents.
- The preservation or enhancement of the Albyn Place and Rubislaw Conservation Area.

### **Principle of Development**

Within the Aberdeen Local Development Plan 2023 (ALDP) this site is covered by Policy VC6 (West End Area). This policy states “*The West End Area (as shown on the Proposals Map) comprises a mix of uses including residential, business (Class 4), food and drink (Class 3) and other commercial uses*”. It goes on to state that the principle of the change of use from office to residential will be supported, but that applications must take into account existing uses and avoid undue conflict on adjacent land uses and amenity. It must consider amenity for future users as well as existing residents in proximity to the site.

National Planning Framework 4 (NPF4) Policy 15 (Local Living and 20 Minute Neighbourhoods), promotes and encourages the application of the place principles and creates connected and

compact neighbourhoods, where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by sustainable modes of transport.

In terms of the proposed use, the surrounding context on Albyn Place is predominantly offices and commercial premises. The property is set back from the street on a consistent building line. There would be no conflict between the proposed uses and the existing surrounding uses. The properties are well sited, to connect into the city centre and future residents daily needs could be easily met within 20 minutes of the site. Consent was previously granted for the conversion of these two properties to two houses. As such the principle of residential development on this site is acceptable and welcomed, subject to compliance with other policies within the development plan including consideration being given to design, parking, conservation and amenity. The principle of residential use accords with policies Policy VC6 (West End Area) of the ALDP and Policy 15 (Local living and 20 minute neighbourhoods) of NPF4.

## **Amenity**

Policy D2 (Amenity) of ALDP seeks to ensure that residents are offered an appropriate level of amenity in terms of sunlight, daylight, noise, air quality and immediate outlook. Residential development must also have an appropriate level of external amenity space. The policy also seeks to achieve a public face to the street and a private space to an enclosed garden or court, to ensure a sense of place and enclosure. Proposals must also meet minimum standards for internal floors space while also ensuring that refuse and recycling and cycle storage are integrated into the design.

External amenity space, through the provision of private or communal open space, can ensure opportunities for health and wellbeing, future adaptation and multiple uses. Gardens should provide a range of functions and residents in flats should have access to outdoor sitting out areas and ground floor flats should generally have private gardens of a minimum depth of 3m. Policy NE2 (Green and Blue Infrastructure) of the ALDP states that access to the outdoors for informal recreation contributes to everyday quality of life. Increased levels of physical activity outdoors can contribute to improved health and wellbeing, while access to high quality areas for outdoor recreation can make the city a more attractive place to live and work.

In terms of amenity within this proposal, the rear garden ground equates to a length of around 27m with the total area of around 720 sqm. The proposal would reinstate the rear garden and central feu boundary wall, resulting in the original garden layout being restored. Each of the lower ground floor flats would have two patios and private garden ground equating to around 114 sqm. The remaining 433 sqm would be given over to communal garden ground for the lower ground and ground floor flats. These flats would also have small terraces on the rear extension accessed from the lounges. Given the cumulation of the garden area to the rear, and the proposed private terraces and patios, there would be an appropriate amount of useable private and communal amenity space within the site.

Consideration of the potential impact of the proposed development, on adjacent land uses, is also required as part of the evaluation. Given the orientation of the proposed extension and the window placement, there would be no issues of overlooking into or out of the properties. The terraces have been designed to remove potential overlooking on those below by setting them in from the sides and front, and those adjacent with the introduction of a central opaque glass separation barrier, to ensure privacy is still afforded.

The proposed flats would vary in size, with the largest containing three bedrooms and measuring around 146 sqm and the smallest a two bedroom flat measuring around 103 sqm in size, set within the attic space. All proposed flats would have generously proportioned rooms.

The light entering the property to the rear is particularly good given the south facing orientation and the open aspect. On the north elevation, the basement level flats would have limited light. Four bedrooms (two in each flat) would be lit by lightwells. To the front a small area of grass is proposed to move parking away from said lightwells and allow in more light. The rooms would be generously proportioned and the rear living spaces and further bedrooms would be bright, due to their south orientation and with a pleasant outlook over their own private garden ground. As such the proposed development would allow for an appropriate amenity for future users which is deemed acceptable level for this historic redevelopment, in this location. Finally the site would include the necessary refuse and recycling provision and cycle storage. As such the proposal complies with Policy D2 (Amenity) as well as the Aberdeen Planning Guidance (APG) on Amenity and Space Standards.

### **Layout, siting and design and matters relating to conservation**

The proposal includes the following alterations:

To the rear –

- Three storey extension over both properties projecting 5.5m at lower ground floor and 3m at ground floor level.
- Glass balustrades to terraces.
- Removal of one traditional dormer and construction of 2 peinded dormers at roof level to allow access onto the small terrace.
- Alteration of 2no windows within the ground floor bays to form double doors
- Reinstatement of fire damaged roof and bay window.
- Installation two new windows at ground floor level between existing bays and proposed extension.
- Erection cycle stores to the rear.
- Formation of rear garden area, including patios and retaining wall.

To the front –

- Replacement rooflights to front.
- Replace fire damaged roof and dormer to match existing.
- Installation of railings to wall.
- Formation of three parking spaces to the front of the properties set within the existing hardstanding area.

The levels and the fact that the rear of the site has a separate consent for residential development result in some challenges for the proposed development. The application site would be accessed from Albyn Place only, with no opportunity for parking or access to the rear. Reviewing the historic plans, it demonstrates that the front garden is one of the few remaining gardens with the historic curved in and out layout on Albyn Place, the rest have been significantly eroded over time. This front feu plays an important part in the character of the Albyn Place and Rubislaw Conservation Area and would remain unaltered as part of the scheme.

Policy 14 (Design, Quality and Place) of NPF4 encourages, promotes and facilitates well designed development that make successful places by taking a design-led approach. Policy D1 (Quality Placemaking) states development must be of a high standard, create sustainable and successful places and have a strong and distinctive sense of place, which is a result of detailed context appraisal. This policy also encourages resource efficiency and the reuse of existing buildings. The resource efficiency point is reiterated within NPF4 Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) which encourages, promotes and facilitates the reuse of brownfield, vacant

and derelict land and empty buildings, and to help reduce the need for greenfield development. Proposals are also required to ensure high quality architecture, materials and craftsmanship, well considered layout including open space and public realm and sustainable transport opportunities. Managing Change in the Historic Environment Extensions states that Extensions:

- must protect the character and appearance of the building;
- should be subordinate in scale and form;
- should be located on a secondary elevation;
- must be designed in a high-quality manner using appropriate materials.

The proposed extension to the rear has evolved through the planning application process with significant changes being made to its scale, massing and design. The extension would have a maximum projection of 5.5m at lower ground floor level, 3m at ground floor level and a new peinded dormer at first floor level with small terrace beyond. In terms of width, at lower ground floor level this would measure around 10.5m, at ground floor level around 8.5m and at first floor level the terrace area would measure around 7m. This shows that the extension would diminish in width and depth as it gets higher up the building. These dimensions would result in an extension that would sit comfortably on the rear elevation, between the bay windows and as a result be subordinate in scale and form to the original building.

The design is contemporary in approach would sit comfortably on the rear elevation of the building. The proposed materials are zinc, frameless glass balustrades and natural slates to the new dormers and offer a positive contrast to the granite of the existing buildings, and are deemed appropriate for the site and its context. As such the proposal is in accordance with Policy 14 (Design, Quality and Place) of NPF, Policy D1 (Quality Placemaking) of the ALDP and Historic Environment Scotland's, Managing Change in the Historic Environment Extensions.

A Heritage Statement was submitted in January 2025 which highlights the fact that the proposal relates to Aberdeen cottage residential dwellings which are considerably more domestic in scale than their immediate neighbours. 31-32 Albyn Place are rare examples of cottage style terraces. It goes on to state that the rear elevation architectural value is degraded with the removal of the previous link and that part is damaged by fire. The proposal does not seek to alter the external form of 31 and 32 Albyn Place beyond the new extension. The previous large brick extension and its link to the traditional properties was removed as part of a previous application for the site, which has left an area of damage stonework on 31 Albyn Place adjacent to the bay window. There is also area of damage at 32 Albyn Place as a result of a fire a few years ago.

Policy 7 (Historic Assets and Places) of NPF4 and Policy D6 (Historic Environment) of the ALDP both stipulate that development must protect and enhance the historic environment. Furthermore, new developments must be designed to respect the character, appearance and setting of the historic environment and protect the special architectural or historic interest of conservation areas, and in this case the Albyn Place and Rubislaw Conservation Area. The proposed changes are compatible with the design and materials of the existing building and respect the historic status of the buildings and the conservation area as a whole. The front of the property as well as the front garden area would remain unaltered, except for the installation of railings on the existing granite plinth, which would be a positive addition to this historic feu. As such the proposed changes would not impact on the character of the conservation area to the front. The proposed changes to the rear, as highlighted above, are appropriate in design, scale, form and materials and would address the impacts of the fire-damaged wall. The other alterations including the proposed reinstatement of the boundary wall and the garden ground would also be positive additions. As such the proposed changes to the rear would sit comfortably within its surroundings, thereby preserving and to a limited extent enhancing the character and appearance of the conservation area.

Policy D7 (Our Granite Heritage) of the ALDP seek the retention and appropriate reuse of granite structures, buildings and features. It goes on to say that proposals to demolish will not normally be granted planning permission unless every effort has been made to retain it, that it is no longer of special interest, it is essential to delivering significant benefits to economic growth or the wider community or its repair and reuse is not economically viable. The proposal includes the removal of a 90 sqm area of granite from the rear elevation, which is classed as an alteration rather than demolition. This granite removal is also to allow for the erection of the proposed extension. The previous extension had connected via two links to the rear elevation, with some enlarged openings being present. The removal of said links has left some damage to the wall and which is not of high aesthetic quality. This coupled with the fact that 32 Albyn Place was fire damaged a number of years ago and both have been vacant for even longer, the reuse of these buildings is very important for the surrounding area and the character of the conservation area. As such it is deemed acceptable to permit the removal of part of the rear elevation to facilitate the reuse of these prominent buildings with the Albyn Place and Rubislaw Conservation Area. Policy D7 also seeks to ensure that any granite down takings is retained and reused on the site. In this instance this would be done acceptably in the form of a retaining wall, and part of the central reinstated feu wall, in the rear garden. Given this, the proposal meets the requirements of Policy D7 Our Granite Heritage of the ALDP.

## **Trees**

Policy NE5 (Trees and Woodland) confirms development should not result in the loss of or damage to trees and that development should seek to increase tree cover. To the front of 31-32 Albyn Place there is a mature copper beech that the tree survey has identified as category A. This tree is covered by a tree preservation order and makes a significant contribution to the townscape and the Conservation Area. This tree would be unaffected by the proposal.

To the rear there are 7 trees within the rear feu. The tree survey makes recommendations on tree protection measures which should be implemented. The proposal also includes the planting of additional trees. It is recommended that conditions are applied to the grant of planning permission to secure further details of the hard and soft landscaping and to ensure protection of said trees within the development site.

## **Transport, access and parking**

Policy 13 (Sustainable Transport) of NPF4, encourages and promotes development that prioritise the active travel hierarchy of walking, wheeling, cycling and public transport, and this is carried forward into ALDP Policy T2 (Sustainable Transport) which states, development should minimise traffic generation and be accessible by a range of transport modes with an emphasis on active and sustainable transport. In terms of this site, it is located around 580m from the City Centre boundary, as defined in the ALDP, and is easily accessible by walking and cycling. There is a regular bus route into and from the city centre along Albyn Place. This site sits within the inner city boundary as defined by the Transport and Accessibility Aberdeen Planning Guidance (APG). Policy T3 (Parking) states low or no car developments are encouraged but where not possible, development shall comply with parking standards.

The nearest bus stop is within 100m of the site and Holburn Junction at the west end of Union Street around 640m away. ACC Roads Development Management Team have confirmed that the site has excellent connections in terms of walking, wheeling and public transport, both into and out of the city.

Reviewing the historic plans, it demonstrates that the front garden is one of the few remaining gardens with the historic curved in/ out layout on Albyn Place, the rest have been significantly eroded over time. The initial scheme proposed changes to the front feu which would have resulted

in a negative impact on both the setting of the house and the conservation area as a whole. The supporting statement confirms that the landscape value of the site is the long distance views along Albyn Place. Furthermore the tree to the front is covered by a TPO that includes the whole of the street, showing the importance of this vista within the streetscape.

The proposal includes three parking space to the front of the property. It is noted that the front feu, is the only option for off street parking due to no access being available from the rear lane because of an existing consent to develop that part of the original feus of 31-32 Albyn Place. The original proposal included six spaces but due to a number of factors including impact on the conservation area, potential impact on the protected tree and issues with manoeuvrability due to lack of space, these could not be accommodated successfully.

The proposal has been subsequently revisited and would now provide three parking spaces to the front of the building. The spaces would have 3m between each of them, allowing for clear access to the stairs and the dimensions of the parking spaces would be in accordance with the Transport and Accessibility APG. The proposed three spaces could be accommodated successfully without alterations to the feu, without any detrimental impact on the special character of the conservation area or impact on the tree covered by the Tree Preservation Order. The agent has confirmed within the planning statement that the shortfall of three spaces as a result of the redesign, could be made up with car club payments which could be dealt with through a Legal Agreement. Roads Development Management have advised they are concerned that this encourages future residents to 'think' they will get parked rather than getting an on-street parking permit. Therefore the demand for only three spaces would be oversubscribed and potential for residents to rogue park within the front loop impacting access/egress for others within the site. It was advised most recently that the two options that could be allowed was for minimum one parking space per flat/unit (six total) or the provision of one disabled space only and effectively the site becomes a 'no car' development given its proximity to city centre, access to public transport and potential any parking accommodated within CPZ via permit. To ensure the avoidance of ad hoc parking it is recommended that a condition be applied to the planning permission seeking details and thereafter implementation of measures to prevent this from occurring.

The proposal would result in the redevelopment of two vacant buildings, one of which suffered significant fire damage, the character of the conservation area would be preserved and the shortfall in parking has not been highlighted as a road safety risk. Although the proposed parking provision does not meet the Council's maximum parking requirements, or the Roads Development Management compromise position of six parking spaces, and as such is not aligned with the expectations Transport & Accessibility APG, it meets an aim of Policy T3 of the ALDP of supporting a low car development in a suitable location, close to the city centre. Given the wider benefits of bringing these buildings back into use, increasing the number of people living close to the city centre and the improvements it would deliver to the character and appearance of the conservation area, it is considered that these outweigh the under-provision of on-site parking.

In terms of cycle storage, secure, undercover storage would be provided for six cycles, these would be located within the rear garden adjacent to the boundary wall, three on each side. The cycle storage would be constructed in wood and of a simple, appropriate design. It is unclear whether they are fully lockable and secure and as such a condition is recommended to ensure compliance with this element of the policy.

## **Replacement windows**

Policy D8 (Windows and Doors) of the ALDP and its Repair and Replacement of Windows and Doors APG both state that historic windows and doors should be retained, repaired and restored. Three of the windows were destroyed in the fire and it has been confirmed that they would be like

for like replacements. Furthermore though situated within a conservation area, the buildings are not covered by a listed designation. Sections have been provided showing the proportions, sliding mechanism and hidden trickle ventilation and as such are acceptable. Given the changes in permitted development rights that took place earlier this year, the replacement of the remaining front windows would require to go through the separate prior notification process. Based on the information submitted, those on the back elevation could be altered without consent.

### **Waste provision**

Waste and Recycling have confirmed that they are satisfied with both the bin storage and bin set down space for collection day. As such the waste provision for the site is satisfactory and in accordance with Policy R5 (Waste Management Requirements for New Developments) of ALDP.

### **Climate adaptation**

NPF4 Policy 1 (Tackling the Climate and Nature Crisis) aims to encourage, promote and facilitate development that addresses the global climate and nature crisis, and Policy 2 (Climate Mitigation and Adaptation) encourages developments to minimise emissions and adapt to the current and future impacts of climate change. Policy 3 (Biodiversity) of NPF4 seeks to reverse biodiversity loss and deliver positive effects from development. Furthermore, Policy NE3 (Our Natural Heritage) of ALDP states development will be expected to demonstrate it safeguards and/or enhances biodiversity.

The rear area which is a cleared site where the large brick extension previously stood, would be given over to garden ground. It would incorporate grass, planting and soft landscaping areas which would support local water attenuation and biodiversity. It is recommended that a condition be applied to the grant of planning permission requiring the submission of full details of the landscaping proposals, hardstanding areas and planting provision to ensure it is appropriately laid out with suitable species and uses. The location of the site, in relation to the City Centre allows for good accessibility for walking and cycling as well as good connectivity to the bus network and as such reduces the reliance of cars. Finally the reuse of two historic buildings thus being more resource efficient and reducing the need for the reuse of greenfield land is supported. As such the proposal is in accordance with policy 1 (Tackling the Climate and Nature Crisis), policy 2 (Climate Mitigation and Adaptation) and policy 3 (Biodiversity) of NPF4 and Policy NE3 (Our Natural Heritage) of ALDP.

### **Legal Agreement Heads of Terms**

Secondary Education  
Healthcare Facilities  
Open Space  
Car Club contributions equivalent to the three parking space shortfall.

### **RECOMMENDATION**

Approve Conditionally & Legal Agreement

### **REASON FOR RECOMMENDATION**

The proposed change of use to residential use is supported by Policy VC6 (West End Area) of the Aberdeen Local Development Plan 2023 (ALDP). All of the flats would be of generous proportions with good bright outlook to the south. The proposal demonstrates an appropriate level of amenity in terms of sunlight, daylight, and immediate outlook and has a public face to the street and a private spaces to an enclosed garden, patios and terraces to the rear. Subject to further details

being provided, appropriate bin storage and set down areas would be provided. The proposal is thus in accordance with Policy D2 (Amenity), Policy VC6 (West End Area), Policy R5 (Waste Management Requirements for New Developments) of the ALDP and Amenity and Space Standards Aberdeen Planning Guidance (APG).

Although the proposed parking provision does not meet the Council's maximum parking requirements, and as such is not aligned with the expectations Transport & Accessibility APG, it meets an aim of Policy T3 of the ALDP of supporting a low car development in a suitable location, close to the city centre. Given the wider benefits of bringing these buildings back into use, increasing the number of people living close to the city centre and the improvements it would deliver to the character and appearance of the conservation area, it is considered that these outweigh the under-provision of on-site parking. The cycle storage and ingress and egress of the site are all acceptable and as such the proposal is in accordance with Policy 13 (Sustainable Transport) of NPF4, Policies T2 (Sustainable Transport) and Policy T3 (Parking) of the ALDP and Transport and Accessibility APG.

The proposal is of a high design quality that has given careful consideration as a design-led response to its context. Part of an historical feu boundary would be reinstated by building a new wall and railings would be reinstated to the front. The proposed extension is appropriately sited and of an acceptable design, form and scale and as such sits comfortably on the rear of the properties and would not impact on the character of the conservation area. The granite dowlings would be used in an appropriate form within the site. Furthermore the redevelopment of a large area of hardstanding to the rear benefits the surrounding area visually and thus preserves and the character and appearance of the conservation area. Given the above the proposal is in accordance with Policy 7 (Historic Assets and Places) of National Planning Framework 4 (NPF4), Policy D6 (Historic Environment) and Policy D7 (Our Granite Heritage) of the ALDP and Historic Environment Policy for Scotland.

Given its location within the site, the design, scale and orientation of the extension, the scheme would not have a significantly adverse impact on the amenity of occupants of surrounding properties. The design is of a high quality, is appropriately planned and would use materials suitable for the location within the conservation area and as such the proposal is in accordance with policies Policy 14 (Design, Quality and Place) of NPF4, Policy D1 (Quality Placemaking) of the ALDP and Materials APG.

In terms of climate adaptation and biodiversity improvements, the proposal would include the removal of a large area of hardstanding and provides soft landscaping. The location of the site, in relation to the city centre allows for good accessibility for walking, cycling and wheeling as well as good connectivity to the bus network and as such reduces the reliance of cars. The landscaped garden detail has been condition to ensure an appropriate mix of planting, uses and design. As such the proposal is in accordance with policy 1 (Tackling the Climate and Nature Crisis), policy 2 (Climate Mitigation and Adaptation), Policy 3 (Biodiversity) of NPF4 as well as policies D4 (Landscape) and Policy R6 (Low and Zero Carbon Buildings and Water Efficiency) 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.

## (2) TREE PROTECTION

That no development shall take place unless a detailed tree protection plan has been submitted to and approved in writing by the Planning Authority and thereafter any recommended measures specified within that plan shall be implemented in full. Such plan should take account of the detailed construction methods proposed/ required and associated risks to existing trees.

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

## (3) REAR BOUDNARY WALL

That no development shall take place unless there has been submitted to and approved in writing by the Planning Authority details (method of construction, materials, coursing, mortar mix and coping) of the proposed boundary walls within the rear garden area, running north/south between the properties and east/west, as shown on drawing no. 3612/F21 Rev C (titled Landscape). Thereafter none of the residential flats shall be occupied unless the walls have been constructed and completed in full accordance with the said details.

Reason: In order to preserve the special character of the Albyn Place/ Rubislaw Conservation Area.

## (4) LANDSCAPING

That no development shall take place unless full details of the landscaping proposals, hardstanding areas, footpaths, steps and all planting have been submitted to and approved in writing by the Planning Authority. Thereafter, the work shall be carried out in accordance with Condition (5) - Planting.

Reason - in order to preserve the character and appearance of the Albyn Place/ Rubislaw Conservation Area.

## (5) PLANTING

That all proposed planting, seeding and turfing shall be carried out no later than the first planting season following first occupation of the development and any trees or plants which within a period of 5 years from the first occupation of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority.

Reason: in the interests of maintaining the amenity of the area

## (6) CYCLE STORE

That no development shall take place unless there has been submitted to and approved in writing by the Planning Authority details of the cycle stores, including the locking mechanism. Thereafter none of the residential flats shall be occupied unless the cycle stores have been provided in accordance with the approved details.

Reason – in the interests of encouraging sustainable travel through the provision of secure cycle stores.

#### (7) REPOINTING AND GRANITE REPAIR

Prior to any stonework repair or repointing of the buildings taking place details of the mortar and methods to be used shall be submitted to and agreed in writing by the planning authority. Thereafter, the work shall be carried out in accordance with the approved details.

Reason - in order to preserve the character and appearance of the Albyn Place/ Rubislaw Conservation Area.

#### (8) OPAQUE GLASS BARRIER

That no development shall take place unless there has been submitted to and approved in writing by the Planning Authority details of the opaque glass barrier between terraces, including height, design and detailing. Thereafter none of the residential flats shall be occupied unless the glass barriers have been installed in accordance with the approved details.

Reason - in order to preserve the character and appearance of the Albyn Place/ Rubislaw Conservation Area.

#### (9) BIN STORES

That no development shall take place unless there has been submitted to and approved in writing by the Planning Authority details of the bin stores. Thereafter none of the residential flats shall be occupied unless the bin stores have been provided in accordance with the approved details.

Reason – in order to ensure bin stores are of an appropriate size and design to accommodate the bins .

#### (10) FRONT FEU

The no development shall take place unless there has been submitted to and approved in writing by the Planning Authority details of physical measures to permanently prevent vehicles from parking on the grassed area within the front curtilage. Thereafter none of the residential flats shall be occupied unless the approved measures haven implemented in full.

Reason - in order to prevent indiscriminate parking within the curtilage of the property and to preserve the character and appearance of the Albyn Place/ Rubislaw Conservation Area.

#### (11) REUSE OF GRANITE DOWNTAKINGS

That no development shall take place unless there has been submitted to and approved in writing by the Planning Authority details (method of construction, location, coursing, height and mortar mix) of the proposed reuse of granite downtakings within the rear garden. Thereafter none of the residential flats shall be occupied unless the wall(s) have been constructed and completed in full accordance with the said details.

Reason: In order to preserve the special character of the Albyn Place/ Rubislaw Conservation Area.

#### (12) PARKING PROVISION

Prior to the occupation of any of the residential flats, the three parking shall spaces to be provided and laid out in accordance with drawing no. 3612/F21 Rev C and thereafter retained in perpetuity.

Reason - in order to prevent indiscriminate parking within the curtilage of the property.

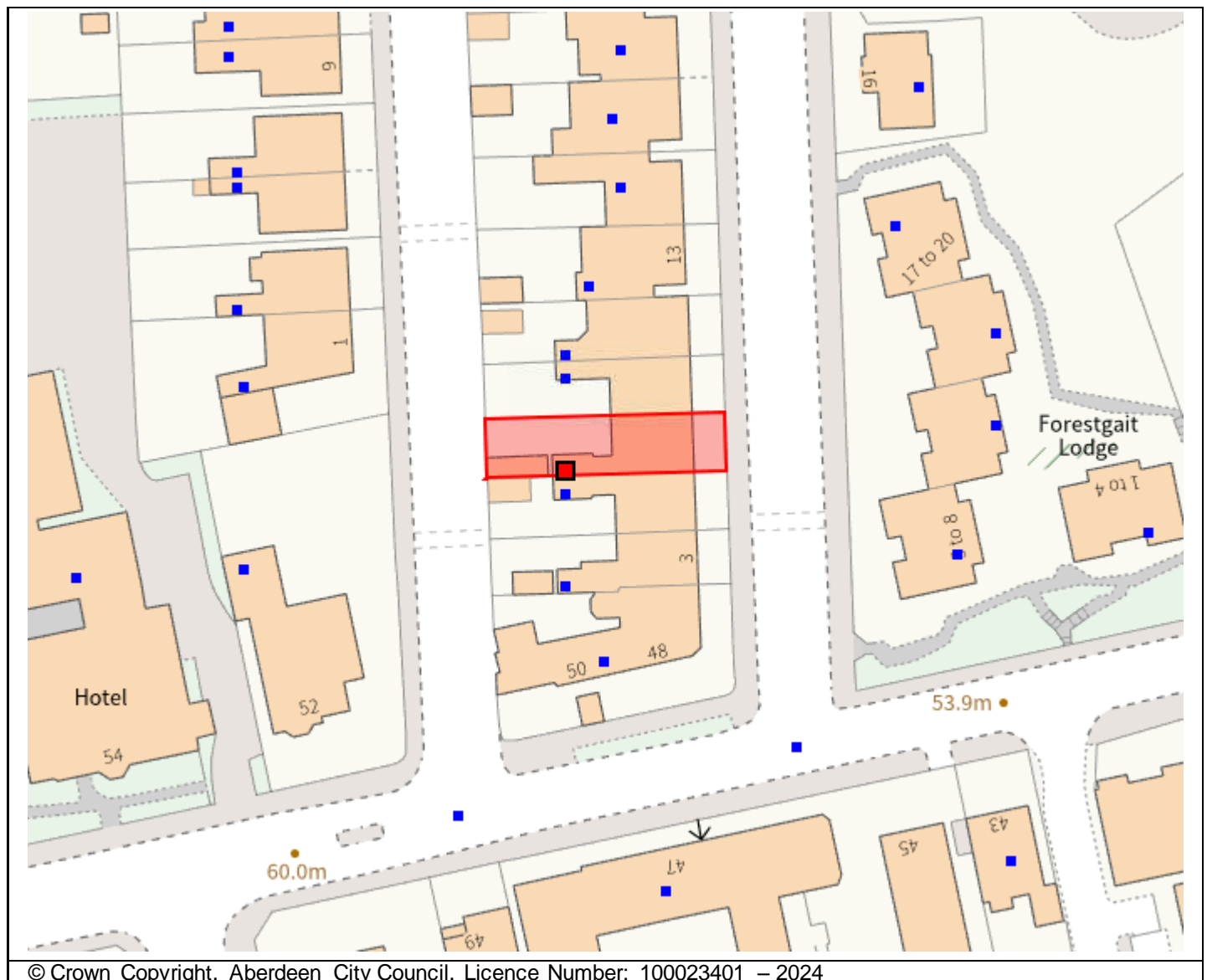
### (13) EXTERNAL FINISHING MATERIALS

That no development shall take place unless there has been submitted to and approved in writing by the Planning Authority details of the external finishing materials, including samples for the proposed extension and any replacement materials including slates and granite. Thereafter none of the residential flats shall be occupied unless the approved materials have been implemented in full.

Reason - in order to preserve the character and appearance of the Albyn Place/ Rubislaw Conservation Area.

	<b>Planning Development Management Committee</b>
	Report by Development Management Manager
	<b>Committee Date: 19<sup>th</sup> June 2025</b>

<b>Site Address:</b>	7 Richmondhill Place, Aberdeen, AB15 5EN
<b>Application Description:</b>	Removal of carport and erection of garage and access gate to rear
<b>Application Ref:</b>	250173/DPP
<b>Application Type</b>	Detailed Planning Permission
<b>Application Date:</b>	24 February 2025
<b>Applicant:</b>	Mr Paul Ross
<b>Ward:</b>	Mid Stocket/Rosemount
<b>Community Council:</b>	Rosemount and Mile End



## **RECOMMENDATION**

Approve Conditionally

## **APPLICATION BACKGROUND**

### **Site Description**

The application site is located to the north-west of the city centre within the established Midstocket residential neighbourhood. The site is also located in the northern part of the Albyn Place and Rubislaw Conservation Area. The site comprises the curtilage of a traditional, two-storey mid-terraced dwelling situated on the west side of Richmondhill Place, with the rear garden area backing onto Richmondhill Road to the west. The rear garden area steps upwards from the dwellinghouse (as extended) and contains an existing car port and driveway that is accessed from Richmondhill Road. The rear curtilage also contains a garden shed, patio and a raised flower border constructed behind the retaining wall for the driveway.

### **Relevant Planning History**

- 090909 – Detailed planning permission was approved conditionally for a house extension and driveway in August 2009.

## **APPLICATION DESCRIPTION**

### **Description of Proposal**

Detailed planning permission is sought for the erection of a new timber-framed single detached garage, which would be constructed on the existing driveway. The existing car port structure would be removed to allow for a single car driveway, accessed through the retained timber gates already in situ. A new pedestrian gate would be formed between this gated driveway and the proposed new garage.

The overall dimensions of the proposed garage would be c. 1.9m height to the eaves, 2.7m height to the ridge of a central pitched roof, 4.2m width, and extending to a length of 6m overall at the roof ridge, and 5.7m in length externally at ground level. The proposed garage features an up-and-over garage door onto Richmondhill Road, bitumen shingle roof, and would receive a dark blue paint finish.

### **Amendments**

The following amendments were made to the application:

- The proposed garage was increased in size from 3.6m to 3.8m width, and from 5.3m to 5.7m in length at ground level. The revised proposal equates to 5.4m internal length.
- The garage door was amended from double doors which open outwards, to an up-and-over garage door design.

### **Supporting Documents**

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SS180JBZGCM00>

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

The application has been referred to the Planning Development Management Committee because:

- it is being recommended for approval and has been the subject of formal objection from the Council in its capacity as roads authority.

Determination of the application therefore falls outwith the scheme of delegation.

### **CONSULTATIONS**

**ACC - Roads Development Management Team** – Object to the proposed development as it does not comply with the minimum garage dimensions contained in the Council's Transport and Accessibility Aberdeen Planning Guidance and therefore would introduce a parking shortfall where currently there isn't one. The Roads Development Management (Roads Team) comments are summarised as follows:

1. Highlight that the site is in the outer city boundary and in controlled parking zone (CPZ) Z where properties are entitled to apply for two parking permits. ACC residential parking guidelines for the outer city are two allocated spaces for properties up to three-bedrooms and three allocated spaces for properties with four or more bedrooms. Currently the proposal seems to accommodate off-street parking for two vehicles.
2. As per ACC approved standards 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's internal dimensions are 5.41m x 3.51m, which is below the minimum dimensions so it cannot be classed as an acceptable parking space and would therefore introduce a shortfall in parking where previously there was not one.
3. There are no direct road safety concerns, however, if a vehicle were too long for the garage and were to hang out of it, the vehicle would overhang a live carriageway which is a safety concern, and there is no way to condition vehicle size.

**Rosemount and Mile End Community Council** – No comments received.

### **REPRESENTATIONS**

None received.

### **MATERIAL CONSIDERATIONS**

#### **Legislative Requirements**

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

as material to the application, unless material considerations indicate otherwise.

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

## **Development Plan**

### National Planning Framework 4

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 Crisis)
- Policy 2 (Climate Mitigation and Adaptation)
- Policy 7 (Historic Assets and Places)
- Policy 14 (Design, Quality and Place)
- Policy 16 (Quality Homes)

### Aberdeen Local Development Plan 2023

- Policy H1 (Residential Areas)
- Policy D1 (Quality Placemaking)
- Policy D6 (Historic Environment)
- Policy T3 (Parking)

## **Aberdeen Planning Guidance**

- Householder Development (Design) Guide
- Materials
- Transport and Accessibility

## **Other National Policy and Guidance**

- Historic Environment Policy for Scotland

## **Other Material Considerations**

- Albyn Place and Rubislaw Conservation Area Character Appraisal

## **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;
- preserve or enhance the character and appearance of the conservation area;

- adversely effects on-street parking supply or road 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 overdevelopment; 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.*

In this case, the proposed householder development is for the construction of a new single garage on the existing concrete driveway, and the removal the existing car port structure. The remaining hardstanding left following removal of the car port would create a single driveway space.

### **Impact on the character and appearance of the area, and the historic environment**

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. The application site also lies within the Albyn Place and Rubislaw Conservation Area. Historic Environment Policy for Scotland (HEPS), Policy 7 (Historic Assets and Places) of NPF4 and Policy D6 (Historic Environment) of the ALDP all seek to ensure that new development in conservation areas either preserves or enhances the character and appearance of the conservation area.

### Design, scale, siting and materials

The Council's Householder Development Guide Aberdeen Planning Guidance (HDG) states: '*Proposals for extensions, dormers and other alterations should be architecturally compatible in design and scale with the original house and its surrounding area*'. In addition, the guidance states that ancillary outbuildings, such as garages, should be subordinate in scale to the original building, are traditionally single storey in height with flat or pitched roofs, and where highly visible (especially in conservation areas), detached garages should be of a scale that respects the prevalent context of the surrounding area. Proposals will be assessed on their impact on the amenity of the area in the same way as extensions.

In terms of overall design, the proposed garage is architecturally compatible with, and subordinate in scale to, the original dwelling, and it would preserve the character and appearance of the conservation area. The garage features a pitched roof design and would be of a timber-kit build construction, using sustainable materials, and would be finished in a suitable dark blue colour. The

scale of the garage is single storey and designed to fit on the existing hardstanding driveway, all contained to the rear and in proportion to the overall rear curtilage and dwelling house. The overall proposal would continue the existing theme of timber access gates onto the rear lane, with a traditional pitched roof form garage, thus maintaining the character and appearance of the conservation area.

### Overdevelopment

Guidance on what constitutes “overdevelopment” is set out within ‘General Principle 5’ at section 2.2 of the Householder Development Guide (HDG). This states that no more than 50% of the rear curtilage of a dwelling should be covered by development. In terms of the current proposal, the proposed garage would be placed on top of an existing area of solid concrete hardstanding, currently used as a driveway. As such, the area is already developed and there would be no change or increase in plot coverage from the proposed development. Whilst it is recognised that the rear garden of the dwelling does feature a high degree of hard landscaped surfaces, this represents the existing situation and the rear garden area would still maintain areas for soft landscaping, a patio area for sitting out, and rotary line for clothes drying, which includes functional amenity space for the enjoyment of the occupants. In addition, further landscaping with shrub planting and potted plants is available to the front garden of the property facing onto Richmondhill Place. No useable external amenity space would be lost as a result of the development, due to the garage to be placed on an existing driveway area, and the proposal would not result in any change or increase in built development compared to the existing situation. For completeness, calculations which take account of the footprint of the proposed new garage (22m<sup>2</sup>), new built area, confirm that the development would not result in overdevelopment. The existing rear curtilage extends to around 107m<sup>2</sup>, and whilst the proposed new garage footprint would add 22m<sup>2</sup>, the built area, including the existing house as extended, would result in 55% of the rear curtilage remaining unbuilt. This takes account of the shed (6m<sup>2</sup>) which is to remain, and that the existing area of concrete driveway (26m<sup>2</sup>) would be replaced by a new driveway of (20m<sup>2</sup>) following removal of the existing car port. Which determines that overall, 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. The proposed development would also preserve the character and appearance of the conservation area, in accordance with HEPS, Policy 7 of NPF4 and Policy D6 of the ALDP.

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

In relation to assessing impacts on residential amenity, Policy H1 (Residential Areas) of the ALDP seeks to ensure that existing levels of residential amenity would not be adversely affected to any significant degree by new development, noting in particular the importance of protecting the daylight and sunlight receipt, privacy and outlook. The Householder Development Guide 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.'*

The garage would be sited at the rear (western) end of the rear curtilage, a reasonable distance away from the nearest windows and immediately useable areas of garden ground serving neighbouring properties. Due to the distance away from the neighbouring property to the south, there are no impacts to daylight or sunlight receipt, nor would the proposed garage affect privacy or outlook to this property. Regarding the other neighbour to the north, due to the positioning of the proposed garage to the south of this neighbours' rear garden ground, the height of the garage along the mutual boundary, and undertaking the relevant calculation (45 degree method), indicates that there would be no impact on daylight or sunlight receipt, or overshadowing of any garden ground to this neighbour. Furthermore, no windows would be positioned on either the north or east elevations of the proposed garage which would affect privacy to this neighbour.

To summarise, the proposed development would preserve the amenity of the surrounding area, including the residential amenity of the neighbouring properties, in accordance with Policy 16 of NPF4 and Policy H1 of the ALDP, as well as the relevant guidance contained within the Householder Development Guide.

### **Parking, accessibility and road safety**

The application site is located in the outer city boundary and within controlled parking zone (CPZ) Z. Within this zone residents are entitled to apply for two parking permits per household, as noted by *issue 1* of Roads Team response. Parking guidelines for properties in the outer city boundary are for the provision of two spaces for up to three-bedroom homes and three spaces for four-bedrooms or more. The Roads Team highlight that the existing dwelling accommodates off-street parking for two vehicles; one on the existing concrete driveway and another within the car port. However, it should be recognised that this existing dedicated off-street parking provision is in addition to the two parking permits the property would be entitled to apply for, which would allow for a total of four parking spaces. The proposal seeks to retain two off-street parking spaces, through the installation of the proposed garage and formation of a driveway on the space leftover following removal of the existing car port structure. The remaining single driveway would be suitably sized - 5.9m length by 3m width - to accommodate a single driveway.

Regarding the proposed single garage, the Council's Transport and Accessibility Aberdeen Planning Guidance (APG) states that the minimum acceptable external size of a new single garage is 6.0m length by 3.0m width, with a minimum internal size no less than 5.7m length by 2.7m width, and minimum effective door entry of 2.25m width by 1.98m height. The proposed garage's internal dimensions are 5.4m x 3.5m, which the Roads Team highlight in *issue 2* of their response is below the minimum dimensions, therefore they do not consider it to be an acceptable parking space and note that it would thus introduce a shortfall in parking where currently there is not one.

However, in assessing all relevant material planning considerations, whilst acknowledging the tension with the standards set out in APG, it is considered that the proposed garage is acceptable based on the site-specific context and circumstances, and that it would not be reasonable to refuse the application in this instance. Following amendments made to the proposals by the applicant, the proposed garage was increased in size from 3.6m to 3.8m width, and from 5.3m to 5.7m in length at ground floor level, which equates to 5.4m internal length. The proposed increase in length was in order to bring the proposal closer to the minimum standards and would be facilitated by the removal of an existing line of fall-protection railings at the back of the raised driveway. The proposed garage has increased in size as far as the existing and specific site characteristics and levels would reasonably allow. Due to the presence of a tiered retaining wall,

which also forms an integrated soft landscaped border, any further increase to achieve the 30cm shortfall in garage length, would result in considerable reconstruction of the retaining walls and arrangement in the rear garden – which it is considered would not be reasonable in this instance given there are no overriding direct road safety concerns (discussed below).

The absence of a public pedestrian footway and presence of an existing driveway access means that the proposed garage would not cause any road safety concerns, including consideration that the proposed garage design (as amended) would include an up-and-over opening garage door as opposed to an outward-opening barn door, so that it should not adversely affect road safety. Nevertheless, it is recommended that details of the garage door would be secured by a suitable planning application. As per *issue 3* of the Roads Team response, whilst it is recognised that there would be no direct road safety concern, they highlight that if a vehicle were too long and were to hang out of the garage, it would overhang a live carriageway which is a safety concern, and there is no way to condition vehicle size. However, it is considered reasonable and logical to assume that any occupant would not utilise the garage in a manner that would result in a vehicle overhanging the public road, with a resultant inability to close and secure the garage door. Whilst it is recognised there is no way to condition the type of vehicle parked in the proposed garage, the applicant has advised that their car is of a size which would fit within the proposed garage. Submitted plans indicate that drainage for the proposed garage and driveway would be routed and drained internally to the site, using the drainage system in place for the existing car port, which would be diverted to serve the proposed new garage and ensure that no water would discharge onto the public road.

With further regard to *issue 1* of Roads Team response about parking shortfall, the proposal would allow the application property to continue to benefit from two off-street car parking spaces and they would still be able to apply for two on-street parking permits as per the existing controlled parking zone procedures in place, should the applicant so wish, which would retain a total of four parking spaces (both on and off-street) as per the existing situation. Should the proposed garage be discounted from the parking space calculations due to not meeting the minimum dimensions set out in the APG, the proposed single driveway would still allow for one off-street parking space in addition to the two on-street parking permit the property is entitled to apply for, which would also not result in any shortfall or net detriment to on-street parking supply. It is also worth noting that the parking standards for residential properties are maximum, rather than minimum standards, and NPF4, the ALDP and the Transport & accessibility APG are all supportive of low and zero-car developments where situated in sustainably accessible locations. The site lies in an accessible location, well connected to the surrounding adopted footpath network and within walking distance of public transport and local amenities. Therefore even if the garage is not considered to provide a parking space, the site can be accessed sustainably and the level of parking to be provided would be acceptable in accordance with wider policy aims to reduce car usage and travel sustainably.

In summary, whilst the proposal conflicts with the minimum garage dimensions as outlined in the Transport and Accessibility APG, this tension does not raise any road safety or car parking issues and does not warrant refusal of the application in this instance.

### **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 proposal would result in a garage of acceptable scale, form, design and materials that would be compatible with and subservient to the existing dwelling, plot and the context of the surrounding conservation area. Despite some conflict with the Council's Transport and Accessibility Aberdeen Planning Guidance (APG) and based on site-specific context, there would not be an adverse implication for road safety or any significant detriment to on-street parking availability in the area that would warrant refusal of the application. Therefore, on balance, the proposals are acceptable in accordance with Policy T3 (Parking).

The proposed development 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 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 works would also preserve the character and appearance of the conservation area, in accordance with Historic Environment Policy for Scotland, Policy 7 (Historic Assets and Places) of NPF4 and Policy D6 (Historic Environment) of the ALDP.

The proposed householder development 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.

### **(02) GARAGE DOOR DETAIL**

That no development shall take place unless the specification and details, including opening mechanism, extent and projection, of the proposed garage door to be used in the approved

development, has been submitted to and approved in writing by the Planning Authority. Thereafter the approved garage door must be applied in accordance with the approved details.

Reason - In the interests of the appearance of the development, visual amenity of the area, and road safety.

## ABERDEEN CITY COUNCIL

<b>COMMITTEE</b>	Planning Development Management Committee
<b>DATE</b>	20 May 2025
<b>EXEMPT</b>	No
<b>CONFIDENTIAL</b>	No
<b>REPORT TITLE</b>	Planning Enforcement Activity Report – April 2024 to March 2025
<b>REPORT NUMBER</b>	CR&E/25/105
<b>EXECUTIVE DIRECTOR</b>	Gale Beattie
<b>CHIEF OFFICER</b>	David Dunne
<b>REPORT AUTHOR</b>	Dineke Brasier
<b>TERMS OF REFERENCE</b>	5

### 1. PURPOSE OF REPORT

- 1.1 To inform Members of the Planning Development Management Committee of the planning enforcement work that has been undertaken by the Planning Service from 1<sup>st</sup> April 2024 to 31<sup>st</sup> March 2025.

### 2. RECOMMENDATION

- 2.1 That the Committee note the contents of the report.

### 3. CURRENT SITUATION

- 3.1 This report provides an annual update for the Planning Development Management Committee regarding the enforcement work that has been pursued by the Development Management Team in Strategic Place Planning.
- 3.2 Appendix 1 to this report identifies all planning enforcement cases which have been investigated with a view to determining whether a breach of planning control has taken place and whether it is expedient to take enforcement action. It details those cases that have been resolved; and identifies those that have resulted in formal enforcement action or are currently still under investigation. The Appendix provides a summary of the complaint/alleged breach, an update of the current status as of 1<sup>st</sup> April 2025 and any related action.
- 3.3 The information demonstrates that the majority of cases raised during this reporting period have been resolved through negotiation and discussion, without the need to use formal enforcement action. In most circumstances, especially where householder related matters are concerned, the breaches tend to be relatively minor and may have taken place because the parties were unaware of the requirement for relevant permissions, including detailed planning permission, listed building consent and/or advertisement consent. In

many cases, the relevant permissions have been sought and were granted, thus resolving the breach.

- 3.4 A total of 224 new cases have been investigated between 1<sup>st</sup> April 2024 and 31<sup>st</sup> March 2025. This is a slight decrease from the 231 cases opened during the previous reporting year. The majority of these have been resolved without the need for formal action. Resolution of these cases fell into one of the following categories:
- Submission and approval of a retrospective application for detailed planning permission, listed building consent or advertisement consent;
  - By informal negotiation, resulting in the breach being rectified by the offending party;
  - Confirmation that no breach of planning control had occurred; or
  - Where the breach is minor, it would not be reasonable, economical or in the public interest to progress to formal action.
- 3.5 A total of 77 cases registered in the current reporting period are still pending consideration. Some of these cases might require formal enforcement action if negotiation proves unsuccessful and if the breach of planning control has resulted in a significant loss of amenity or threat to public safety.
- 3.6 A further 57 cases registered before 1<sup>st</sup> April 2024 are still unresolved and may require formal action to ensure a satisfactory outcome.
- 3.7 A total of 59 enforcement related notices have been served during the current reporting period. This figure covers cases registered both before and after 1<sup>st</sup> April 2024. This is a significant increase in comparison to the previous reporting period, in which a total of 21 enforcement related notices were served. A significant number of notices served are in relation to breaches in the City Centre reflecting the prioritisation of such cases in line with the Council's [Planning Enforcement Charter](#).
- 3.8 As with previous years, a significant percentage of complaints received are of a relatively minor nature, mostly householder cases. As these cases often do not relate to the priorities identified for action in the Council's Enforcement Charter (which are Union Street, properties in conservation areas, development involving protected trees or raising issues of public amenity or public safety) they are likely to be of a lower priority in terms of consideration of enforcement action, notwithstanding the statutory duty to investigate all enforcement complaints. However, these cases can give rise to very strong feelings amongst those affected, often taking up a significant amount of officers' time in investigating/resolving a dispute, disproportionate to the scale of the breach.
- 3.9 During this reporting period, the Enforcement Team has progressed putting in place a more formalised procedure for taking direct action to further strengthen the enforcement function of the Council. The [Planning Enforcement Charter](#) has been updated accordingly (see Appendix 2). It is anticipated that this option of pursuing formal enforcement action will be ready to be used where necessary, with a focus on the Council's priority areas in and around the City Centre in the next reporting period.

3.10 The following table provides a summary of the enforcement caseload since 1<sup>st</sup> April 2024, and divides the cases into new and those carried over from the previous reporting period. Figures stated are as of 31<sup>st</sup> March 2025.

New cases registered between 1 April 2024 and 31 March 2025	Cases resolved and no further action required	146
New cases registered between 1 April 2024 and 31 March 2025	Under investigation, being negotiated, or applications pending	77
Outstanding cases registered prior to 1 April 2024 (historic cases)		57
Enforcement related notices served		59

#### 4. FINANCIAL IMPLICATIONS

4.1 There are no specific implications for revenue or capital budgets, property-based budgeting, or state aid arising from consideration of this report. Some costs may be incurred in pursuing direct action to secure compliance with an enforcement notice if necessary. Other costs include title searches relating to the serving of Enforcement Notices, which can generally be accommodated within existing budgets. Actions outwith budget parameters will trigger a specific report being submitted to Committee to seek authorisation or other instructions.

#### 5. LEGAL IMPLICATIONS

5.1 There are no legal implication arising from this report.

#### 6. ENVIRONMENTAL IMPLICATIONS

6.1 There are no environmental implications arising from this report.

#### 7. RISK

Category	Risks	Primary Controls/Control Actions to achieve Target Risk Level	*Target Risk Level (L, M or H)  *taking into account controls/control actions	*Does Target Risk Level Match Appetite Set?
<b>Strategic Risk</b>	N/A			<b>N/A</b>
<b>Compliance</b>	N/A			N/A
<b>Operational</b>	N/A			N/A
<b>Financial</b>	Financial costs may be incurred	The risk can be mitigated by ensuring	L	<b>Yes</b>

	should Enforcement Notices not be complied with and Direct Action is required and pursued.	there is funding available from the appropriate budget for direct action to be taken. In the event that direct action is required we will seek to recover all the costs of the required action from the landowner in accordance with the relevant legislation.		
<b>Reputational</b>	There may be a negative impact if the Council do not decide to proceed with enforcement action, particularly in the city centre.	Proceed with appropriate enforcement action where required.	L	<b>Yes</b>
<b>Environment / Climate</b>	An absence of enforcement action could result in adverse impacts on the built and natural environment.	Proceed with appropriate enforcement action where required.	L	<b>Yes</b>

## 8. OUTCOMES

<b><u>Council Delivery Plan 2024</u></b>	
	<b>Impact of Report</b>
<b>Aberdeen City Council Policy Statement</b>  <u><a href="#">Working in Partnership for Aberdeen</a></u>	The proposals in this report have no impact on the Council's Delivery Plan.
<b><u>Local Outcome Improvement Plan 2016-2026</u></b>	
Prosperous Economy Stretch Outcomes	The Council aims to support improvement in the local economy to ensure a high quality of life for all people in Aberdeen. This report monitors indicators which reflect current economic activity within the city and actions taken by the Council to support such activity.
Prosperous People Stretch Outcomes	The Council is committed to improving the key life outcomes of all people in Aberdeen. This report monitors key indicators impacting on the lives of all

	citizens of Aberdeen. Thus, the Planning Service will need to measure the effectiveness of measures already implemented, as well as allowing an evaluation of future actions which may be required to ensure an improvement in such outcomes.
Prosperous Place Stretch Outcomes	The Council is committed to ensuring that Aberdeen is a welcoming place to invest, live and visit, operating to the highest environmental standards. This report provides essential information in relation to enforcement related issues to measure the impact of any current action.
<b>Regional and City Strategies</b>	N/A

## 9. IMPACT ASSESSMENTS

Assessment	Outcome
<b>Integrated Impact Assessment</b>	No assessment required. I confirm this has been discussed and agreed with David Dunne, Chief Officer Strategic Place Planning on 5 June 2025
<b>Data Protection Impact Assessment</b>	Not required
<b>Other</b>	None

## 10. BACKGROUND PAPERS

### 10.1 [Planning Enforcement Charter](#)

## 11. APPENDICES

11.1 Appendix 1 – Enforcement Cases registered between 1 April 2024 to 31 March 2025.

11.2 Appendix 2 – Planning Enforcement Charter – March 2025

## 12. REPORT AUTHOR CONTACT DETAILS

<b>Name</b>	Dineke Brasier
<b>Title</b>	Senior Planner
<b>Email Address</b>	<a href="mailto:dbrasier@aberdeencity.gov.uk">dbrasier@aberdeencity.gov.uk</a>



**Current Ward**  
**Index**

<b><u>Ward Number</u></b>	<b><u>Ward Name</u></b>
1	Dyce/Bucksburn/Danestown
2	Bridge of Don
3	Kingswells/Sheddocksley/Summerhill
4	Northfield/Mastrick North
5	Hilton/Woodside/Stockethill
6	Tillydrone/Seaton/Old Aberdeen
7	Midstocket/Rosemount
8	George Street/Harbour
9	Lower Deeside
10	Hazlehead/Ashley/Queens Cross
11	Airyhall/Broomhill/Garthdee
12	Torry/Ferryhill

13	Kincorth/Nigg/Cove
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<b>Registered Enforcement Cases - April 2024 - March 2025</b>			
<b>ADDRESS</b>	<b>WARD</b>	<b>COMPLAINT</b>	<b>CURRENT STATUS</b>
16 Rosehill Avenue	5	Construction of driveway at flatted property without pp	Closed - No breach of planning control
Albyn Hospital, 21-24 Albyn Place	10	Installation of security lighting	Closed - No breach of planning control
88 Springhill Road	3	Placement of heras fencing in rear curtilage	Closed - No breach of planning control
Land At Junction Between Culterhouse Road And Contlaw Road	9	Installation of signage without the required consent	Closed - Breach rectified by offender
Gate House, Queens Road	10	Installation of railings without planning permission/ listed building consent	Closed - Breach rectified by offender
Flat 1, 77 Whitehall Road	10	Installation of satellite dish	Closed - Breach rectified by offender
15 Maberley Street	8	Development not in accordance with approved plan part of 210697/DPP	Pending consideration
Arden, 3 Belvidere Road	9	Development not in accordance with approved plans part of 221250/DPP	Closed - Planning permission granted
3 Craigielea Mews	11	Erection of outbuilding within conservation area without planning permission	Closed - Permitted Development
92-126 John Street	8	Untidy land	Closed - Breach rectified by offender
214 George Street	8	Alterations to shopfront	Closed - Permitted Development
McDonalds/Tim Hortons, Craigshaw Business Park, Craigshaw Road	13	Breach of condition - Provision of EV Charging	Closed - Planning permission granted

62-64 Shiprow	8	Display of unauthorised advertisement	Notice issued
111-115 Union Street	8	Orange vinyls to upper floor windows	Closed - Breach rectified by offender
33 Exchange Street	8	Display of unauthorised advertisement	Closed - Breach rectified by offender
33 Grosvenor Place	7	Non-compliance with conditions associated with planning permission 210172/DPP	Pending consideration
Attic Floor Right, 536 Great Western Road	11	Installation of uPVC windows in conservation area	Closed - Deemed not expedient to enforce
29 Redmoss Road	13	Development not in accordance with approved drawings for pp 201148/DPP	Closed - No breach of planning control
14 Newlands Avenue	11	Erection of outbuilding exceeding permitted development rights	Closed - No breach of planning control
Soul, 333 Union Street	12	Erection of marquee and Margarita Bar without the required planning permission following temp consent expiry (160624)	Closed - Planning permission granted
12 King Street	8	Installation of unauthorised advertisements to listed building	Pending consideration
39 Sumburgh Crescent	3	Using amenity space as private car parking area	Closed - No breach of planning control
10 Clova Park	3	Potential unauthorised development within rear curtilage	Closed - Permitted Development
113 Constitution Street	8	Erection of unauthorised outbuilding forward of principal elevation	Closed - Breach rectified by offender
Powis Lodge, 51 College Bounds	6	Potential unauthorised development	Closed - No breach of planning control
Dunbar Street (Section to the south of St Machar Drive)	6	Potential unauthorised development - signage, CCTV, bollards, ownership and speed bumps	Closed - Deemed not expedient to enforce
5 Strathcona Grove	1	Erection of outbuilding exceeding permitted development rights	Closed - No breach of planning control
40 Airyhall Crescent	11	Erection of outbuilding	Closed - No breach of planning control

29 Claremont Street	10	Development potentially not in accordance with approved plans - 161773/DPP	Closed - Planning permission granted
5 Rose Street	7	Display of unauthorised advertisement	Notice issued
16 Thistle Street	7	Display of unauthorised advertisement	Closed - Breach rectified by offender
77 Whitehall Road	10	Demolition of outbuildings	Closed - Deemed not expedient to enforce
Drydykes, Baillieswells Road	9	Construction of pond outside of residential curtilage	Closed - Planning permission granted
7 Abbotswell Crescent	13	Installation of HAM radio masts	Application submitted
94 Craigton Road	11	Erection of outbuilding exceeding permitted development rights	Closed - Planning permission granted
53 Wallacebrae Wynd	1	Erection of extension	Closed - Planning permission granted
1 West Craigbank Avenue	9	Development not in accordance with approved drawings for pp 231034/DPP	Closed - Planning permission granted
Millbank House, 139 Hardgate	12	Landscaping not in accordance with approved drawings for pp211430/DPP	Notice issued
4 Airyhall Avenue	11	Installation of fence exceeding 2m	Closed - Deemed not expedient to enforce
27 Union Street	8	Installation of unauthorised advertisement	Closed - Breach rectified by offender
33 Union Street	8	Installation of unauthorised advertisement	Notice issued
49 Union Street	8	Installation of unauthorised advertisement	Notice issued
101-103 Union Street	8	Installation of unauthorised advertisement	
167 Union Street	12	Installation of unauthorised advertisements - signage and window vinyls	Pending consideration

185 Union Street	12	Installation of unauthorised advertisement	Closed - Breach rectified by offender
189 Union Street	12	Installation of unauthorised advertisement and menu board	Notice issued
217-219 Union Street	12	Installation of unauthorised advertisement including window vinyls	Closed - Breach rectified by offender
413-415 Union Street	12	Installation of unauthorised advertisement	Notice issued
476 Union Street	7	Installation of unauthorised advertisement	Closed - Breach rectified by offender
493 Union Street	12	Installation of unauthorised advertisement	Closed - Breach rectified by offender
514 Union Street	7	Installation of unauthorised advertisements	Closed - Breach rectified by offender
464-466 Union Street	7	Installation of unauthorised advertisement	Closed - Breach rectified by offender
1 Union Terrace	7	Removal of vegetation	Closed - Breach rectified by offender
44 Union Street	8	Installation of unauthorised advertisement	Closed - Deemed not expedient to enforce
8 Brimmondside	1	Development exceeding permitted development	Closed - No breach of planning control
33-35 Fountainhall Road	10	Change of shopfront within conservation area without the required consent	Closed - No breach of planning control
15 Meadow Place	6	Erection of fence forward of principal elevation	Pending consideration
Pavement at Byron Square, opp 1-4 Byron Square	4	Development not implemented in accordance with 200420/PNT	Closed - No breach of planning control
Regus House, 1 Berry Street	8	Installation of fascia signs without advertisement consent	Notice issued
25 Albyn Place	10	Breach of condition 2 (EV Charging Infrastructure) and 3 (Layout of Front Curtilage) of planning permission 230813/DPP	Closed - Breach rectified by offender

23 Grove Crescent	7	Formation of roof terrace without planning permission	Closed - No breach of planning control
26 Hopetoun Grange	1	Erection of fence forward of principal elevation	Notice issued
1 South Crown Street	12	Use of shop as storage facility	Closed - No breach of planning control

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# Planning Enforcement Charter

a guide to enforcing planning controls

Update March 2025



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# Introduction

In Scotland, you need planning permission for most development, except for some minor works (known as permitted development). Sometimes however, someone may carry out work without planning permission, or they don't follow the permission they have been given. The credibility of the planning system depends on effective enforcement action.

This charter explains the purpose of the Council's planning enforcement service, the process for handling enquiries, and sets out the standards of service we seek to achieve. It also explains where planning enforcement has no remit. Like all Councils in Scotland, Aberdeen City Council has legal powers to enforce planning controls. We do this where we believe that it is in the public interest to do so. We also monitor development that has been given permission, to make sure that it is in line with the approved plans and any conditions that may apply.

Enforcement is one of the most complex parts of the planning system, but it is something that concerns many people and may be their first experience of the planning process. We therefore encourage you to play a role by letting us know if you think planning controls may have been broken.

The Council has statutory powers to investigate breaches of planning control and breaches of planning conditions. Formal action can be taken where a satisfactory outcome cannot be achieved by negotiation. A planning authority is not necessarily required to act in respect of a breach of planning control and any action that is taken must be reasonable and proportionate to the breach.

It is important to remember that a breach of planning control is not a criminal offence unless an enforcement notice has been issued and not complied with. The aim of planning enforcement is to resolve breaches rather than punish those who carried out the work. This may be achieved through a retrospective planning application, for example.

**THIS CHARTER SETS OUT THE PLANNING ENFORCEMENT POWERS CURRENTLY AVAILABLE TO THE COUNCIL AND EXPLAINS HOW WE INTEND TO USE THEM.**



## Enforcement powers

Planning Enforcement powers are set out in Part VI of the Town and Country Planning (Scotland) Act 1997, in part VII, regulations 24 to 26A of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984, and in Chapter IV of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

Government policy on planning enforcement is set out in Circular 10/2009: Planning Enforcement.

## Identifying and reporting possible breaches of planning control

### Reporting a breach of planning control

Members of the public have a vital role to play in the enforcement system by reporting breaches of planning control. If you are concerned that someone is carrying out work without permission, or that the works are not in line with a related planning permission, please contact the Enforcement Team of our Development Management Team within Strategic Place Planning. This will ensure that all necessary information is submitted. Alternatively, you can phone or email us to discuss any potential breaches of planning control. The following information is important to us when you report a suspected breach in planning control.

- The address or location of the property or land concerned;
- Details of the suspected breach of planning control (for example, the nature of the building work or activities being carried out and information on who may be responsible for it);
- Photographs of the potential breach of planning control;
- Dates and times of when the activity is carried out, where appropriate.

Be aware that we cannot investigate anonymous complaints. Only in exceptional circumstances will anonymous complaints be taken into consideration, for example if it results in significant harm to public amenity or public safety.

You can request that your correspondence be treated as confidential. However, whilst we will do our best to honour such requests, this is subject to the requirements of the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004. Any requests for complete confidentiality may limit our ability to take formal action and we cannot guarantee this if the case leads to court proceedings.



## What is a breach of planning control?

Possible breaches of planning control, and what the Enforcement Team will investigate, include:

- The erection of buildings and structures without planning permission, or development not in accordance with approved drawings;
- Works to listed buildings without listed building consent and/or planning permission;
- The change of use of land or buildings without planning permission;
- Carrying out of engineering works without planning permission (for example engineering works would include infill or excavation greater than 0.5m);
- Non-compliance with planning conditions;
- Display of advertisements without advertisement consent;
- Works to or felling of protected trees which are the subject of a Tree Protection Order (TPO) or are located in a conservation area without consent;
- Neglect to land or buildings which causes significant harm to public amenity.

The following does not constitute a breach of planning control, and will not be investigated by the Enforcement Team:

- Disputes over landownership, title deeds, rights of access and/or maintenance;
- Devaluation of property;
- Loss of view;
- Competition between or overprovision of businesses;
- On-street parking, allocation of parking spaces or road closures;
- Unsafe buildings and structures;
- Site working practices, including hours of construction;
- Noise complaints and hours of operation (unless specified in a planning condition);
- Light pollution.

Some of the above matters would be civil/legal matters, and others would fall under different legislative regimes. Where appropriate, the Enforcement Team will pass enquiries onto other relevant Council Services to investigate.

## Service Standards

By publishing our standards and targets, we aim to improve our enforcement service so that we can respond to the needs of the public. We will monitor the contents of this charter to ensure that we are meeting our standards and targets.



## Time-Limited Procedures

Where a breach of planning control has occurred, time limits apply to pursuing enforcement action. This means that where a breach has been in place for a specified period, and no enforcement action has started, the Enforcement Team cannot take any further action. The following time limits apply:

- **A 4 year limit:** This applies to a change of use to a single dwelling house and for 'unauthorised operational development'. This is the carrying out of building, engineering, mining or other operations in, on, over, or under land. This could include development such as replacement windows, extensions and the erection of outbuildings. After four years following the initial breach of planning control, no enforcement action can be taken.
- **A 10 year limit:** This applies to all other development, including change of use (other than to a single dwelling house) and breaches of condition. After ten years following the initial breach of planning control, no enforcement action can be taken.

## Listed Buildings

Any works related to the demolition of a listed building, its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest requires listed building consent.

There is no time limit in relation to unauthorised works to a listed building, and these do not become immune from enforcement action. In taking a view on works that are relatively old, the Council will have regard to the nature of the works and whether they have previously given rise to complaints.

It is also important to note that if works to a listed building constitute development, separate planning permission may also be required. Where unauthorised works constitute a breach of both planning and listed building control, the Council can act in respect of either or both breaches.

## Advertisements

Enforcement also covers the unauthorised physical display of advertisements such as hoardings, banners, billboards and fascia signs. The display of advertisements is covered by the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984. A wide range of signs and advertisements can be displayed without having to apply for advertisement consent if they meet certain criteria and conditions, and if the landowner has given permission for the advertisement to be displayed on their property. This is known as deemed consent. Advertisements which are displayed without authorisation or deemed consent constitute a breach of advertisement control. Adverts which are attached to and affect the character of a listed building will also require listed building consent.

It is important to note that the actual content of an advertisement is not covered by planning control. Any complaints about this should be made directly to the Advertising Standards Authority:

- <https://www.asa.org.uk>

It is important to note that a breach of planning control is not a criminal offence. However, a breach of listed building control or advertisement control is a criminal offence.

## Service Standards

The most significant breaches of planning control will be given top priority to ensure the most effective use of the staff resource available in the enforcement team to rectify breaches that affect long term public interest. Such cases include:

- significant negative effects on amenity;
- breaches on Union Street and City Centre;
- breaches of condition for major development;
- damage to listed buildings;
- unauthorised felling of, or damage to, trees protected by tree preservation orders

## Trees

Works to or the felling of protected trees which are the subject of a Tree Protection Order (TPO) or are located in a conservation area without consent also constitute a breach of planning control. In the first instance, the Council's Environmental Policy Team will deal with complaints relating to tree works. However, these can be reported through the same methods as any other breaches of planning control.



## Engineering works

The point where an engineering operation constitutes development is not specifically defined in legislation. However, as a rule of thumb, the Council considers works raising or lowering the ground level by 0.5m or more to constitute development, and this would require planning permission.

## Reporting

The Council does not actively monitor the implementation of consents or search for breaches of planning control and relies on members of the public to report potential breaches. Before reporting a possible breach, you should use the Council's online planning portal to check if the works have the appropriate consents. If you still believe there is a breach, you should submit an enforcement enquiry via email to [pi@aberdeencity.gov.uk](mailto:pi@aberdeencity.gov.uk) providing as much information as possible.

# Planning Enforcement: Our Processes

## Our Approach to Enforcement

The Planning Authority has statutory powers to investigate alleged breaches of planning control and to take enforcement action where it is expedient to do so, having regard to the development plan and to any other material planning considerations.

It is important to understand that planning enforcement is a discretionary power, and it is for the Council to take a view on whether to exercise that power.

Even if there is a breach of planning control, the Council must consider if it is in the public interest to take enforcement action. In doing so, the Council will consider the level of material 'harm' that the breach is causing, or is likely to cause. Although not exhaustive, 'harm' in planning terms can include:

- Impact on the character and appearance of the built and natural environment;
- Loss of protected trees;
- Loss or damage to a listed building and demolition of buildings in a conservation area;
- Impact on amenity including privacy, daylight, overshadowing, noise.

It may be that these matters require to be properly considered through a planning application.

## Council-Owned Land

Sometimes breaches of planning control occur on land which is under the ownership and control of the Council. In these circumstances it may not be expedient to take formal planning enforcement action. The Enforcement Team will work with other relevant Council services to try and secure an appropriate resolution.

### Receipt of breach of planning control

Any information that we receive is checked to ensure that the matter raised involves a possible breach of control and includes all the detail we need for a possible investigation. After these preliminary checks, the complaint will be registered. We will then send a written or e-mail acknowledgement to the person who made the complaint.

A member of the Planning Service will then establish if a breach has occurred, and if so, to what extent. The main concern when investigating any breach is whether the development or activity requires planning permission or breaches a valid planning permission or planning condition or has a harmful effect on the area. In some cases, additional investigation, or consultation with external bodies (such as Historic Environment Scotland) or other Council services may be needed.

Throughout this investigative process, we will provide regular updates to the complainant on the progress of the case or the outcome. Example outcomes may include the submission of a retrospective planning application, or confirmation that an operation or development may be exempt from planning control.

If it is decided that an unacceptable breach has occurred, there are three main courses that we may take:

- 1. Negotiate a Solution:** We will encourage the person responsible for the breach to solve the problem through discussion and negotiation. They may either choose to stop the activity and/or carry out work to correct the problem. The time given to either of these actions will depend on the severity of the breach and its impact.
- 2. Retrospective Application:** A retrospective planning application is an application for development that is submitted after the work has started or has been completed. It should be noted that an owner or developer should never carry out work with the expectation of getting retrospective permission for the work. To do so is taking a considerable risk and may lead to formal enforcement action. There is no guarantee that a retrospective application will be approved.

**3. Formal Enforcement Action:** Where a breach in planning control is considered to have caused unacceptable harm to the area, and where negotiations have failed to deal with the problem successfully, we will pursue formal enforcement action. When considering taking formal enforcement action, we will take the following into account:

- The Development Plan;
- The severity of the breach and its impact on the surrounding area, including:
  - visual impact;
  - environmental impact;
  - residential amenity;
  - pedestrian safety.

The length of time required to resolve a case or act can be affected by several factors. Progress can be delayed to gather further evidence, to allow negotiations to take place or to conclude formal procedures. Similarly, an application to regularise the breach of control or an appeal against a decision of the planning authority can also delay the resolution of the case.

The Council recognises that delays can cause considerable frustration to those people who have submitted information, particularly if they consider their amenity is affected. Throughout this investigative process, we will provide regular updates to the complainant on the progress of the case or the outcome.

### Service Standards

If you provide us with information, you will receive a formal response within the timescales set out in the customer charter.

Following our investigation, you will also be advised of any proposed action to be taken. This may include the need for additional investigation prior to deciding on a course of action.

We will let you know if the matter does not involve a breach of planning control.

## Formal Enforcement Action

In some cases, action may not be appropriate, even though planning controls have been breached. As stated previously, the purpose of planning enforcement is to resolve problems, not to punish mistakes. The Council must consider each case on its merits and decide on the best solution. We are unlikely to take formal action, for example, over developments which we consider to be acceptable in planning terms. It may be more appropriate in such cases for us to ask for a retrospective planning application to be submitted.

Only a relatively small number of cases require formal enforcement action. This begins with either an enforcement notice or a breach of condition notice being served on those involved in the development. All notices include the following information:

- A description of the breach of control that has taken place;
- The steps that should be taken to remedy the breach;
- The timescale for taking these steps;
- The consequences of failure to comply with the notice;
- Where appropriate, any rights of appeal the recipient has and how to lodge an appeal.

Appeals against enforcement notices are considered by Scottish Ministers and dealt with, in most cases, by Reporters from the Planning and Environmental Appeals Division. There is no right of appeal against a breach of condition notice.

If someone does not comply with a notice, we may take further action. This can include a range of options including:

- Referring the case to the Procurator Fiscal for possible prosecution;
- Carrying out work and charging the person for the costs involved;
- Seeking a Court interdict to stop or prevent a breach of planning controls.

Details of enforcement notices, breach of condition notices, amenity notices and stop notices are entered into an Enforcement Register. You can inspect these documents [online](#).

The Council has powers to enter any land to:

- Establish if there has been a breach of planning control;
- Check if there has been compliance with a formal notice; and
- Check if a breach has been satisfactorily resolved.

### Service Standards

Where a planning breach cannot be resolved and action is justified, a formal notice will be served in most cases. This will be either an enforcement notice or a breach of condition notice. The notice will explain what is required, the timescales involved and the available options to resolve the issue.



## Types of Notice

**Enforcement Notice:** This notice is generally used to deal with unauthorised development and/or change of use. An Enforcement Notice will specify a time period to take effect (usually a minimum of 28 days); and will specify what steps must be taken to remedy the breach and the period by which these steps must be completed. There is a right of appeal against an Enforcement Notice, and the terms of the notice are suspended until a decision is reached on the appeal to the Scottish Ministers. Failure to comply with the terms of an Enforcement Notice within the time specified is an offence and may lead to the imposition of a fine in the Sheriff Court.

**Listed Building Enforcement Notice:** Used when unauthorised works have been undertaken to a listed building. This must be served on the current owner, lessee, occupier and on anyone else with an interest in the property. The procedures involved are like those outlined above. The notice must specify the steps to be taken to remedy the breach and specify a final date for compliance. If the current owner fails to meet the terms of the notice by the date specified, they are guilty of an offence. There is a right of appeal to Scottish Ministers against the notice. Breaches of listed building controls are a serious matter. It is a criminal offence to undertake unauthorised works to demolish, significantly alter or extend a listed building, and this could, in certain circumstances, lead to either an unlimited fine or imprisonment.

**Advertisement Enforcement Notice:** Used when an unauthorised advertisement is displayed. This must be served on the current owner, lessee, occupier and anyone else with an interest in the property. The procedures involved are like those outlined for an Enforcement Notice. The notice must specify the steps to be taken to remedy the breach. The notice should specify the time period for compliance. This is normally set at 28 days. However this period can be reduced to 7 days if the Council believes there is an urgent need for the advertisement to be removed or altered in the interests of public safety, or if the advertisement can be removed without any other work being required.

An enforcement notice can also require that a particular piece of land should not be used to display advertisements. This remains in force even if the original advertisement is removed. Any subsequent advertising on this site without permission would be considered as a breach of the notice.

There is a right of appeal to Scottish Ministers against the notice. Similar to a breach of listed building control, a breach of advertisement control is a criminal offence and the Courts can impose a fine.

**Breach of Condition Notice:** Makes provision for enforcing the conditions to which any planning permission is subject. It is effective on the date of service. It may be used as an alternative to an enforcement notice and is served on any person carrying out the development and/or any person having control of the land. There is no right of appeal against this notice. Those receiving the notice may make representations to the planning authority if they believe the notice to be unreasonable. Summary prosecution in Court is available for contravening a breach of condition notice.

**Fixed Penalty Notices:** Where an Enforcement Notice (or Breach of Condition Notice) has been served and has not been complied with, the Council can serve a Fixed Penalty Notice on the recipient of the notice. The fine is £2000 for a Fixed Penalty Notice relating to a Planning Enforcement Notice and £300 in respect of failure to comply with a Breach of Condition Notice. There is no right of appeal against these notices, although timeous payment prevents the council from reporting the non-compliance with the original notice to the Procurator Fiscal.

## Other Powers

**Stop Notice:** This is only used in particularly urgent or serious cases where unauthorised activity must be stopped. This is usually where there are implications for public safety or a significant impact on public amenity. A Stop Notice is served with an Enforcement Notice. A Stop Notice cannot prohibit the use of a building as a dwellinghouse or prohibit the carrying out of any activity if the activity has been carried out for a period of more than 4 years. If a Stop Notice is served without due cause, or a subsequent appeal against a parallel Enforcement Notice is sustained, the Council may be open to claims for compensation. The use of Stop Notices therefore needs to be carefully assessed by the Council. There is no right of appeal against a Stop Notice, and failure to comply with its terms is an offence.

**Temporary Stop Notice:** In certain cases where a breach of planning control is considered to have a severe impact on amenity, a Temporary Stop Notice can be served. These do not require to be accompanied by an Enforcement Notice and last for a maximum of 28 days.

**Notice Requiring Application for Planning Permission for Development Already Carried out:** Where the planning authority considers that a development which does not have planning permission may be acceptable (i.e., they consider that it might be granted planning permission) they may issue a notice requiring the landowner or developer to submit a retrospective planning application. This application will be considered on its planning merits and handled in the same way as any other planning application.

**Planning Contravention Notice:** Used to obtain information about activities on land where a breach of planning control is suspected. It is served on the owner or occupier of the land in question; on a person with any other interest in the land; or on a person who is using or carrying out operations on the land. Those who receive a Planning Contravention Notice are required to provide specific information about development or operations being carried out on the land or relating to conditions or limitations which apply to any planning permission granted in respect of the land. Supplementary information or representations on the matters raised in the notice may also be requested. Failure to comply with the notice within 21 days of it being served is an offence and can lead to a fine in the Courts.

**Amenity Notice:** Section 179 (of the 1997 Planning Act) allows planning authorities to serve a notice on the owner, lessee or occupier of land which is adversely affecting the amenity of an area. It sets out the action that needs to be taken to resolve the problem within a specified period.

**Interdict and Interim Interdict:** an interdict is imposed by the courts and is used to stop or prevent a breach of planning control. Court proceedings can prove costly, and Councils normally only seek interdicts in serious cases or where enforcement notices have been ignored in the past. However, a Council can seek an interdict in relation to any breach without having to use other powers first. Breaching an interdict is treated as a contempt of court and carries heavy penalties.

**Power to Enter Land:** The Council has powers to enter land to find out if there has been a breach of planning control, to check whether there has been compliance with a formal notice, or to check whether a breach has been satisfactorily resolved. This power applies to any land and may involve officials entering land owned by neighbours adjacent to the site of the breach or alleged breach.

**Direct Action:** failure to comply with the terms of an enforcement notice within the time specified can result in the Council carrying out the specified work. The Council may recover any costs it incurs from the landowner.

**Removal and Obliteration of Placards and Posters:** The Council has powers to remove or obliterate placards and posters that do not have express or deemed advertisement consent. If the person who put up the poster can be identified, they have to be given at least 2 days' notice that the Council intends to take the poster down. If they cannot be readily identified, then the advert can be removed immediately.

Council officials can enter unoccupied land, if necessary, to remove an advertisement. However, they have no powers to remove advertisements displayed within a building to which there is no public access.

Planning legislation is complex and therefore if you are in receipt of any formal notice from the Council you are advised to seek legal or independent professional advice.

**Service Standards**

Where the terms of any enforcement notice are not complied with, every effort will be made to resolve the case to the satisfaction of the council. these options include:

- direct action by the council and/or
- the matter being referred to the procurator fiscal for possible prosecution.

## Monitoring Major Developments

The Planning (Scotland) Act 2019 introduces provision for Planning Authorities to set out how they monitor and record compliance with planning permission for major developments.

It is primarily the responsibility of the developer to ensure they are following the terms of a permission. Where permission has been granted subject to conditions which prohibit the commencement of development on site, Officers undertake to ensure that these conditions are complied with. Information relating to the compliance with conditions is recorded in the application file and is available to view via the planning portal.

Aberdeen City Council monitor compliance with such planning permissions by actively engaging with developers and their agent. As part of the process on site reviews of relevant ongoing developments is undertaken. The findings of those monitoring activities are recorded and displayed to the public on the Council website, published twice a year.

## Making a suggestion or complaint

Aberdeen City Council hopes the public will be satisfied with the Planning Enforcement Service. However, if you have any suggestions, concerns or difficulties, we want to hear from you. We are committed to improving our service and dealing promptly with any failures.

If you would like to make a complaint about how we have followed our procedures and/or failed to comply with the levels of service set out in this Charter, the following course of action is recommended:

1. Please contact the officer dealing with the enforcement to discuss your complaint in the first instance
2. If you need to find out who to contact, please use the contact details below, and your complaint will be directed to the appropriate person
3. If you are not satisfied with the response to the complaint, please contact the officer's line manager
4. If you are still not satisfied your complaint will be dealt with in accordance with the Council's Corporate Complaints Procedure. This is also available on paper at Marischal College.

### Service Standards

This charter does not compromise an authoritative interpretation of the planning acts.

Planning legislation is complex and therefore if you are in receipt of any formal notice from the council you are advised to seek legal or independent professional planning advice.

## How to contact us

**T: 01224 053746**

**E:** [pi@aberdeencity.gov.uk](mailto:pi@aberdeencity.gov.uk)

**W:** [www.aberdeencity.gov.uk/planning-and-building-standards/](http://www.aberdeencity.gov.uk/planning-and-building-standards/)

### Our address:

Development Management  
Strategic Place Planning  
City Regeneration and Environment  
Marischal College  
Ground Floor North  
Broad Street  
Aberdeen  
AB101AB

**Development Management Manager: Daniel Lewis**

**Chief Officer - Strategic Place Planning: David Dunne**

## Appendix: Useful Links

Aberdeen City Council planning information:

<https://www.aberdeencity.gov.uk/services/planning-and-building-standards>

Aberdeen City Council Corporate Complaints procedure:

<https://www.aberdeencity.gov.uk/services/have-your-say/make-complaint>

Scottish Government Planning - for legislation:

[www.gov.scot/policies/planning-architecture](http://www.gov.scot/policies/planning-architecture)

Scottish Government Circular in relation to permitted development for residential properties:

<https://www.gov.scot/binaries/content/documents/govscot/publications/advice-and-guidance/2021/04/householder-permitted-development-rights-guidance-updated-2021/documents/guidance-householder-permitted-development-rights-updated-2021/guidance-householder-permitted-development-rights-updated-2021/govscot:document/guidance-householder-permitted-development-rights-updated-2021.pdf?forceDownload=true>

## Addendum: Direct Action Procedure

There are a range of methods that the Planning Service can use to ensure compliance and resolution of breaches of planning control. These are set out in detail in our Enforcement Charter. Under Section 135 of the Town and Country Planning (Scotland) Act 1997, Planning Authorities are entitled to take direct action in order to rectify a breach. This addendum to the Planning Enforcement Charter on Direct Action sets out this process.

### Background

As set out in the main body of the Enforcement Charter, the Planning Service will investigate any claims of a breach of planning control. The majority of cases will be resolved without the need for formal enforcement action. However, a small number of cases will require formal enforcement action. Generally, the first step is the service of an enforcement notice or advertisement consent notice. This is a formal document, setting out what the breach of planning control is, what steps need to be taken to resolve the breach and when the breach needs to be resolved. If the requirements of a formal enforcement notice are not met within the period for compliance, and if the enforcement notice has not been appealed, then under Section 135 of the Town and Country Planning (Scotland) Act 1997 the Planning Authority may:

1. Enter the land to take the steps required to ensure compliance with the Enforcement Notice;
2. Recover from the person who is the owner or lessee of the land any expenses reasonably incurred by them in doing so.

This also applies if an Enforcement Notice is appealed to Scottish Ministers, the appeal is dismissed and the requirements as set out in the decision are not met.

The following provides further detail on the procedure and considerations surrounding the use of Direct Action, and the process the Planning Service will use to recover any associated costs.

### When Direct Action will be taken:

Direct Action may be taken either in isolation or in conjunction with prosecution/interdict action. An interdict is a court order and is used to stop or prevent a breach of planning control.

The Planning Service may choose to take action if:

1. The requirements of an Enforcement Notice have not been complied with by the compliance date; and
2. The Planning service considers that direct action is necessary, taking consideration of the severity of the planning breach; and the resulting impact on residential and visual amenity caused by the planning breach.

### Direct Action Procedure

Once the date of compliance as set out in an Enforcement Notice has passed, Council officers will visit the site to ascertain whether the breach in planning has been resolved. If, following this site visit, it is evident that the breach remains, the Planning Service will assess whether it is expedient to take further action, including Direct Action, prosecution or an interdict.

If it is decided to take direct action the Planning Service will subsequently set out in writing the intention to take this action to the party responsible for the breach (and the owner of the land / property). This will be a minimum of 28 days before any works are due to take place. This correspondence will also advise that the owner/lessee of the land will be liable for any costs incurred with the Direct Action, which can include administrative costs and officer time.

In order to access the property and to undertake the works, the Planning Service may need to liaise with other Council services and other services including contractors, the Police, locksmith and/or Sheriff Officers.

During the works, the Planning Service will appoint a lead officer to oversee works undertaken and to ensure that the requirements as set out in the Enforcement Notice are met. Any materials, debris or other items removed from the property during the course of direct action will be stored securely for a minimum of three days.

The Planning Service will advise the owner/lessee of the property in writing where and how to recover any items removed during the course of direct action. After this time the Planning Authority may choose to dispose or sell any of these items or materials to recover the expenses of direct action. Any additional proceeds generated (less the expenses of direct action) will be returned to the property owner.

### **Process for recovery of costs**

Section 135(1)(b) of the Town and Country Planning (Scotland) Act 1997 sets out that the Planning Authority can recover from the owner/lessee of the land any expenses reasonably incurred by them undertaking the direct action. Section 135(3) further provides that this may include appropriate administrative costs.

The expenses recoverable will include the costs of the direct action (such as contractor services) and any additional administrative costs, including officer time, which the Planning Service considers to be reasonable. The Planning Service will seek to recover the expenses and will raise an invoice. If the invoice is not paid within a period considered by the Planning Service to be reasonable, then the invoice will be pursued as a debt. A charge would then be registered against the property in the Land Register of Scotland which would only be discharged upon payment of the expenses. Any charge against the property would require to be discharged before the property could be sold.

### **Placards, posters and banners**

Under Section 187 of the Town and Country Planning (Scotland) Act 1997, the Planning Authority has the power to remove placards, posters and banners that are displayed in contravention of the Advertisement Regulations. The planning service will inform the landowner in writing of its intention to remove the placard, poster or banner a minimum of seven days before undertaking the works. This communication will provide details on how to retrieve the removed property. The property will be stored securely for a minimum of seven days after which the Planning service has the option of disposal.





Development Management  
Strategic Place Planning  
City Regeneration and Environment  
Marischal College  
Ground Floor North  
Broad Street  
Aberdeen  
AB10 1AB

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