

# Public Document Pack



To: Councillor McRae, Chairperson; and Councillors Blake, Boulton (for reviews 1 to 3), Clark and Copland.

Town House,  
ABERDEEN 24 June 2025

## **LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL**

The Members of the **LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL** are requested to meet remotely on **MONDAY, 30 JUNE 2025 at 11.00 am.**

ALAN THOMSON  
INTERIM CHIEF OFFICER – GOVERNANCE

Members of the Public can observe the meeting via Microsoft Teams [here](#).

### **B U S I N E S S**

1.1 Procedure Notice (Pages 5 - 10)

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

Link to the [Local Development Plan](#)

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

**PLANNING ADVISER - LUCY GREENE**

### **REVIEW ONE**

2.1 Section 42 (Variation to Conditions) - Removal of condition 9 (stair access) of planning permission ref. 231375/DPP to remove the requirement to provide steps to Great Northern Road - 868-870 Great Northern Road Aberdeen

Members, please note that all plans and supporting documents relevant to the review can be viewed online [here](#) and by entering the application reference number 250083/S42.

2.2 Delegated Report, Original Application Form and Decision Notice (Pages 11 - 28)

2.3 Planning Policies Referred to in Documents Submitted (Pages 29 - 30)

2.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 31 - 88)

2.5 Determination - Reasons for Decision

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

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

## **REVIEW TWO**

3.1 Detailed Planning Permission for the change of use from office [class 4 (business) use] to gym [class 11 (assembly and leisure)] - Innovation Centre, Exploration Drive Aberdeen

Members, please note that all plans and supporting documents relevant to the review can be viewed online [here](#) and by entering the application reference number 250070.

3.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (Pages 89 - 130)

3.3 Planning Policies Referred to in Documents Submitted (Pages 131 - 132)

3.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 133 - 172)

3.5 Determination - Reasons for Decision

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

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

### **REVIEW THREE**

- 4.1 Detailed Planning Permission for the redevelopment of vacant industrial site, including erection of 4 detached houses, associated garaging / car parking, pedestrian access paths, infrastructure and open space - Scotstown Moor Base, Shielhill Road Aberdeen  
Members, please note that all plans and supporting documents relevant to the review can be viewed online [here](#) and by entering the application reference number 230969.
- 4.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (Pages 173 - 246)
- 4.3 Planning Policies Referred to in Documents Submitted (Pages 247 - 250)
- 4.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 251 - 326)
- 4.5 Determination - Reasons for Decision  
Members, please note that reasons should be based against Development Plan policies and any other material considerations.
- 4.6 Consideration of Conditions to be Attached to the Application - if Members are Minded to Over-Turn the Decision of the Case Officer

### **REVIEW FOUR**

- 5.1 Detailed Planning Permission for the change of use of amenity land to domestic garden ground and erection of fence (partly retrospective) - the Mount, the Bush, Aberdeen  
Members, please note that all plans and supporting documents relevant to the review can be viewed online [here](#) and by entering the application reference number 240753.
- 5.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (Pages 327 - 348)
- 5.3 Planning Policies Referred to in Documents Submitted (Pages 349 - 350)
- 5.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 351 - 404)
- 5.5 Determination - Reasons for Decision

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

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

Website Address: [aberdeencity.gov.uk](http://aberdeencity.gov.uk)

Should you require any further information about this agenda, please contact Lynsey McBain on [lymcbain@aberdeencity.gov.uk](mailto:lymcbain@aberdeencity.gov.uk) / tel 01224 067344



## LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

### PROCEDURE NOTE

#### GENERAL

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

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

#### DETERMINATION OF REVIEW

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

## **Planning Development Management Committee and Local Review Body Site Visit Protocol**

### **1. Introduction**

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

### **2. Interested Parties and Neighbouring Properties**

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

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

### **3. Conduct of Site Visits**

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

### **4. Procedure on Site**

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

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

## **5 What happens after a Site Visit**

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

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	<b>Strategic Place Planning</b>
	Report of Handling by Development Management Manager

<b>Site Address:</b>	868-870 Great Northern Road, Aberdeen, AB24 2BP
<b>Application Description:</b>	Removal of condition 9 (stair access) of planning permission ref. 231375/DPP to remove the requirement to provide steps to Great Northern Road
<b>Application Ref:</b>	250083/S42
<b>Application Type:</b>	Section 42 (Variation to Conditions)
<b>Application Date:</b>	3 February 2025
<b>Applicant:</b>	Porcelanosa
<b>Ward:</b>	Dyce/Bucksburn/Danestone
<b>Community Council:</b>	Bucksburn And Newhills

## **DECISION**

Refuse

## **APPLICATION BACKGROUND**

### **Site Description**

The application site relates to a recently constructed single storey retail showroom located on the north side of Great Northern Road, close to the Haudagain Roundabout junction. The site extends to around 0.34 hectares and is generally square. It slopes down from its Great Northern Road frontage to the Aberdeen to Inverness railway line on its northern boundary, a total fall in height of around 8m. The railway line sits around 6m lower than the northern edge of the application site.

Vehicular and pedestrian access is taken from a new access onto a dead-end section of Mugiemoor Road on the eastern side of the site, itself accessed from Great Northern Road. A car park with eighteen spaces has been provided at the front (east) of the building, with a service road provided on the north side to serve a service area with five parking spaces at the rear of the building. A landscaped strip including trees would separate the building and hard standings from Great Northern Road.

On the opposite side of Great Northern Road there is a mix of commercial and residential properties. Immediately to the north of the site, beyond the railway line, is a car dealership. To the west are three commercial units, including a pizza takeaway and tanning salon.

### **Relevant Planning History**

Detailed planning permission (231375/DPP) was granted in January 2024 for construction of the retail showroom (class 1A) and associated staff support facilities including parking and landscaping. The permission has been implemented, with the development nearing completion and expected to open during March 2025.

## **APPLICATION DESCRIPTION**

### **Description of Proposal**

The application is submitted under the provisions of section 42 of the Town and Country Planning (Scotland) Act 1997 and seeks to remove condition 9 of planning permission ref. 231375/DPP. The condition requires steps to be provided between the site and Great Northern Road. The full condition reads –

#### *(09) STAIR ACCESS*

*The development shall not be brought into use unless the stair access between the proposed car park and Great Northern Road shown on Core Associates/Abbot Architecture drawing A-L-030-001 (Rev.B) (or such other drawing approved for the purpose).has been constructed and is available for use.*

*Reason – to ensure the removal of redundant pavement crossings.*

The reason attributed to Condition 9 on the decision notice is erroneous and should state ‘Reason – to ensure appropriate pedestrian accessibility to the development.’

### **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=SQWHCWBZFO600>

- Supporting Statement

## **CONSULTATIONS**

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

## **Development Plan**

### National Planning Framework 4

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

- Policy 13 (Sustainable Transport)

### Aberdeen Local Development Plan 2023

- Policy T2 (Sustainable Transport)

## **Aberdeen Planning Guidance**

- Transport and Accessibility

## **Other National Policy and Guidance**

- Circular 3/2022 (Development Management Procedures) – Annex H: Applications for Planning Permission Under Section 42 (Scottish Government)

## **EVALUATION**

The determining factor in the consideration of the application is whether the retention of the condition is required. The planning authority have the option to refuse the application in which case the condition would remain; to amend the terms of the condition; or removing it completely.

At the request of the planning authority, the steps were introduced to the layout during the consideration of planning application 231375/DPP, with the purpose of improving pedestrian connectivity to the premises. Without providing a pedestrian route directly from the existing pavement network adjacent to the site on Great Northern Road, along what will be a desire line, there is the likelihood that people will climb over the boundary wall and down the slope to access the site more directly, or walk along the vehicular access into the site.

With steps in place, the route between the pavement on Great Northern Road on front of the site and the front door of the premises would be a straight line of approximately 23 metres. Without steps, the route for pedestrians to access the front door of the premises from the point where the steps should be on Great Northern Road, would be a route of approximately 88 metres, along Great Northern Road, Mugiemoos Road into the site car park, across the car park and then turning back

towards the entrance door. Similar direct pedestrian routes exist at the adjacent site at Units A–D 876 Great Northern Road, albeit without the requirement for steps as there is no change in levels.

Policy 13 (Sustainable Transport) of National Planning Framework 4 (NPF4) seeks to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably. More specifically it indicates that development proposals will be supported where they provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation and are designed to incorporate safety measures including safe crossings for walking and wheeling and reducing the number and speed of vehicles. Similarly, Policy T2 (Sustainable Transport) of the Aberdeen Local Development Plan (ALDP) requires that new developments must be accessible by a range of transport modes, with an emphasis on active and sustainable transport, and the internal layout of developments must prioritise walking, wheeling, cycling and public transport.

The applicant has submitted a supporting statement which explain the reasons for seeking the removal of the condition. These reasons are outlined below, accompanied by an evaluation of each.

- *The presence of the steps could increase anti-social by encouraging after hours pedestrian access to the site. Mugiemooss Road terminates in a dead end and passive supervision will be problematic, especially after hours. The removal of the steps would be better for security.*

The front elevation of the building and customer car park is open and sits alongside Great Northern Road, benefiting from natural surveillance from passing pedestrians and traffic on what is a generally busy road. In any case, should someone want to intrude into the site outside opening hours, there would be nothing preventing them from doing so via the vehicular access from Mugiemooss Road.

- *Based on data from other stores with the UK, it is expected that customers would arrive by car, with it being extremely unlikely that they would arrive by foot. Staff may use public transport or active travel, and it is proposed that they will access the site via Mugiemooss Road.*

Whilst it is accepted that customers visiting a bulky goods retailer are likely to visit by car to be able to transport purchased goods, this does not negate the requirement for the design of developments to prioritise walking, wheeling, cycling and public transport, over the use of the private car, and to also cater for customer who may choose to walk to the store to browse products or to place order for delivery.

Staff may well live locally and choose to walk to work, which also may apply to the occasional customer. The provision of the steps would facilitate walking and avoid pedestrians from having to take a longer route and potentially climbing over the wall and slope as an alternative. It would also future proof the site in terms of access should another occupier that had a different demographic of customer take occupation.

- *Steps would present issues for those with mobility issues, whereas Mugiemooss Road does not have a steep gradient and is suitable for pedestrian access.*

Inclusive design principles promote the principle that the approach to a building and its grounds meets the needs of all who use it, not only disabled people. The Mugiemooss Road route provides a suitable route for those who would have difficulty using steps and provides a route to the front of the building where equal access to the premises can be obtained. The

steps would provide choice, convenience and avoid unnecessary effort for those accessing the building.

- *The construction and design of the steps would present additional risk and stabilisation costs at the embankment supporting Great Northern Road and the removal of the requirement for the steps would help reduce any further overspend on the project.*

It is acknowledged that there would be a cost to providing the steps. However, it is not unusual to have to provide a variety of access points to a publicly accessible development such as this and it is not expected that the costs would be significant enough to make the requirement unreasonable or be to such an extent that cost becomes a material planning consideration.

In conclusion, the reasons provided for seeking the removal of the condition, such as security concerns, customer arrival by car, and issues for those with mobility problems, do not outweigh the benefits of providing the steps, and there has been no material change in circumstances following the consideration and approval of planning permission 231375/DPP.

## **DECISION**

Refuse

## **REASON FOR DECISION**

Policy 13 (Sustainable Transport) of National Planning Framework 4 (NPF4) and Policy T2 (Sustainable Transport) of the Aberdeen Local Development Plan (ALDP) seek to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably. More specifically it indicates that development proposals will be supported where they provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks. There is an emphasis on active and sustainable transport, and the internal layout of developments must prioritise walking, wheeling, cycling and public transport.

The reasons provided for seeking the removal of the condition, such as security concerns, customer arrival by car, and issues for those with restricted mobility, do not outweigh the benefits of providing the steps. Staff may well live locally and choose to walk to work, which also may apply to the occasional customer. The provision of the steps would facilitate walking and avoid pedestrians from having to take a longer route and potentially climbing over the wall and slope as an alternative, along what is an evident desire line. It would also future proof the site in terms of access should another occupier that had a different demographic of customer take occupation.

The condition supports the aims of Policy 13 (Sustainable Transport) of NPF4 and Policy T2 (Sustainable Transport) of the ALDP. There has been no material change in circumstances following the consideration and approval of planning permission 231375/DPP. On the basis that the removal of the requirement to provide the steps would result in a development of lesser quality in terms of accessibility, the application is refused and condition 9 of 231375/DPP is therefore retained.

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100650197-010

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

## Type of Application

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

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

Please provide the application reference no. given to you by your planning authority for your previous application and the date that this was granted.

Application Reference No: \*

231375/DPP

Date (dd/mm/yyyy): \*

30/01/2024

## Description of Proposal

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

Removal of condition '09' (stair access of 231375/DPP) to remove the requirement to provide steps to Great Northern Road.

Is this a temporary permission? \*

☐ Yes ☒ No

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

☐ Yes ☒ No

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

☒ No ☐ Yes – Started ☐ Yes - Completed

## Applicant or Agent Details

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

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

Company/Organisation:	Core Associates		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Jill	Building Name:	The Hatrack
Last Name: *	Hackland	Building Number:	144
Telephone Number: *	0141 530 4783	Address 1 (Street): *	St Vincent Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Glasgow
Fax Number:		Country: *	Scotland
		Postcode: *	G2 5LQ
Email Address: *	jh@coreassociates.co.uk		
Is the applicant an individual or an organisation/corporate entity? *			
<input type="radio"/> Individual <input checked="" type="radio"/> Organisation/Corporate entity			

## Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Porcelanosa Braehead
First Name: *	Chris	Building Number:	
Last Name: *	Kerr	Address 1 (Street): *	2 Rocep Drive
Company/Organisation	Porcelanosa	Address 2:	
Telephone Number: *		Town/City: *	Glasgow
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	PA4 8YT
Fax Number:			
Email Address: *	c [REDACTED]		

## Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

870 Great Northern Road Aberdeen AB24 2BR

Northing

Easting

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

☒ Yes ☐ No

## Pre-Application Discussion Details Cont.

In what format was the feedback given? \*

☐ Meeting ☐ Telephone ☐ Letter ☒ Email

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

I have undertaken an initial review of these and consider that they largely address the points made in the earlier pre-application response, issued in December 2022. Would there be scope to further enhance the southern frontage onto Auchmill Road? This still appears to be relatively blank, and is a prominent elevation that would benefit from activation / elevation interest. In terms of the parking it would be preferable if the 23 spaces in line with ACC standards could be provided.

Title:

Mr

Other title:

Senior Planner

First Name:

Matthew

Last Name:

Easton

Correspondence Reference Number:

email dated 18/12/2024

Date (dd/mm/yyyy):

18/12/2024

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

## Site Area

Please state the site area:

3419.00

Please state the measurement type used:

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

## Existing Use

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

Site is currently vacant, previously there was a Vardy car garage on the site.

## Access and Parking

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

☐ Yes ☒ No

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

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

☐ Yes ☒ No

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

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

0

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

23

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

## Water Supply and Drainage Arrangements

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

☒ Yes ☐ No

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

- ☒ Yes – connecting to public drainage network  
☐ No – proposing to make private drainage arrangements  
☐ Not Applicable – only arrangements for water supply required

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

☒ Yes ☐ No

Note:-

Please include details of SUDS arrangements on your plans

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



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

☒ Yes

☐ No, using a private water supply

☐ No connection required

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

## Assessment of Flood Risk

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

☐ Yes ☒ No ☐ Don't Know

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

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

☐ Yes ☒ No ☐ Don't Know

## Trees

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

☐ Yes ☒ No

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

## All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? \*

☒ Yes ☐ No

## All Types of Non Housing Development – Proposed New Floorspace Details

For planning permission in principle applications, if you are unaware of the exact proposed floorspace dimensions please provide an estimate where necessary and provide a fuller explanation in the 'Don't Know' text box below.

Please state the use type and proposed floorspace (or number of rooms if you are proposing a hotel or residential institution): \*

Class 1 Retail (non-food)

Gross (proposed) floorspace (In square meters, sq.m) or number of new (additional) Rooms (If class 7, 8 or 8a): \*

892

If Class 1, please give details of internal floorspace:

Net trading spaces:

700

Non-trading space:

192

Total:

If Class 'Not in a use class' or 'Don't know' is selected, please give more details: (Max 500 characters)

## Schedule 3 Development

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

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

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

## Planning Service Employee/Elected Member Interest

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

## Certificates and Notices

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

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

Are you/the applicant the sole owner of ALL the land? \* ☐ Yes ☐ No

Is any of the land part of an agricultural holding? \* ☐ Yes ☐ No

## Certificate Required

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

Certificate A

## Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Jill Hackland

On behalf of: Porcelanosa

Date: 30/01/2025

☐ Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

☐ Yes ☐ No ☐ T Not applicable to this application

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

☐ Yes ☐ No ☐ T Not applicable to this application

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

☐ Yes ☐ No ☐ T Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

☐ Yes ☐ No ☐ T Not applicable to this application

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

☐ T Yes ☐ No ☐ Not applicable to this application

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

☐ Yes ☐ No ☐ T Not applicable to this application

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

☐ T Site Layout Plan or Block plan.

☐ Elevations.

☐ Floor plans.

☐ Cross sections.

☐ Roof plan.

☐ Master Plan/Framework Plan.

☐ Landscape plan.

☐ Photographs and/or photomontages.

☐ Other.

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

Provide copies of the following documents if applicable:

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

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

## Declare – For Application to Planning Authority

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

Declaration Name: Mrs Jill Hackland

Declaration Date: 30/01/2025

## Payment Details

Pay Direct

Created: 30/01/2025 11:35



## DECISION NOTICE

### The Town and Country Planning (Scotland) Act 1997 - Section 42

### Section 42 (Variation to Conditions)

Core Associates  
The Hatrack  
144 St Vincent Street  
Glasgow  
G2 5LQ

on behalf of **Porcelanosa**

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

<b>Application Reference Number</b>	250083/S42
<b>Address of Development</b>	868-870 Great Northern Road Aberdeen AB24 2BP
<b>Description of Development</b>	Removal of condition 9 (stair access) of planning permission ref. 231375/DPP to remove the requirement to provide steps to Great Northern Road
<b>Date of Decision</b>	14 March 2025

#### DETAILS OF ANY VARIATION MADE TO THE APPLICATION

None.

## REASON FOR DECISION

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

Policy 13 (Sustainable Transport) of National Planning Framework 4 (NPF4) and Policy T2 (Sustainable Transport) of the Aberdeen Local Development Plan (ALDP) seek to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably. More specifically it indicates that development proposals will be supported where they provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks. There is an emphasis on active and sustainable transport, and the internal layout of developments must prioritise walking, wheeling, cycling and public transport.

The reasons provided for seeking the removal of the condition, such as security concerns, customer arrival by car, and issues for those with restricted mobility, do not outweigh the benefits of providing the steps. Staff may well live locally and choose to walk to work, which also may apply to the occasional customer. The provision of the steps would facilitate walking and avoid pedestrians from having to take a longer route and potentially climbing over the wall and slope as an alternative, along what is an evident desire line. It would also future proof the site in terms of access should another occupier that had a different demographic of customer take occupation.

The condition supports the aims of Policy 13 (Sustainable Transport) of NPF4 and Policy T2 (Sustainable Transport) of the ALDP. There has been no material change in circumstances following the consideration and approval of planning permission 231375/DPP. On the basis that the removal of the requirement to provide the steps would result in a development of lesser quality in terms of accessibility, the application is refused and condition 9 of 231375/DPP is therefore retained.



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

## PLANS AND DRAWINGS

Drawing Number	Drawing Type
	Location Plan
001 B	Site Layout (Proposed)

Signed on behalf of the planning authority

**Daniel Lewis**

Development Management Manager

## **IMPORTANT INFORMATION RELATED TO THIS DECISION**

### **RIGHT OF APPEAL**

If the applicant is aggrieved by the decision of the planning authority to refuse planning permission, the applicant may require the planning authority to review the case under section 43A(8) of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. Any requests for a review must be made on a 'Notice of Review' form available from the planning authority or at [www.eplanning.scot](http://www.eplanning.scot).

### **SERVICE OF PURCHASE NOTICE**

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

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## Policy List for 250083/S42

### 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 13 (Sustainable Transport)

#### [Aberdeen Local Development Plan 2023](#)

- Policy T2 (Sustainable Transport)

### Aberdeen Planning Guidance

- [Transport and Accessibility](#)

### Other National Policy and Guidance

- [Circular 3/2022 \(Development Management Procedures\)](#) – Annex H: Applications for Planning Permission Under Section 42 (Scottish Government)

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100708548-001

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

## Applicant or Agent Details

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

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Derek Scott Planning"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Derek"/>	Building Name:	<input type="text" value="Suite 2/3"/>
Last Name: *	<input type="text" value="Scott"/>	Building Number:	<input type="text" value="48"/>
Telephone Number: *	<input type="text" value="07802 431970"/>	Address 1 (Street): *	<input type="text" value="West George Street"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Glasgow"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
		Postcode: *	<input type="text" value="G2 1BP"/>
Email Address: *	<input type="text" value="derek@derekscottplanning.com"/>		

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

☐ Individual ☒ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Porcelanosa Braehead"/>
First Name: *	<input type="text" value="Chris"/>	Building Number:	<input type="text" value="2"/>
Last Name: *	<input type="text" value="Kerr"/>	Address 1 (Street): *	<input type="text" value="Rocep Drive"/>
Company/Organisation	<input type="text" value="Porcelanosa"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Glasgow"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="PA4 8YT"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

## Site Address Details

Planning Authority:	<input type="text" value="Aberdeen City Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

<input type="text" value="868-870 Great Northern Road, Aberdeen AB24 2BP"/>
---

Northing	<input type="text" value="809197"/>	Easting	<input type="text" value="391231"/>
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## Description of Proposal

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

250083/S42 - Removal of condition 9 (stair access) of planning permission ref. 231375/DPP to remove the requirement to provide steps to Great Northern Road at 868-870 Great Northern Road, Aberdeen AB24 2BP

## Type of Application

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

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

What does your review relate to? \*

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

## Statement of reasons for seeking review

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

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

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

Circular 4/1998 states that conditions should only be imposed where they are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Condition No. 9 on the Planning Permission granted under the terms of 231375/DPP does not comply with all of the tests outlined and as a consequence of that, the condition should be removed. Please refer to supporting statement/letter for further elaboration.

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

☐ Yes ☒ No

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

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

Please refer to Supporting Statement/Letter attached.

## Application Details

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

250083/S42

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

03/02/2025

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

14/03/2025

## Review Procedure

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

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

☒ Yes ☐ No

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

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

☐ Yes ☒ No

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

☐ Yes ☒ No

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

Construction works are ongoing at the site and as a consequence of this it would be prudent, in the event of the Local Review Body wishing to conduct a site visit, that it be undertaken on an accompanied basis.

## Checklist – Application for Notice of Review

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

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

T Yes ≤ No

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

T Yes ≤ No

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

T Yes ≤ No ≤ N/A

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

T Yes ≤ No

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

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

T Yes ≤ No

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

## Declare – Notice of Review

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

Declaration Name: Mr Derek Scott

Declaration Date: 24/04/2025

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Our Ref: ep875/2025/Ab/let001/DS

24<sup>th</sup> April 2025

Aberdeen City Council  
Planning Local Review Body  
Marischal College  
Broad Street  
Aberdeen  
AB10 1AB

To whom it may concern

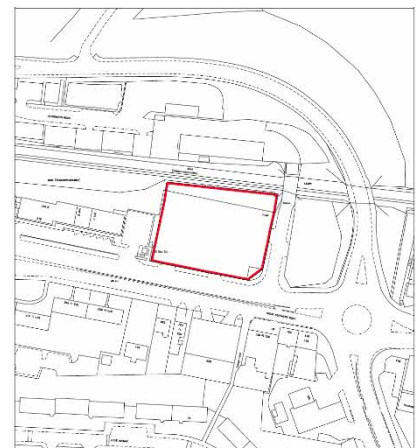
**250083/S42 - Removal of condition 9 (stair access) of planning permission ref. 231375/DPP to remove the requirement to provide steps to Great Northern Road at 868-870 Great Northern Road, Aberdeen AB24 2BP**

## Introduction

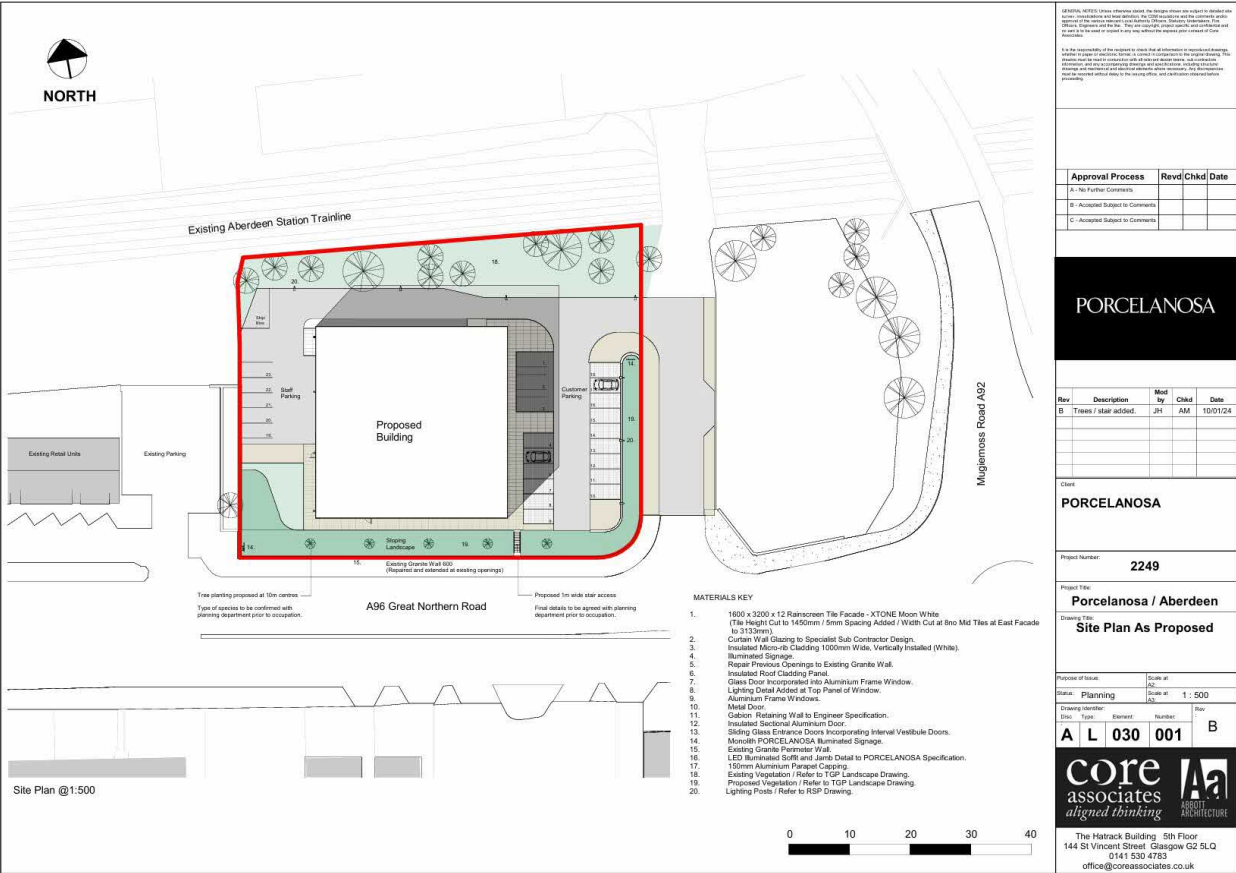
- (1) We write on behalf of our clients, Porcelanosa, to request a review of your Planning Department's decision to refuse an application which had been submitted on 03<sup>rd</sup> February 2025 under the terms of Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended) and registered under Planning Application Reference Number 250083/S42. The application referenced, had sought permission for the removal of Condition No. 9 from Planning Permission Reference Number 231375/DPP and related to the provision of steps off Great Northern Road to access a proposed bulky goods retail outlet at 868/870 Great Northern Road, Aberdeen. A copy of the planning application which was refused and is the subject of the current Review Request is attached as **Document 1**; a copy of the Decision Notice as **Document 2**; and a copy of the Planning Officer's Report of Handling on the application as **Document 3**.

## Site Location and Description

- (2) The application site comprises a recently constructed, but as yet unopened, single storey retail warehouse unit located on the northern side of Great Northern Road; to the north west of the Haudagain Roundabout; and to the south of the Aberdeen to Inverness railway line. The site slopes from Great Northern Road down to the railway line with a total height distance of c. 8m between the two. The railway line itself sits approximately 6m lower than the northern edge of the application site whereas the retail unit and its apron sit some 2.5m below Great Northern Road. There is a granite wall (partially demolished) measuring approximately 0.5 metres in height defining the southern boundary of the application site with Great Northern Road.



- (3) Vehicular and pedestrian access will be/is taken from a new access onto a dead-end section of Mugiemoss Road on the eastern side of the site, itself accessed from Great Northern Road. A car park with eighteen spaces will be provided at the front (east) of the building, with a service road provided on the north side serving a service area with five staff parking spaces at the rear of the building. A landscaped strip will separate the building and hard standings within the site from Great Northern Road. On the opposite side of Great Northern Road there is a mix of commercial and residential properties. Immediately to the north of the site, beyond the railway line, is a car dealership. To the immediate west are three further commercial units, including a pizza takeaway (Pizza Hut); a tanning salon (Indigo Sun); and a Charity Shop (Salvation Army). Beyond this there exists a Majestic Wine Outlet.



Site Layout as approved under Planning Permission Reference Number 231375/DPP

- (4) The warehouse unit will be occupied and traded out of by Porcelanosa the well-known Spanish Company which specialises in the design, manufacture and distribution of high-quality tiles, mosaics and bathroom and kitchen solutions. The outlet will create around 30 new direct employment opportunities when operational.



Application Site and Building





*Retail Units to the west*

## Application Proposal

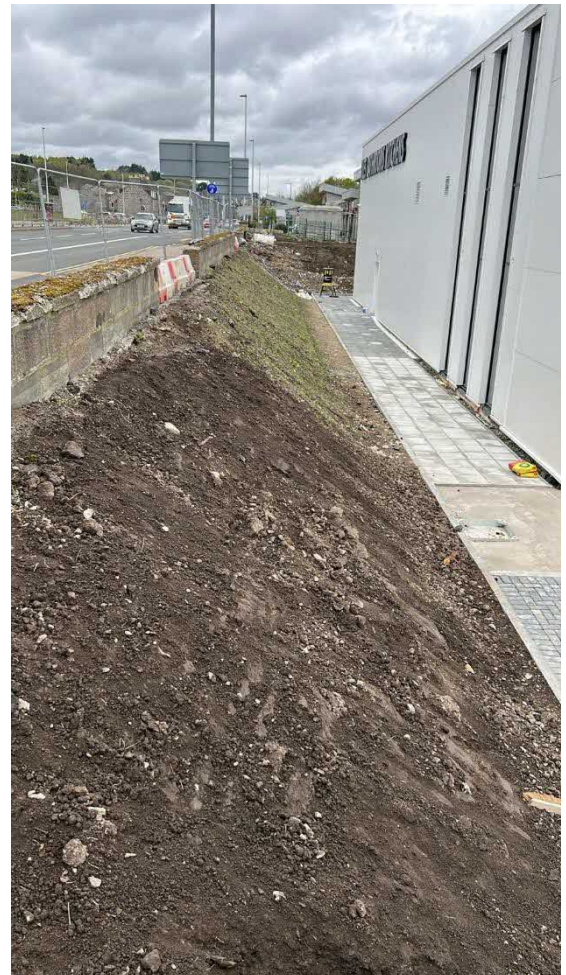
- (5) The condition imposed on Planning Permission Reference Number 231375/DPP and for which permission is being sought, under the terms of Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended), to remove, under the terms of Planning Application Reference Number stated the following:

*(09) Stair Access*

*The development shall not be brought into use unless the stair access between the proposed car park and Great Northern Road shown on Core Associates/Abbot Architecture drawing A-L-030-001 (Rev.B) (or such other drawing for the purpose) has been constructed and is available for use.*

*Reason – to ensure the removal of redundant pavement crossings.*

- (6) It is claimed within the Planning Officer's Report of Handling (**Document 3**) on the application that the reason attributed to Condition 9 is erroneous and it should have stated 'to ensure appropriate pedestrian accessibility to the development.' Whilst the Planning Officer's explanation of the erroneous reason for imposing the condition is noted, we can only take account of the reason as it appears in the decision notice. To do otherwise would, in our opinion, be erroneous in law. Copies of the decision notice relating to Planning Permission Reference Number 231375/DPP and the drawing referenced in the condition are attached within **Document 4**.



*Existing Embankment*

- (7) The statement submitted in support of the application outlined the following reasons and justification for the removal of the condition:

*To improve site security as the addition of the steps could increase anti-social behaviour by encouraging after hours pedestrian access to the site. Muggiemoss Road terminates in a dead end and passive supervision will be problematic, especially after hours.*

*Porcelanosa have confirmed that both retail and trade customers will arrive by car at their stores. This is based on data gathered from their existing stores across the UK. Porcelanosa have confirmed that it is extremely unlikely that many customers will arrive at the retail unit by foot. Whilst staff may use public transport or active travel they can access the site via Muggiemoss Road. The staff entrance is located on the West side of the building / opposite side from customer parking. The path at Muggiemoss Road does not have a steep gradient and will be suitable for all pedestrian access. Steps would present mobility issues.*

*To minimise structural impact onto the North facing slope which supports Great Northern Road. The construction and design of the steps would present additional risk and stabilisation costs at the embankment supporting Great Northern Road.*

*The steps were a relatively late addition to the project and we have also had to deal with additional ground retention costs to ensure suitable access to the existing surface water drainage manhole in this general site location. Unfortunately, costs have been rising significantly through construction stage and a number of cost savings have had to be made to ensure that the project remained viable. For the above noted reasons the stair is considered a superfluous requirement and its removal will also help reduce any further overspend on the project.*

## **Reason(s) for Refusal of Application**

- (8) The application was recommended for refusal by the Appointed Planning Officer and signed on behalf of the Planning Authority on 15<sup>th</sup> March 2025 (See **Document 2**). The reason given for refusal states the following:

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

*Policy 13 (Sustainable Transport) of National Planning Framework 4 (NPF4) and Policy T2 (Sustainable Transport) of the Aberdeen Local Development Plan (ALDP) seek to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably. More specifically it indicates that development proposals will be supported where they provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks. There is an emphasis on active and sustainable transport, and the internal layout of developments must prioritise walking, wheeling, cycling and public transport.*

*The reasons provided for seeking the removal of the condition, such as security concerns, customer arrival by car, and issues for those with restricted mobility, do not outweigh the benefits of providing the steps. Staff may well live locally and choose to walk to work, which also may apply to the occasional customer. The provision of the steps would facilitate walking and avoid pedestrians from having to take a longer route and potentially climbing over the wall and slope as an alternative, along what is an evident desire line. It would also future proof the site in terms of access should another occupier that had a different demographic of customer take occupation.*

*The condition supports the aims of Policy 13 (Sustainable Transport) of NPF4 and Policy T2 (Sustainable Transport) of the ALDP. There has been no material change in circumstances following the consideration and approval of planning permission 231375/DPP. On the basis that the removal of the requirement to provide the steps would result in a development of lesser quality in terms of accessibility, the application is refused and condition 9 of 231375/DPP is therefore retained*

## **Legislative Requirements**

- (9) Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) (hereinafter referred to as ‘The Act’) states that:

*‘where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the development plan unless material considerations indicate otherwise.*

- (10) In the context of Section 25 referred to above, it is worth referring to the House of Lord’s Judgement on the case of the City of Edinburgh Council v the Secretary of State for Scotland 1998 SLT120 which sets out the following approach to deciding an application under the Planning Acts:

*identify any provisions of the development plan which are relevant to the decision;  
interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies;  
consider whether or not the proposal accords with the development plan;  
identify and consider relevant material considerations, for and against the proposal; and  
assess whether these considerations warrant a departure from the development plan.*

- (11) The relevant development plan for the area comprises National Planning Framework 4 (NPF4) and the Aberdeen Local Development Plan 2023. The Planning Department, in its reason(s) for the refusal of the application have cited Policy 13 on ‘Sustainable Transport,’ from National Planning Framework 4 and Policy T2 on ‘Sustainable Transport,’ from the Aberdeen Local Development Plan. Other material considerations relevant to the determination of the application



include the Council’s Planning Guidance on Transport and Accessibility; Circular 3/2022 (Development Management Procedures) – Annex H: Applications for Planning Permission under Section 42 (Scottish Government); and most importantly Circular 4/1998 on the Use of Conditions in Planning Permissions (Scottish Government), which surprisingly, does not even gain a reference in the Planning Officer’s Report of Handling (**Document 3**).



- (12) Section 42 of the Act requires a planning authority when determining an application to amend or remove a condition from a previously granted planning permission to only consider the question of the conditions subject to which the previous planning permission was granted. The authority has the option to approve the permission subject to new or amended conditions or to approve planning permission unconditionally. Alternatively, as has happened in this instance, the authority can refuse the application, resulting in the conditions on the original application remaining.

### Assessment and Evaluation of Planning Application

- (13) Circular 4/1998 and the accompanying Annex to that Circular sets out Government policy on the use of conditions in planning applications and should be the first point of reference in the determination of any application submitted under Section 42 of the Act. The Circular states that:

*‘Planning conditions should **ONLY** be imposed where they are:*

*necessary  
relevant to planning  
relevant to the development to be permitted  
enforceable  
precise, and  
reasonable in all other respects.’ (highlighting added)*

It is important to stress that any condition imposed on a permission must comply with **ALL** of the tests referenced above and should it not do so, the condition, quite simply, cannot be imposed.

- (14) **Necessary Test** – According to Paragraph 13 of the Circular referenced, ‘*in considering whether a particular condition is necessary, authorities should ask themselves whether planning permission would have to be refused if that condition were not to be imposed. If it would not, then the condition needs special and precise justification.*’ The Planning Officer’s Report of Handling advises that the steps were introduced to the layout during the consideration of planning application 231375/DPP, with the purpose of improving pedestrian connectivity to the retail premises. The Report claims that if the steps were not provided, there is a likelihood that people will climb over the boundary wall and down the slope bordering the site to access the retail premises in order to avoid having to walk an additional c. 65 metres to access the retail unit (Distance from top of steps to entrance door of retail unit is c.23 metres with the steps in place and c. 88 meters were the steps not in place).

- (15) We do not agree with the Planning Department’s assertions that the steps are required in the position identified for the following reason(s):

There is a level difference of c.2.5 metres between the footpath on the northern side of Great Northern Road and the apron/access level of the retail unit. That level difference is separated by an embankment/slope of some 4.1 metres in width. Given the situation described, combined with the existing 0.5 metre wall; the ability and our client’s willingness to undertake landscaping of a nature to prevent such unlikely pedestrian movements; the existence of an alternative route which adds a mere c65 metres to the overall pedestrian journey; and the nature of items to be sold in the retail outlet (i.e. bulky goods) thus attracting very few pedestrian based customers, it is, in our opinion, quite inconceivable that this route would become ‘*a desire line*,’ for pedestrians were the steps not provided. Those considerations in both isolation and combined negate the need to provide any sort of step/stair access from Great Northern Road to service the development.

- (16) As noted in Paragraph 14 above, Circular 4/1998 requires ‘*authorities should ask themselves whether planning permission would have to be refused if that condition were not to be imposed.*’ Given the points outlined above, we do not consider that there is any justification for refusal in these circumstances. As a consequence of that the ‘*necessary*’ test has not been met and the condition should be removed.

- (17) **Relevant to Planning Test** – Circular 4/1998 advises that a condition which has no relevance to planning is ultra vires. In this instance the Planning Authority, in refusing the application has cited the proposal to remove the offending condition as being contrary to the terms of Policies 13 on ‘*Sustainable Transport*,’ in NPF4 and T2 on ‘*Sustainable Transport*,’ in the Aberdeen Local Development. Those two policies state the following:

- (18) Policy 13 in NPF4 states the following (Part b(i) highlighted in bold as specifically referred to in Report of Handling as supporting the imposition of the condition):

‘a) *Proposals to improve, enhance or provide active travel infrastructure, public transport infrastructure or multi-modal hubs will be supported. This includes proposals:*

- i. *for electric vehicle charging infrastructure and electric vehicle forecourts, especially where fueled by renewable energy.*
- ii. *which support a mode shift of freight from road to more sustainable modes, including last-mile delivery.*
- iii. *that build in resilience to the effects of climate change and where appropriate incorporate blue and green infrastructure and nature rich habitats (such as natural planting or water systems).*

b) *Development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they:*



- i. ***Provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation;***
- ii. *Will be accessible by public transport, ideally supporting the use of existing services;*
- iii. *Integrate transport modes;*
- iv. *Provide low or zero-emission vehicle and cycle charging points in safe and convenient locations, in alignment with building standards;*
- v. *Supply safe, secure and convenient cycle parking to meet the needs of users and which is more conveniently located than car parking;*
- vi. *Are designed to incorporate safety measures including safe crossings for walking and wheeling and reducing the number and speed of vehicles;*
- vii. *Have taken into account, at the earliest stage of design, the transport needs of diverse groups including users with protected characteristics to ensure the safety, ease and needs of all users; and*
- viii. *Adequately mitigate any impact on local public access routes.*
- c) *Where a development proposal will generate a significant increase in the number of person trips, a transport assessment will be required to be undertaken in accordance with the relevant guidance.*
- d) *Development proposals for significant travel generating uses will not be supported in locations which would increase reliance on the private car, taking into account the specific characteristics of the area.*
- e) *Development proposals which are ambitious in terms of low/no car parking will be supported, particularly in urban locations that are well-served by sustainable transport modes and where they do not create barriers to access by disabled people.*
- f) *Development proposals for significant travel generating uses, or smaller-scale developments where it is important to monitor travel patterns resulting from the development, will only be supported if they are accompanied by a Travel Plan with supporting planning conditions/obligations. Travel plans should set out clear arrangements for delivering against targets, as well as monitoring and evaluation.*
- g) *Development proposals that have the potential to affect the operation and safety of the Strategic Transport Network will be fully assessed to determine their impact. Where it has been demonstrated that existing infrastructure does not have the capacity to accommodate a development without adverse impacts on safety or unacceptable impacts on operational performance, the cost of the mitigation measures required to ensure the continued safe and effective operation of the network should be met by the developer.*

*While new junctions on trunk roads are not normally acceptable, the case for a new junction will be considered by Transport Scotland where significant economic or regeneration benefits can be demonstrated. New junctions will only be considered if they are designed in accordance with relevant guidance and where there will be no adverse impact on road safety or operational performance.’ (highlighting added)*

- (19) Policy 13 (b) (i) requires, ‘*where appropriate*’ development proposals to ‘*provide direct, easy segregated and safe links to local facilities via walking, wheeling, and cycling networks before occupation.*’ In our opinion this requirement is and will be fully met via the footpath arrangements proposed in the application in isolation of the footsteps required by the terms of Condition No. 9 imposed on the consent. The entrance door to the retail building using the existing and proposed footpath network is located some 180 metres from a bus stop on the southern side of Great Northern Road serving west bound services and some 285 metres from a bus stop on the northern side of the road serving east bound services. Both distances are comfortably within the 800 metres distance (10 minutes walking time) which fuels the concepts and principles of local living and 20-minute neighbourhoods as advocated and promoted in Policy 15 in NPF4 on ‘*local living and 20-minute neighbourhoods.*’ In addition to these considerations, it should also be noted that:

- (a) The steps shown on the approved plan, which were added at the request of Planning Officials during the progression of the original application, and which Condition No. 9 requires to be installed have been deemed to be unsafe. Measuring only 1 metre wide, they do not provide sufficient room for people travelling in opposite directions; and

- (b) the steps identified on the approved plans, even if they could be provided, are discriminatory to the disabled and less able-bodied individuals.



*East and west bound public transport services on Great Northern Road with associated bus stops*

- (20) Policy T2 in the Aberdeen Local Development Plan states the following:

*'Proportionate to the scale and anticipated impact, new developments must demonstrate that sufficient measures have been taken to minimise traffic generated. New developments must be accessible by a range of transport modes, with an emphasis on active and sustainable transport, and the internal layout of developments must prioritise walking, wheeling, cycling and public transport. Proposals should be designed to allow for public transport penetration which should be available within 400 metres from the centre of the development.'*

*Transport Assessments and Travel Plans will be required where thresholds set out in Aberdeen Planning Guidance are exceeded.*

*Where sustainable transport links to and from new developments are not in place, developers will be required to provide infrastructure to support such facilities or a suitable contribution towards implementation.*

*Development of new communities should be accompanied by an increase in local services as well as employment opportunities that reduce the need to travel.*

*Recognising that there will still be instances in which people will require to travel by car, initiatives such as car sharing, alternative fuel vehicles and Car Clubs will also be supported where appropriate.*

*Existing access rights, including Core Paths, rights of way and paths within the wider network will be protected and enhanced. Where development proposals impact on the access network, the principle of the access must be maintained at all times by the developer through provision of suitable alternative routes approved by the Council.*

*Further information is contained in the relevant Aberdeen Planning Guidance which should be read in conjunction with this policy. ' (highlighting added)*

- (21) Policy T2 requires new developments to be accessible by a range of transport modes prioritising, in terms of their internal layouts, those who walk, wheel, cycle or use public transport. The footsteps referred to in Condition No. 9 are not required or necessary to meet the terms of Policy T2, as the retail outlet, as noted in Paragraph 19 above can be accessed from public transport services (bus stops) which lie considerably less than the 400-metre distance referenced within the policy – a distance which we would add is in direct conflict with the 800m distance referred to in NPF4 and associated guidance.
- (22) Given the situations described in the context of the referenced policies in both NPF4 and the Aberdeen Local Development Plan, Condition No. 9 does not meet the 'Relevant to Planning' Test and as such should be removed.
- (23) **Relevant to the Development to be Permitted Test** - According to Circular 4/1998, 'Unless a condition fairly and reasonably relates to the development to be permitted, it will be ultra vires.' The Circular also states that 'It is not, therefore, sufficient that a condition is related to planning objectives: it must also be justified by the nature



*of the development permitted or its effect on the surroundings.*’ Whilst the condition would appear, at face value, to relate to the development which has otherwise been permitted under the terms of Planning Permission Reference Number 231375/DPP, the considerations outlined previously in response to the ‘*Necessary*’ and ‘*Relevant to Planning*’ Tests also call into serious question whether the condition complies with the ‘*Relevant to the Development to be Permitted*’ Test.

- (24) **Enforceable Test** – Circular 4/1998 states that ‘*a condition should not be imposed if it cannot be enforced.*’ Given the terms of the condition and the stated reason for its imposition the condition is not considered enforceable. Furthermore given the safety concerns highlighted in Paragraph 19 previously it would not be expedient to issue an enforcement notice in such circumstances. As such the terms of the ‘*Enforceable*’ Test have not been met.
- (25) **Precise Test** – Circular 4/1998 requires all conditions imposed on a planning permission to be both precise and clear. Condition No. 9, which the refused application relates to and which is outlined in italics below, is neither precise nor clear due to the manner in which it has been worded in the decision notice.

*The development shall not be brought into use unless the stair access between the proposed car park and Great Northern Road shown on Core Associates/Abbot Architecture drawing A-L-030-001 (Rev.B) (or such other drawing for the purpose). has been constructed and is available for use.*

*Reason – to ensure the removal of redundant pavement crossings.*

In addition to the condition being precise and clear, the reason for its imposition also requires to be precise and clear. Whilst the Planning Officer has acknowledged in the Report of Handling that the reason for the imposition of Condition No. 9 was erroneous, that is the stated reason on the legally constituted decision notice. The reason for the decision as stated, namely, ‘*to ensure the removal of redundant crossings,*’ renders the condition as worded in contravention of the ‘*Precise*’ Test.

- (26) **Reasonable in all other Respects** – Circular 4/1998 states that that ‘*A condition can be ultra vires on the grounds of unreasonableness, even though it may be precisely worded and apparently within the powers available.*’ Whilst it would appear that the condition has been worded with the intention of securing the delivery of the steps prior to the development being brought into use it is considered unreasonable for the following reasons;
- (a) alternative and acceptable arrangements for pedestrians to access the site on foot are being delivered; and
  - (b) as noted previously the steps as outlined on the submitted drawings are considered to be of insufficient width to allow for the safe and uninterrupted transfer of pedestrian movements from one level to the other in opposing directions.
- (27) As noted in Paragraph 13 previously, Circular 4/1998 on the ‘*Use of Conditions in Planning Permissions,*’ requires planning conditions to be imposed only where they are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. It has been conclusively demonstrated that Condition No. 9 on the Planning Permission granted under the terms of Planning Permission Reference Number 231375/DPP does not comply with all of the tests identified and as a consequence of that the condition is ultra vires and should be removed.

## Other Considerations

- (28) As noted in Paragraph 7 previously, information accompanying the application outlined four reasons in support of the removal of the condition. The said reasons, as summarised in the Report of Handling are again outlined below. The Council’s evaluation of the reasons are outlined in blue and our observations on those evaluations are outlined in red.
- (29) **Supporting Reason** - *The presence of the steps could increase anti-social by encouraging after hours pedestrian access to the site. Mugiemoos Road terminates in a dead end and passive supervision will be problematic, especially after hours. The removal of the steps would be better for security.*

***Council's Evaluation** - The front elevation of the building and customer car park is open and sits alongside Great Northern Road, benefiting from natural surveillance from passing pedestrians and traffic on what is a generally busy road. In any case, should someone want to intrude into the site outside opening hours, there would be nothing preventing them from doing so via the vehicular access from Mugiemoss Road.*

**Observations on Evaluations** – The steps would introduce an additional entry point into the grounds of the retail unit thus increasing the propensity for unauthorised intrusion and crime related incidents. Contrary to the Planning Officer's claims, large parts of the car park are not visible from passing traffic and/or pedestrians from Great Northern Road due to the considerable differences in levels between the two.

- (30) **Supporting Reason** - Based on data from other stores with the UK, it is expected that customers would arrive by car, with it being extremely unlikely that they would arrive by foot. Staff may use public transport or active travel, and it is proposed that they will access the site via Mugiemoss Road.

***Council's Evaluation** - Whilst it is accepted that customers visiting a bulky goods retailer are likely to visit by car to be able to transport purchased goods, this does not negate the requirement for the design of developments to prioritise walking, wheeling, cycling and public transport, over the use of the private car, and to also cater for customer who may choose to walk to the store to browse products or to place order for delivery.*

*Staff may well live locally and choose to walk to work, which also may apply to the occasional customer. The provision of the steps would facilitate walking and avoid pedestrians from having to take a longer route and potentially climbing over the wall and slope as an alternative. It would also future proof the site in terms of access should another occupier that had a different demographic of customer take occupation.*

**Observations on Evaluations** - Whilst it is accepted that visitors to and staff employed in the retail unit should be provided with arrangements which will prioritise walking, wheeling, cycling and public transport over the use of the private car, we are of the view that very acceptable and entirely compliant arrangements will be delivered on all these fronts without requiring the provision of the steps/stairs from Great Northern Road.

- (31) **Supporting Reason** - Steps would present issues for those with mobility issues, whereas Mugiemoss Road does not have a steep gradient and is suitable for pedestrian access.

***Council's Evaluation** - Inclusive design principles promote the principle that the approach to a building and its grounds meets the needs of all who use it, not only disabled people. The Mugiemoss Road route provides a suitable route for those who would have difficulty using steps and provides a route to the front of the building where equal access to the premises can be obtained. The steps would provide choice, convenience and avoid unnecessary effort for those accessing the building.*

**Observations on Evaluations** – As noted previously the introduction of the steps would reduce the journey time to the retail unit from Great Northern Road by c. 65 metres – an equivalent walking time of 40-50 seconds. It is difficult to comprehend, given the short distances and associated times involved in walking them, how the steps would deliver the choice, convenience and the avoidance of effort claimed by the Planning Officer. With conditions of this nature being imposed on planning permissions it is little wonder that approximately one-third (32%) of adults in Scotland were living with obesity in 2023. (<https://www.gov.scot/publications/scottish-health-survey-2022-volume-1-main-report/pages/12/>)

- (32) **Supporting Reason** - The construction and design of the steps would present additional risk and stabilisation costs at the embankment supporting Great Northern Road and the removal of the requirement for the steps would help reduce any further overspend on the project.


***Council's Evaluation** - It is acknowledged that there would be a cost to providing the steps. However, it is not unusual to have to provide a variety of access points to a publicly accessible development such as this and it is not expected that the costs would be significant enough to make the requirement unreasonable or be to such an extent that cost becomes a material planning consideration.*

**Observations on Evaluations** – As noted earlier, the steps identified on the approved drawings are not considered to be safe or indeed pleasant due to their minimal width. Furthermore, at detailed design state, their installation in the location shown has raised a number of very challenging technical issues arising from the complexity of coordinating the requirements for a manhole and associated drainage connections, slope stabilisation and foundation construction. Finally and as noted on a number of occasions previously the steps are not, in any event, required as there is an additional safe and attractive route to the retail building within an acceptable walking distance of public transport connections.

## Summary and Conclusions

- (33) It is apparent from the Planning Officer's Report of Handling on the application that the condition requiring the provision of steps/stairs from Great Northern Road down to the Retail Unit is driven by a concern that the limited number of personnel (staff and customers) accessing the premises by foot will otherwise, in the absence of such stairs/steps, climb over the 500 mm wall fronting the site and thereafter climb down the embankment to avoid having to walk an extra c. 65 metres (40-50 second walking time). Setting aside the gradient of the said embankment acting as deterrent for such movements our client is willing to undertake landscaping with appropriate species (thorny) in this area which will act as a further deterrent to such movements. It is important for members of the Review Body to appreciate that the retail unit is otherwise appropriately and conveniently served by access arrangements which are favourable to walkers, wheelers, cyclists and those using public transport with bus stops serving west and east bound bus services located c.180 and c.280 metres from the entrance door to the retail unit.
- (34) We have expressed surprised coupled with great concern that the Planning Officer has failed in their assessment of the application to make reference to or take into account the terms of Circular 4/1998 on *'the use of conditions in planning permissions'* in assessing the merits of the application. Had they done so, it should have quickly been realised that the six tests namely, necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects had not been met and as such the condition should not have been imposed. The most striking of those tests is the 'necessity test,' from which the question arises *'would the overall application for the retail unit been refused if the condition requiring their provision not be imposed.'* It clearly and unequivocally should not have been. That being the case, it is respectfully requested that common sense prevails and that the condition be removed as requested.
- (35) Kindly acknowledge receipt and registration of this application for a Review Request. We reserve the right to provide additional information in support of it or to respond to any representations made in connection with it from the Planning Department or third parties in advance of its determination.

Yours faithfully



Derek Scott Planning

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# List of Documents

- Document 1 –** Copy of Planning Application submitted to Aberdeen City Council under the terms of Planning Application Reference Number 250083/S42
- 1a – Planning Application Forms
  - 1b – Location Plan
  - 1c – Proposed Site Plan
  - 1d – Supporting Statement
- Document 2 –** Copy of Decision Notice relating to Planning Application Reference Number 250083/S42.
- Document 3 –** Copy of Report of Handling relating to Planning Application Reference Number 250083/S42.
- Document 4 –** Copies of the decision notice relating to Planning Permission Reference Number 231375/DPP and Drawing Reference Number A-L-030-001 (Rev.B) referred to in Condition 9

# Document 1

Copy of Planning Application submitted to Aberdeen City Council under the terms of Planning Application Reference Number 250083/S42

**Document 1a** - Planning Application Forms



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100650197-010

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

## Type of Application

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

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

Please provide the application reference no. given to you by your planning authority for your previous application and the date that this was granted.

Application Reference No: \*

231375/DPP

Date (dd/mm/yyyy): \*

30/01/2024

## Description of Proposal

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

Removal of condition '09' (stair access of 231375/DPP) to remove the requirement to provide steps to Great Northern Road.

Is this a temporary permission? \*

☐ Yes ☒ No

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

☐ Yes ☒ No

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

☒ No ☐ Yes – Started ☐ Yes - Completed

## Applicant or Agent Details

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

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

Company/Organisation:	Core Associates		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Jill	Building Name:	The Hatrack
Last Name: *	Hackland	Building Number:	144
Telephone Number: *	0141 530 4783	Address 1 (Street): *	St Vincent Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Glasgow
Fax Number:		Country: *	Scotland
		Postcode: *	G2 5LQ
Email Address: *	jh@coreassociates.co.uk		

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

☐ Individual ☒ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Porcelanosa Braehead
First Name: *	Chris	Building Number:	
Last Name: *	Kerr	Address 1 (Street): *	2 Rocep Drive
Company/Organisation	Porcelanosa	Address 2:	
Telephone Number: *		Town/City: *	Glasgow
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	PA4 8YT
Fax Number:			
Email Address: *	c [REDACTED]		

## Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

870 Great Northern Road Aberdeen AB24 2BR

Northing

Easting

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

☒ Yes ☐ No

## Pre-Application Discussion Details Cont.

In what format was the feedback given? \*

☐ Meeting ☐ Telephone ☐ Letter ☒ Email

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

I have undertaken an initial review of these and consider that they largely address the points made in the earlier pre-application response, issued in December 2022. Would there be scope to further enhance the southern frontage onto Auchmill Road? This still appears to be relatively blank, and is a prominent elevation that would benefit from activation / elevation interest. In terms of the parking it would be preferable if the 23 spaces in line with ACC standards could be provided.

Title:

Mr

Other title:

Senior Planner

First Name:

Matthew

Last Name:

Easton

Correspondence Reference  
Number:

email dated 18/12/2024

Date (dd/mm/yyyy):

18/12/2024

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



## Site Area

Please state the site area:

3419.00

Please state the measurement type used:

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

## Existing Use

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

Site is currently vacant, previously there was a Vardy car garage on the site.

## Access and Parking

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

☐ Yes ☒ No

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

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

☐ Yes ☒ No

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

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

0

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

23

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

## Water Supply and Drainage Arrangements

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

☒ Yes ☐ No

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

- ☒ Yes – connecting to public drainage network  
☐ No – proposing to make private drainage arrangements  
☐ Not Applicable – only arrangements for water supply required

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

☒ Yes ☐ No

Note:-

Please include details of SUDS arrangements on your plans

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

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

☒ Yes

☐ No, using a private water supply

☐ No connection required

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

## Assessment of Flood Risk

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

☐ Yes ☒ No ☐ Don't Know

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

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

☐ Yes ☒ No ☐ Don't Know

## Trees

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

☐ Yes ☒ No

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

## All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? \*

☒ Yes ☐ No

## All Types of Non Housing Development – Proposed New Floorspace Details

For planning permission in principle applications, if you are unaware of the exact proposed floorspace dimensions please provide an estimate where necessary and provide a fuller explanation in the 'Don't Know' text box below.

Please state the use type and proposed floorspace (or number of rooms if you are proposing a hotel or residential institution): \*

Class 1 Retail (non-food)

Gross (proposed) floorspace (In square meters, sq.m) or number of new (additional) Rooms (If class 7, 8 or 8a): \*

892

If Class 1, please give details of internal floorspace:

Net trading spaces:

700

Non-trading space:

192

Total:

If Class 'Not in a use class' or 'Don't know' is selected, please give more details: (Max 500 characters)

## Schedule 3 Development

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

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

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

## Planning Service Employee/Elected Member Interest

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

## Certificates and Notices

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

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

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

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

## Certificate Required

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

Certificate A

## Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Jill Hackland

On behalf of: Porcelanosa

Date: 30/01/2025

☒ Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

☐ Yes ☐ No ☐ T Not applicable to this application

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

☐ Yes ☐ No ☐ T Not applicable to this application

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

☐ Yes ☐ No ☐ T Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

☐ Yes ☐ No ☐ T Not applicable to this application

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

☐ T Yes ☐ No ☐ Not applicable to this application

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

☐ Yes ☐ No ☐ T Not applicable to this application

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

☐ T Site Layout Plan or Block plan.

☐ Elevations.

☐ Floor plans.

☐ Cross sections.

☐ Roof plan.

☐ Master Plan/Framework Plan.

☐ Landscape plan.

☐ Photographs and/or photomontages.

☐ Other.

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

Provide copies of the following documents if applicable:

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

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

## Declare – For Application to Planning Authority

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

Declaration Name: Mrs Jill Hackland

Declaration Date: 30/01/2025

## Payment Details



Pay Direct

Created: 30/01/2025 11:35

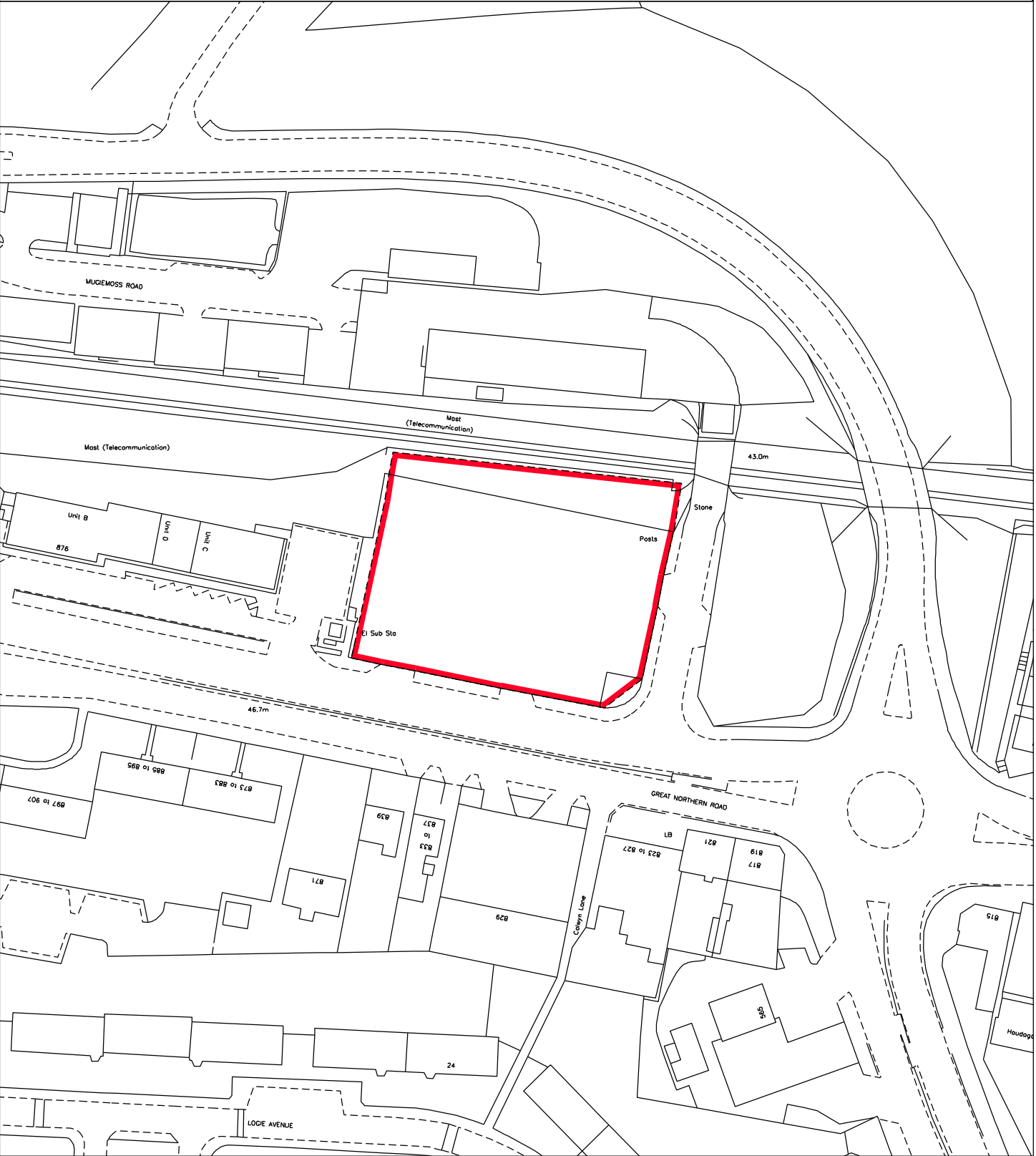
# Document 1

Copy of Planning Application submitted to Aberdeen City Council under the terms of Planning Application Reference Number 250083/S42

**Document 1b** – Location Plan

 <b>LAND REGISTER OF SCOTLAND</b>	Officer's ID / Date	TITLE NUMBER
	6706 26/7/2016	<b>ABN81717</b>
	ORDNANCE SURVEY NATIONAL GRID REFERENCE	<div>70m</div>
NJ9109SW		Survey Scale
		1/1250

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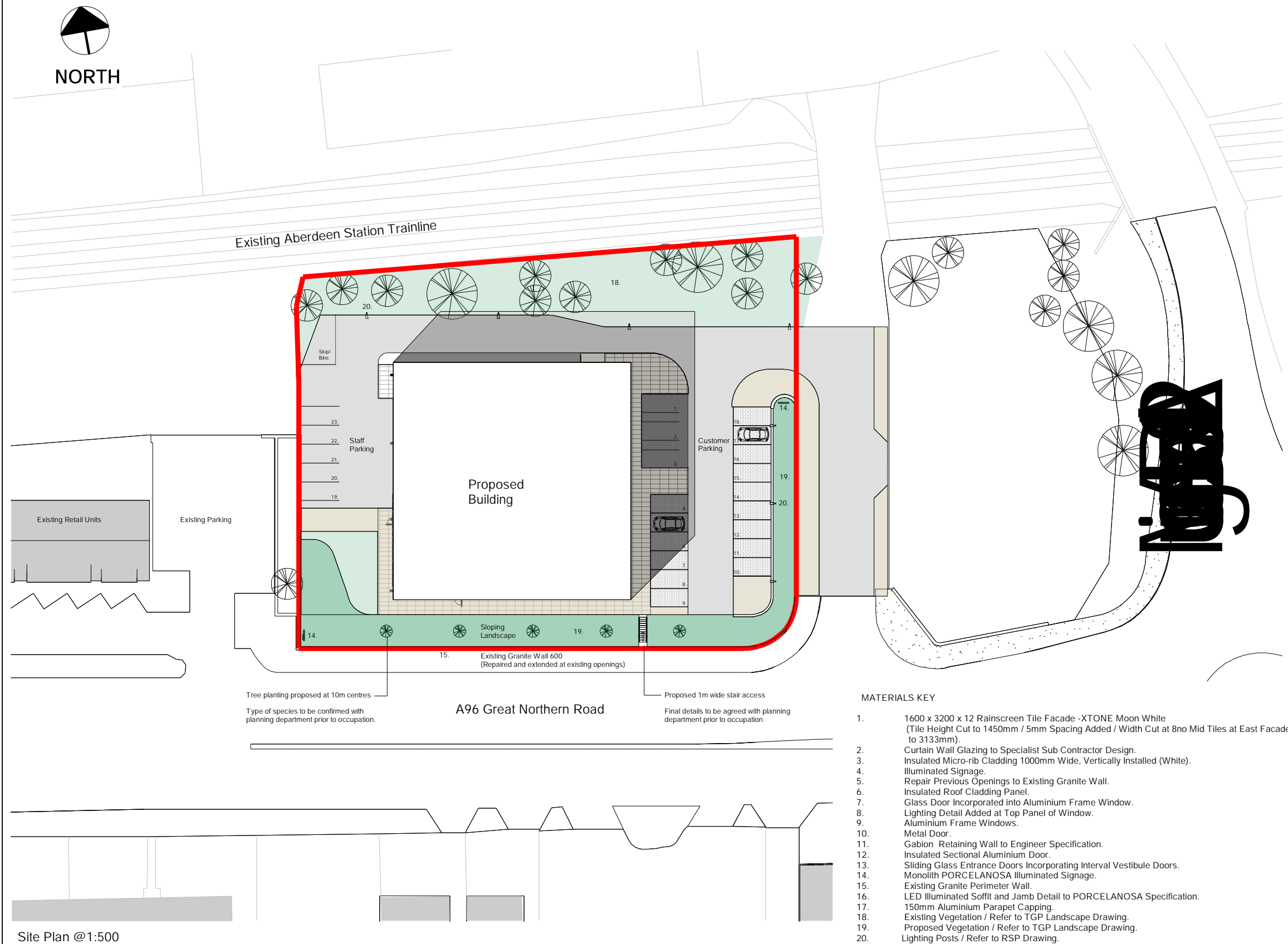


# Document 1

Copy of Planning Application submitted to Aberdeen City Council under the terms of Planning Application Reference Number 250083/S42

**Document 1c** – Proposed Site Plan





GENERAL NOTES: Unless otherwise stated, the designs shown are subject to detailed site survey, investigations and legal definition, the CDM regulations and the comments and/or approval of the various relevant Local Authority Officers, Statutory Undertakers, Fire Officers, Engineers and the like. They are copyright, project specific and confidential and no part is to be used or copied in any way without the express prior consent of Core Associates.

It is the responsibility of the recipient to check that all information in reproduced drawings, whether in paper or electronic format, is correct in comparison to the original drawing. This drawing must be read in conjunction with all relevant design teams, sub-contractors information, and any accompanying drawings and specifications, including structural drawings and mechanical and electrical elements where necessary. Any discrepancies must be reported without delay to the issuing office, and clarification obtained before proceeding.

Approval Process	Revd	Chkd	Date
A -No Further Comments			
B -Accepted Subject to Comments			
C -Accepted Subject to Comments			

PORCELANOSA

Rev	Description	Mod by	Chkd	Date
B	Trees / stair added.	JH	AM	10/01/24

Client  
**PORCELANOSA**

Project Number:  
**2249**

Project Title:  
**Porcelanosa / Aberdeen**

Drawing Title:  
**Site Plan As Proposed**

Purpose of Issue: Scale at A2:  
Status: **Planning** Scale at A3: **1 : 500**

Drawing Identifier:	Disc	Type	Element	Number	Rev
<b>A</b>	<b>L</b>	<b>030</b>	<b>001</b>	<b>B</b>	



The Hatrack Building 5th Floor  
144 St Vincent Street Glasgow G2 5LQ  
0141 530 4783  
office@coreassociates.co.uk

# Document 1

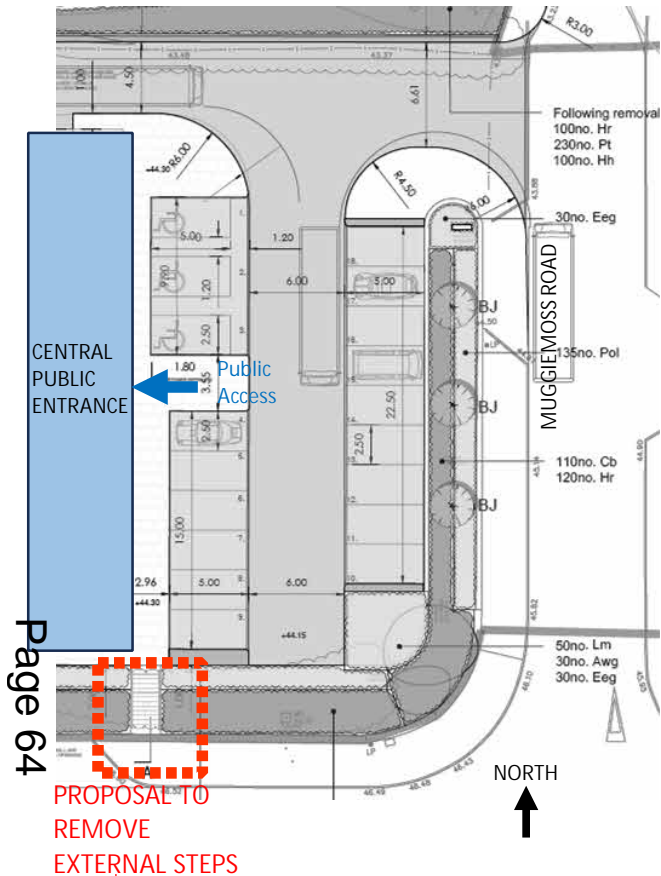
Copy of Planning Application submitted to Aberdeen  
City Council under the terms of Planning Application  
Reference Number 250083/S42

**Document 1d** – Supporting Statement

PORCELANOSA  
PROJECT P22 015 R01  
PORCELANOSA ABERDEEN

SECTION 42 SUBMISSION  
REMOVAL OF PLANNING CONDITION 9  
EXTERNAL STEPS DELETION  
ISSUED FEB 2025





Current Planning Approval Ref 231375/DPP

Porcelanosa have secured planning approval to construct a retail showroom with parking and landscape.

Section 42 - Application to Remove Concrete Steps (Condition 9) for the following reasons:

- We are seeking to delete the external steps to improve site security. Addition of steps could increase anti-social behaviour by encouraging after hours pedestrian access to the site. Muggiemoss Road terminates in a dead end and passive supervision will be problematic, especially after hours.
- Porcelanosa have confirmed that both retail and trade customers will arrive by car at their stores. This is based on data gathered from their existing UK stores. Porcelanosa confirmed that it is extremely unlikely that customers will arrive by foot. Staff may use public transport or active travel and it is proposed that they will access the site via Muggiemoss Road. The staff entrance is located on the West side of the building / opposite side from customer parking. The path at Muggiemoss Road does not have a steep gradient and will be suitable for all pedestrian access. Steps would present mobility issues and it is for this reason that we are seeking to delete condition 9.
- We are seeking removal of the external steps to minimise structural impact onto the North facing slope which supports Great Northern Road. The construction and design of the steps would present additional risk and stabilisation costs at the embankment supporting Great Northern Road.
- The steps were a relatively late addition to the project and we have also had to deal with additional ground retention costs to ensure suitable access to the existing surface water drainage manhole in this general site location. Unfortunately, costs have been rising significantly through construction stage and a number of cost savings have had to be made to ensure that the project remained viable. For the above noted reasons the stair is considered a superfluous requirement and its removal will also help reduce any further overspend on the project.

PORCELANOSA

PROJECT P22 015 R01

PORCELANOSA ABERDEEN

SECTION 42 SUBMISSION

REMOVAL OF PLANNING CONDITION 9

EXTERNAL STEPS DELETION

ISSUED FEB 2025



View From East



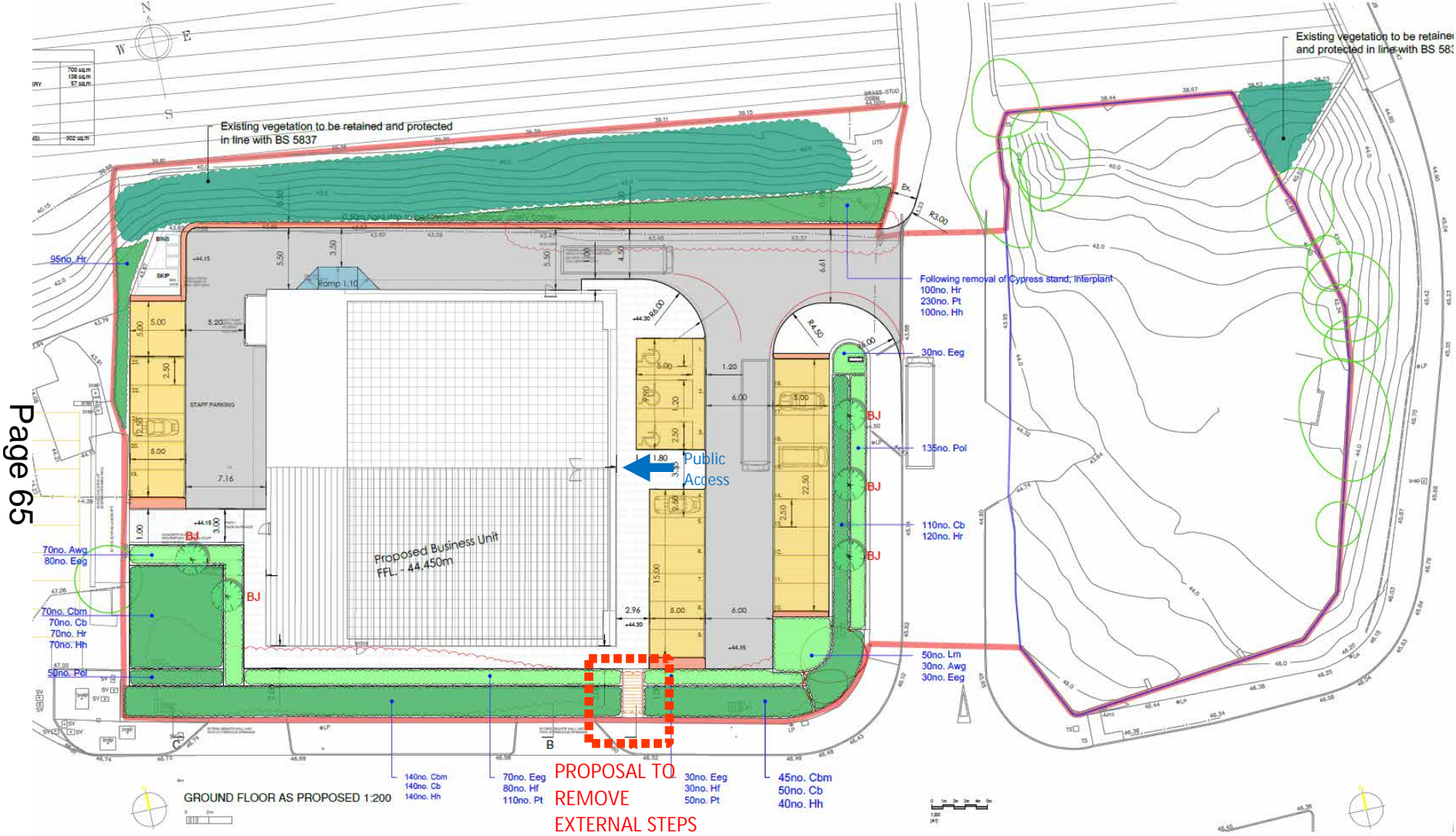
View South East



View South West







LEGEND

SITE BOUNDARY

HARD LANDSCAPE

Refer to:  
22.1570-NAR-XX-XX-DR-C-9201 Proposed Roads Layout

PROPOSED ROAD  
PROPOSED POROUS BLOCK CONSTRUCTION  
AREAS OF HARD LANDSCAPING  
(ref architect for details)

SOFT LANDSCAPE

EXISTING VEGETATION TO BE RETAINED  
PROPOSED GROUNDCOVER PLANTING  
PROPOSED SHRUB PLANTING  
PROPOSED HEAVY STANDARD TREE

PORCELANOSA

PROJECT P22 015 R01

PORCELANOSA ABERDEEN

SECTION 42 SUBMISSION

REMOVAL OF PLANNING CONDITION 9

EXTERNAL STEPS DELETION

ISSUED FEB 2025

core  
associates  
*aligned thinking*

Aa  
ABBOTT  
ARCHITECTURE



Proposed Entrance View From North East ( steps removed )



Proposed Street View From South East Approach ( steps removed )



Proposed Entrance View From East ( steps removed )

# PORCELANOSA

PROJECT P22 015 R01

PORCELANOSA ABERDEEN

SECTION 42 SUBMISSION

REMOVAL OF PLANNING CONDITION 9

EXTERNAL STEPS DELETION

ISSUED FEB 2025



# Document 2

Copy of Decision Notice relating to Planning Application  
Reference Number 250083/42



## DECISION NOTICE

### The Town and Country Planning (Scotland) Act 1997 - Section 42

### Section 42 (Variation to Conditions)

Core Associates  
The Hatrack  
144 St Vincent Street  
Glasgow  
G2 5LQ

on behalf of **Porcelanosa**

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

<b>Application Reference Number</b>	250083/S42
<b>Address of Development</b>	868-870 Great Northern Road Aberdeen AB24 2BP
<b>Description of Development</b>	Removal of condition 9 (stair access) of planning permission ref. 231375/DPP to remove the requirement to provide steps to Great Northern Road
<b>Date of Decision</b>	14 March 2025

#### DETAILS OF ANY VARIATION MADE TO THE APPLICATION

None.



## REASON FOR DECISION

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

Policy 13 (Sustainable Transport) of National Planning Framework 4 (NPF4) and Policy T2 (Sustainable Transport) of the Aberdeen Local Development Plan (ALDP) seek to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably. More specifically it indicates that development proposals will be supported where they provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks. There is an emphasis on active and sustainable transport, and the internal layout of developments must prioritise walking, wheeling, cycling and public transport.

The reasons provided for seeking the removal of the condition, such as security concerns, customer arrival by car, and issues for those with restricted mobility, do not outweigh the benefits of providing the steps. Staff may well live locally and choose to walk to work, which also may apply to the occasional customer. The provision of the steps would facilitate walking and avoid pedestrians from having to take a longer route and potentially climbing over the wall and slope as an alternative, along what is an evident desire line. It would also future proof the site in terms of access should another occupier that had a different demographic of customer take occupation.

The condition supports the aims of Policy 13 (Sustainable Transport) of NPF4 and Policy T2 (Sustainable Transport) of the ALDP. There has been no material change in circumstances following the consideration and approval of planning permission 231375/DPP. On the basis that the removal of the requirement to provide the steps would result in a development of lesser quality in terms of accessibility, the application is refused and condition 9 of 231375/DPP is therefore retained.



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

## PLANS AND DRAWINGS

Drawing Number	Drawing Type
	Location Plan
001 B	Site Layout (Proposed)

Signed on behalf of the planning authority

**Daniel Lewis**

Development Management Manager

## **IMPORTANT INFORMATION RELATED TO THIS DECISION**

### **RIGHT OF APPEAL**

If the applicant is aggrieved by the decision of the planning authority to refuse planning permission, the applicant may require the planning authority to review the case under section 43A(8) of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. Any requests for a review must be made on a 'Notice of Review' form available from the planning authority or at [www.eplanning.scot](http://www.eplanning.scot).

### **SERVICE OF PURCHASE NOTICE**

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

# Document 3

Copy of Report of Handling relating to Planning  
Application Reference Number 250083/S42

## Strategic Place Planning

Report of Handling by Development Management Manager

<b>Site Address:</b>	868-870 Great Northern Road, Aberdeen, AB24 2BP
<b>Application Description:</b>	Removal of condition 9 (stair access) of planning permission ref. 231375/DPP to remove the requirement to provide steps to Great Northern Road
<b>Application Ref:</b>	250083/S42
<b>Application Type:</b>	Section 42 (Variation to Conditions)
<b>Application Date:</b>	3 February 2025
<b>Applicant:</b>	Porcelanosa
<b>Ward:</b>	Dyce/Bucksburn/Danestone
<b>Community Council:</b>	Bucksburn And Newhills

### DECISION

Refuse

### APPLICATION BACKGROUND

#### Site Description

The application site relates to a recently constructed single storey retail showroom located on the north side of Great Northern Road, close to the Haudagain Roundabout junction. The site extends to around 0.34 hectares and is generally square. It slopes down from its Great Northern Road frontage to the Aberdeen to Inverness railway line on its northern boundary, a total fall in height of around 8m. The railway line sits around 6m lower than the northern edge of the application site.

Vehicular and pedestrian access is taken from a new access onto a dead-end section of Mugiemoss Road on the eastern side of the site, itself accessed from Great Northern Road. A car park with eighteen spaces has been provided at the front (east) of the building, with a service road provided on the north side to serve a service area with five parking spaces at the rear of the building. A landscaped strip including trees would separate the building and hard standings from Great Northern Road.

On the opposite side of Great Northern Road there is a mix of commercial and residential properties. Immediately to the north of the site, beyond the railway line, is a car dealership. To the west are three commercial units, including a pizza takeaway and tanning salon.

#### Relevant Planning History

Detailed planning permission (231375/DPP) was granted in January 2024 for construction of the retail showroom (class 1A) and associated staff support facilities including parking and landscaping. The permission has been implemented, with the development nearing completion and expected to open during March 2025.

## **APPLICATION DESCRIPTION**

### **Description of Proposal**

The application is submitted under the provisions of section 42 of the Town and Country Planning (Scotland) Act 1997 and seeks to remove condition 9 of planning permission ref. 231375/DPP. The condition requires steps to be provided between the site and Great Northern Road. The full condition reads –

#### *(09) STAIR ACCESS*

*The development shall not be brought into use unless the stair access between the proposed car park and Great Northern Road shown on Core Associates/Abbot Architecture drawing A-L-030-001 (Rev.B) (or such other drawing approved for the purpose).has been constructed and is available for use.*

*Reason – to ensure the removal of redundant pavement crossings.*

The reason attributed to Condition 9 on the decision notice is erroneous and should state ‘Reason – to ensure appropriate pedestrian accessibility to the development.’

### **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=SQWHCWBZFO600>

- Supporting Statement

## **CONSULTATIONS**

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

## **Development Plan**

### National Planning Framework 4

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

- Policy 13 (Sustainable Transport)

### Aberdeen Local Development Plan 2023

- Policy T2 (Sustainable Transport)

## **Aberdeen Planning Guidance**

- Transport and Accessibility

## **Other National Policy and Guidance**

- Circular 3/2022 (Development Management Procedures) – Annex H: Applications for Planning Permission Under Section 42 (Scottish Government)

## **EVALUATION**

The determining factor in the consideration of the application is whether the retention of the condition is required. The planning authority have the option to refuse the application in which case the condition would remain; to amend the terms of the condition; or removing it completely.

At the request of the planning authority, the steps were introduced to the layout during the consideration of planning application 231375/DPP, with the purpose of improving pedestrian connectivity to the premises. Without providing a pedestrian route directly from the existing pavement network adjacent to the site on Great Northern Road, along what will be a desire line, there is the likelihood that people will climb over the boundary wall and down the slope to access the site more directly, or walk along the vehicular access into the site.

With steps in place, the route between the pavement on Great Northern Road on front of the site and the front door of the premises would be a straight line of approximately 23 metres. Without steps, the route for pedestrians to access the front door of the premises from the point where the steps should be on Great Northern Road, would be a route of approximately 88 metres, along Great Northern Road, Mugiemoos Road into the site car park, across the car park and then turning back

towards the entrance door. Similar direct pedestrian routes exist at the adjacent site at Units A–D 876 Great Northern Road, albeit without the requirement for steps as there is no change in levels.

Policy 13 (Sustainable Transport) of National Planning Framework 4 (NPF4) seeks to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably. More specifically it indicates that development proposals will be supported where they provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation and are designed to incorporate safety measures including safe crossings for walking and wheeling and reducing the number and speed of vehicles. Similarly, Policy T2 (Sustainable Transport) of the Aberdeen Local Development Plan (ALDP) requires that new developments must be accessible by a range of transport modes, with an emphasis on active and sustainable transport, and the internal layout of developments must prioritise walking, wheeling, cycling and public transport.

The applicant has submitted a supporting statement which explain the reasons for seeking the removal of the condition. These reasons are outlined below, accompanied by an evaluation of each.

- *The presence of the steps could increase anti-social by encouraging after hours pedestrian access to the site. Mugiemooss Road terminates in a dead end and passive supervision will be problematic, especially after hours. The removal of the steps would be better for security.*

The front elevation of the building and customer car park is open and sits alongside Great Northern Road, benefiting from natural surveillance from passing pedestrians and traffic on what is a generally busy road. In any case, should someone want to intrude into the site outside opening hours, there would be nothing preventing them from doing so via the vehicular access from Mugiemooss Road.

- *Based on data from other stores with the UK, it is expected that customers would arrive by car, with it being extremely unlikely that they would arrive by foot. Staff may use public transport or active travel, and it is proposed that they will access the site via Mugiemooss Road.*

Whilst it is accepted that customers visiting a bulky goods retailer are likely to visit by car to be able to transport purchased goods, this does not negate the requirement for the design of developments to prioritise walking, wheeling, cycling and public transport, over the use of the private car, and to also cater for customer who may choose to walk to the store to browse products or to place order for delivery.

Staff may well live locally and choose to walk to work, which also may apply to the occasional customer. The provision of the steps would facilitate walking and avoid pedestrians from having to take a longer route and potentially climbing over the wall and slope as an alternative. It would also future proof the site in terms of access should another occupier that had a different demographic of customer take occupation.

- *Steps would present issues for those with mobility issues, whereas Mugiemooss Road does not have a steep gradient and is suitable for pedestrian access.*

Inclusive design principles promote the principle that the approach to a building and its grounds meets the needs of all who use it, not only disabled people. The Mugiemooss Road route provides a suitable route for those who would have difficulty using steps and provides a route to the front of the building where equal access to the premises can be obtained. The

steps would provide choice, convenience and avoid unnecessary effort for those accessing the building.

- *The construction and design of the steps would present additional risk and stabilisation costs at the embankment supporting Great Northern Road and the removal of the requirement for the steps would help reduce any further overspend on the project.*

It is acknowledged that there would be a cost to providing the steps. However, it is not unusual to have to provide a variety of access points to a publicly accessible development such as this and it is not expected that the costs would be significant enough to make the requirement unreasonable or be to such an extent that cost becomes a material planning consideration.

In conclusion, the reasons provided for seeking the removal of the condition, such as security concerns, customer arrival by car, and issues for those with mobility problems, do not outweigh the benefits of providing the steps, and there has been no material change in circumstances following the consideration and approval of planning permission 231375/DPP.

## **DECISION**

Refuse

## **REASON FOR DECISION**

Policy 13 (Sustainable Transport) of National Planning Framework 4 (NPF4) and Policy T2 (Sustainable Transport) of the Aberdeen Local Development Plan (ALDP) seek to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably. More specifically it indicates that development proposals will be supported where they provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks. There is an emphasis on active and sustainable transport, and the internal layout of developments must prioritise walking, wheeling, cycling and public transport.

The reasons provided for seeking the removal of the condition, such as security concerns, customer arrival by car, and issues for those with restricted mobility, do not outweigh the benefits of providing the steps. Staff may well live locally and choose to walk to work, which also may apply to the occasional customer. The provision of the steps would facilitate walking and avoid pedestrians from having to take a longer route and potentially climbing over the wall and slope as an alternative, along what is an evident desire line. It would also future proof the site in terms of access should another occupier that had a different demographic of customer take occupation.

The condition supports the aims of Policy 13 (Sustainable Transport) of NPF4 and Policy T2 (Sustainable Transport) of the ALDP. There has been no material change in circumstances following the consideration and approval of planning permission 231375/DPP. On the basis that the removal of the requirement to provide the steps would result in a development of lesser quality in terms of accessibility, the application is refused and condition 9 of 231375/DPP is therefore retained.



# Document 4

Copies of decision notice relating to Planning Permission Reference Number 231375/DPP and Drawing Reference Number A-L-030-001 (Rev.B) referred to in Condition 9



## DECISION NOTICE

### The Town and Country Planning (Scotland) Act 1997

### Detailed Planning Permission

Core Associates  
The Hatrack  
144 St Vincent Street  
Glasgow  
G2 5LQ

on behalf of **Porcelanosa**

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

<b>Application Reference Number</b>	231375/DPP
<b>Address of Development</b>	868-870 Great Northern Road Aberdeen AB24 2BP
<b>Description of Development</b>	Erection of retail showroom (class 1A) and associated staff support facilities including parking and landscaping
<b>Date of Decision</b>	30 January 2024

#### DETAILS OF ANY VARIATION MADE TO THE ORIGINAL APPLICATION

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

- Building height increased by 150mm
- Trees added to landscape strip
- Step added between Great Northern Road and car park
- Discharge of surface water to combined sewer replaced with discharge to soakaway
- Vehicle restraint barrier added

## REASON FOR DECISION

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

In terms of Policy 28 (Retail) of National Planning Framework 4 (NPF4) and Policy VC3 (Network of Centres) of the Aberdeen Local Development Plan (ALDP), the site is not physically within the Haudagain Neighbourhood Centre, due to the defined centre's irregular shape. In reality however, it is located between the northern parts of the defined neighbourhood centre and has not been designated as such due to the site having been vacant for a number of years. There are no vacant sites within the designated centre so it is not possible for the applicant to locate the development within the defined centre. Given the specific circumstances of this proposal in that the site is edge-of-centre, but can be considered as being effectively in the centre, an exception to the sequential test requirement can be made. As the proposal would be co-located with other retail uses, on an edge-of-centre site and is expected to have a low footfall as a showroom with related retail use, the proposal is unlikely to have an unacceptable impact upon the viability or vitality of designated centres. It is likely to increase footfall in the area and benefit other businesses within the defined neighbourhood centre.

For the purposes of Policy 27 (City, Town, Local and Commercial Centres of NPF4 and Policy VC9 (Out of Centre Proposals) of the ALDP, with the number of customers expected, the proposal is not a 'significant footfall generating development'. However, to ensure what is granted planning permission aligns with what has been assessed in the application and to guard against a situation arising where significantly more traffic arises from the development than has been anticipated, it is necessary to attach a planning condition preventing the sale of convenience and grocery goods from taking place unless a further application is made which would consider the matter.

The redevelopment of the site is lent support by Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) of NPF4 seeks to "encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development.

To ensure what is granted planning permission aligns with what has been assessed in the application and to guard against a situation arising where significantly more traffic arises from the development than has been anticipated, it is necessary to attach a planning condition preventing the sale of convenience and grocery goods from taking place unless a further application is made which would consider the matter.

Due to the removal of trees, there is tension with Policy 6 and Policy NE5. However, the removal of all trees has been satisfactorily justified. Limited tree planting would take place along the boundary with Great Northern Road, with finalised details to be secured through a condition. Further landscaping would be provided around the edge of the site, again predominantly along the Great Northern Road boundary.

Overall, the design of the development acceptable and would contribute positively to the area, having been designed in accordance with the principles contained within Policy 14 (Design, Quality and Place) or NPF4 and Policy D1 (Quality Placemaking) of the ALDP. Other technical matters relating to drainage, water efficiency, land remediation, waste storage and railway safeguarding have been addressed satisfactorily or would be subject of conditions.



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

## CONDITIONS

This permission is granted subject to the following 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) TREE PROTECTION FENCING

No development (including demolition or site setup) shall take place unless the tree protection measures shown in Tree Survey BPS-2210-TR-C and drawing BPS-2210-TP (dated 11 October 2022) by Astell Associates (or such other details and drawing approved for the purpose) have been implemented. Thereafter the fencing shall remain in place for the duration of construction of the development, taking account the phasing within the drawing.

Reason - to protect trees and vegetation from damage during construction in accordance with Policy NE5 (Trees and Woodlands).

### (03) LANDSCAPING AND BIODIVERSITY ENHANCEMENT

The development shall not be brought into use unless a detailed scheme of hard and soft landscaping covering all areas of public and private space has been submitted to and approved in writing by the planning authority. The scheme shall include details of -

- Existing and proposed finished ground levels
- Existing landscape features, trees and vegetation to be retained or removed
- Existing and proposed services and utilities including cables, pipelines and substations
- Proposed woodland, tree and shrub numbers, densities, locations, species, sizes and stage of maturity at planting
- Proposed measures to enhance biodiversity (see NatureScot's Developing with Nature guidance)
- Proposed hard surface finishing materials
- Location and design of any street furniture
- Arrangements for the management and maintenance of existing and proposed open space and landscaped areas
- A completed checklist from Annex C of the Developing with Nature guidance

Thereafter, unless otherwise agreed in writing with the planning authority, the development shall not be brought into use unless all paths, hard landscaping and any artificial bio-diversity enhancement features have been constructed or provided and are ready for use.

All soft 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 five years from the completion of the development, in the opinion of the planning authority is dying, is 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 satisfactorily integrate the development into the surrounding area and enhance the biodiversity value of the site.

#### (04) RAILWAY INFRASTRUCTURE SAFEGUARDING

The development shall not be brought into use unless -

- i a scheme showing the finalised location and technical specification of a vehicle restraint barrier (in the location indicatively shown on David Narro Associates drawing '22.1570-NAR-XX-XX-DR-C-9300 Vehicle Restraint Barrier') has been submitted to and approved in writing by the planning authority; and
- ii the vehicle restraint barrier has been installed in accordance with the approved scheme and retained for the life of the development.

Reason - to limit the potential for vehicle incursions onto Network Rail infrastructure located adjacent to the site.

#### (05) LOW AND ZERO CARBON BUILDINGS

The development shall not be brought into use unless a scheme detailing compliance with the section 4.2 'Policy Requirement Low and Zero Carbon Generating Technologies' within the Resources for New Development Aberdeen Planning Guidance has been submitted to and approved in writing by the planning authority.

Thereafter, unless otherwise agreed in writing with the planning authority, the building shall not be brought into use unless the measures specified within the scheme have been implemented and are available for use.

Reason - to ensure that the development complies with requirements for reductions in carbon emissions.

#### (06) WATER EFFICENCY

The development shall not be brought into use unless a scheme of water efficiency measures for the development have been submitted to and approved in writing by the planning authority.

The scheme shall consider the advice provided in CIRIA publication C723 (Water sensitive urban design in the UK) and specify the measures proposed to incorporate water saving technology into the development.

Thereafter, unless otherwise agreed in writing with the planning authority, development shall not be brought into use unless the measures specified within the scheme 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.

#### (07) SITE CONTAMINATION

Development shall be undertaken in accordance with the recommendations contained within section 8.6 of the Phase 2 Ground Investigation report (ref: 8568OR02 (Rev.2) - June 2023) produced by FWS Geotechnical & Environmental Consultants.

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 submitted to and agreed in writing with the planning authority. Thereafter, the development shall not be brought into use unless any mitigation measures in the agreed scheme have been implemented.

Reason - to ensure the ground within the site is remediated to a suitable level for the proposed use.

#### (08) PAVEMENT CROSSINGS AND BOUNDARY WALLS

The development shall not be brought into use unless the redundant pavement crossings which exist between the application site and (i) Great Northern Road; and (ii) the cul-de-sac to the immediate east of the application site, have been reinstated to a standard pavement configuration and boundary walls reinstated.

Reason - to ensure the removal of redundant pavement crossings and suitable boundary for the development.

#### (09) STAIR ACCESS

The development shall not be brought into use unless the stair access between the proposed car park and Great Northern Road shown on Core Associates/Abbot Architecture drawing A-L-030-001 (Rev.B) (or such other drawing approved for the purpose).has been constructed and is available for use.

Reason - to ensure the removal of redundant pavement crossings.

#### (10) DRAINAGE

The development shall not be brought into use unless all drainage works detailed in the approved Drainage Assessment (22.1570 03) and drawing 22.1570-NAR-XX-XX-DR-C-9100 (Rev.P02) produced by Narro Associates (or such other details and drawing approved for the purpose) have been installed in accordance with the approved details and are available for use.

Reason - to safeguard water qualities, prevent flooding and ensure that the proposed development can be adequately drained.

#### (11) CAR PARKING AND ELECTRIC VEHICLE CHARGING

The development shall not be brought into use unless -

- i all car parking spaces and roads within the site have been constructed and laid out in accordance with Core Associates/Abbot Architecture drawing A-L-030-001 (Rev.B) (or such other drawing approved for the purpose).
- ii the electric vehicle charging points and infrastructure have been installed in accordance with Energy Compliance Statement 220243-RSP-XX-XX-RP-ME-00002 (or such other drawing as may be approved in writing by the planning authority for the purpose) and are available for use.

Thereafter, the parking spaces shall be used for no purpose other than for the parking of vehicles associates with the development.

Reason - to ensure a suitable level of parking is provided for the development.

## (12) WASTE STORAGE PROVISION

The development shall not be brought into use unless the bin storage areas have been provided in accordance with Core Associates/Abbot Architecture drawing A-L-030-001 (Rev.B) or such other drawing as may be approved in writing by the planning authority for the purpose.

Reason - to ensure space is available to place bins for collection.

## (13) RESTRICTION ON SALE OF CONVEINIENCE GOODS AND GROCERIES

Notwithstanding the provisions of article 3 of the Town and Country Planning (Uses Classes) (Scotland) Order 1997 and Class 1A (Shops and financial, professional and other services) of the schedule to the same order, the building hereby granted planning permission shall not be used for the sale of convenience goods or groceries.

Reason - to avoid the level of vehicular traffic associated with the development increasing significantly beyond what has been considered in this application and adversely affecting the safe and efficient operation of the local road network.

## APPROVED PLANS AND DRAWINGS

ABN81717	Location Plan
A - L - 030 - 002 A	Ground Floor Plan (Proposed)
A - L - 030 - 003 A	Roof Plan (Proposed)
A - L - 050 - 003 A	Building Cross Section
2121 - S3 - L02 A	Site Layout (Other)
2121 - S3 - L02 A	Site Layout (Other)
2121 - S3 - L03 A	Site Layout (Landscaping)
A - L - 030 - 001 B	Site Layout (Proposed)
A - L - 050 - 001 (REV.1)	Multiple Elevations (Proposed)
A - L - 050 - 002 (REV.1)	Multiple Elevations (Proposed)
A - L - 060 - 001 (REV.1)	Site Cross Section
PAM-2301-AA	Site Layout (Other)
PAM-2301-AIA	Site Layout (Other)
PAM-2301-TP	Site Layout (Other)
22.1570-NAR-XX-XX-DR-C-9300	Building Cross Section
221166-NAR-XX-XX-DR-C-9500 (REV.P04)	Site Layout (Other)
221166-NAR-XX-XX-DR-C-9501 (REV.P04)	Site Layout (Other)
220243-RSP-ZZ-00-DR-E-63001 P02	Site Layout (Other)

Signed on behalf of the planning authority



**Daniel Lewis**  
Development Management Manager

## **IMPORTANT INFORMATION RELATED TO THIS DECISION NOTICE**

### **RIGHT OF APPEAL**

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

1. to refuse planning permission for the proposed development;
2. to refuse approval, consent or agreement require by a condition imposed on a grant of planning permissions;
3. to grant planning permission or approval, consent or agreement subject to conditions,

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

### **SERVICE OF PURCHASE NOTICE**

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

### **CONDITIONS**



Failure to comply with any condition or limitation subject to which planning permission has been granted is a breach of planning control and may lead to enforcement action being initiated.

A request to discharge a condition which requires the submission and approval of information must be made by submitting the form available at <https://www.aberdeencity.gov.uk/post-decision-submissions>.

### **COMMENCEMENT AND COMPLETION OF DEVELOPMENT**

Prior to implementing this planning permission, a person intending to do so, must give notice to the Council of the date development is expected to commence, by submitting Form A. Failure to do so is a breach of planning control and may lead to enforcement action being initiated.

Subsequently, as soon as is practicable after completion of the development, notice must be given to the Council of the completion date, by submitting Form B.

Forms can be submitted to [pi@aberdeencity.gov.uk](mailto:pi@aberdeencity.gov.uk).

### **OTHER CONSENTS**

This permission does not provide exemption from obtaining other consents administered by Aberdeen City Council, such as advertisement consent, listed building consent, building warrant, premises license, or roads construction consent. Those carrying out development associated with this permission are responsible for obtaining all relevant consents from the Council and other regulatory bodies.



## OTHER ADVISORY NOTES

### (01) RAILWAY ASSET PROTECTION

Construction works and tree felling must be undertaken in a safe manner which does not disturb the operation of the neighbouring railway. Applicants must be aware of any embankments and supporting structures which are in close proximity to their development.

Due to the sites close proximity to an operational rail line, details of all changes in ground levels, laying of foundations, and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks. It is advised that applicants get in contact with Network Rail as early as possible to avoid delays to their anticipated timescales.

Network Rail can be contacted regarding the above matters via the following contact details:

Network Rail Asset Protection Engineer  
151 St. Vincent Street  
Glasgow  
G2 5NW

Tel: 0141 555 4087

E-mail: [AssetProtectionScotland@networkrail.co.uk](mailto:AssetProtectionScotland@networkrail.co.uk)

### (02) CONTROL OF ADVERTISEMENTS

For the avoidance of doubt the planning permission hereby granted does not give or imply the granting of consent for any advertisement indicated on the approved planning permission drawings. If such advertisements do not benefit from deemed advertisement consent, a separate application for express advertisement consent should be submitted. For further advice please contact the planning authority.

### (03) HOURS OF DEMOLITION AND CONSTRUCTION WORK

Unless otherwise agreed in writing with Aberdeen City Council Environmental Health Service ([poll@aberdeencity.gov.uk](mailto:poll@aberdeencity.gov.uk) / 03000 200 292), demolition or construction work associated with the proposed development should not take place out with the hours of 07:00 to 19:00 Mondays to Fridays and 08:00 to 13:00 on Saturdays. No noisy work should be audible at the site boundary on Sundays.

Where complaints are received and contractors fail to adhere to the above restrictions, enforcement action may be initiated under the Control of Pollution Act 1974.

## Notification of Initiation of Development

*Town and Country Planning (Scotland) Act 1997 – Section 27B*

**Application reference number:** 231375/DPP

**Site address:** 868-870 Great Northern Road, Aberdeen

**Date of decision:** 30 January 2024

Person or company intending to carry out the development	
Name and address	
Phone number or e-mail address	
Owner of the land to which the development relates (if different from above)	
Name and address	
Phone number or e-mail address	
Site agent or contractor appointed to oversee development	
Name and address	
Phone number or e-mail address	

**Date it is intended to initiate development:**    DD / MM / YYYY

### General Data Protection Regulations – How we use your data

Aberdeen City Council collects, maintains and processes automatically information about you for the purposes of processing and determining planning applications and may be used for consultation purposes where applicable under legislation. Information will be disclosed only in accordance with the requirements of the Town and Country Planning (Scotland) Act 1997 or otherwise as required by law, including disclosure to other agencies (for example Scottish Fire and Rescue Service, Police Scotland, NatureScot, Historic Environment Scotland) as required for the purposes of determining this application.

For the purposes of processing this information Aberdeen City Council is the Data Controller. The Information Commissioner Office is the UK's regulator of data protection law ([www.ico.org.uk](http://www.ico.org.uk)). For further information on how we use, store & protect your data please see our website [www.aberdeencity.gov.uk/your-data/privacy-notices/your-data-planning-application](http://www.aberdeencity.gov.uk/your-data/privacy-notices/your-data-planning-application)

# Notification of Completion of Development

*Town and Country Planning (Scotland) Act 1997 – Section 27B*

**Application reference number:** 231375/DPP

**Site address:** 868-870 Great Northern Road, Aberdeen

**Date of decision:** 30 January 2024

Person or company completing development	
Name and address	
Phone number or e-mail address	

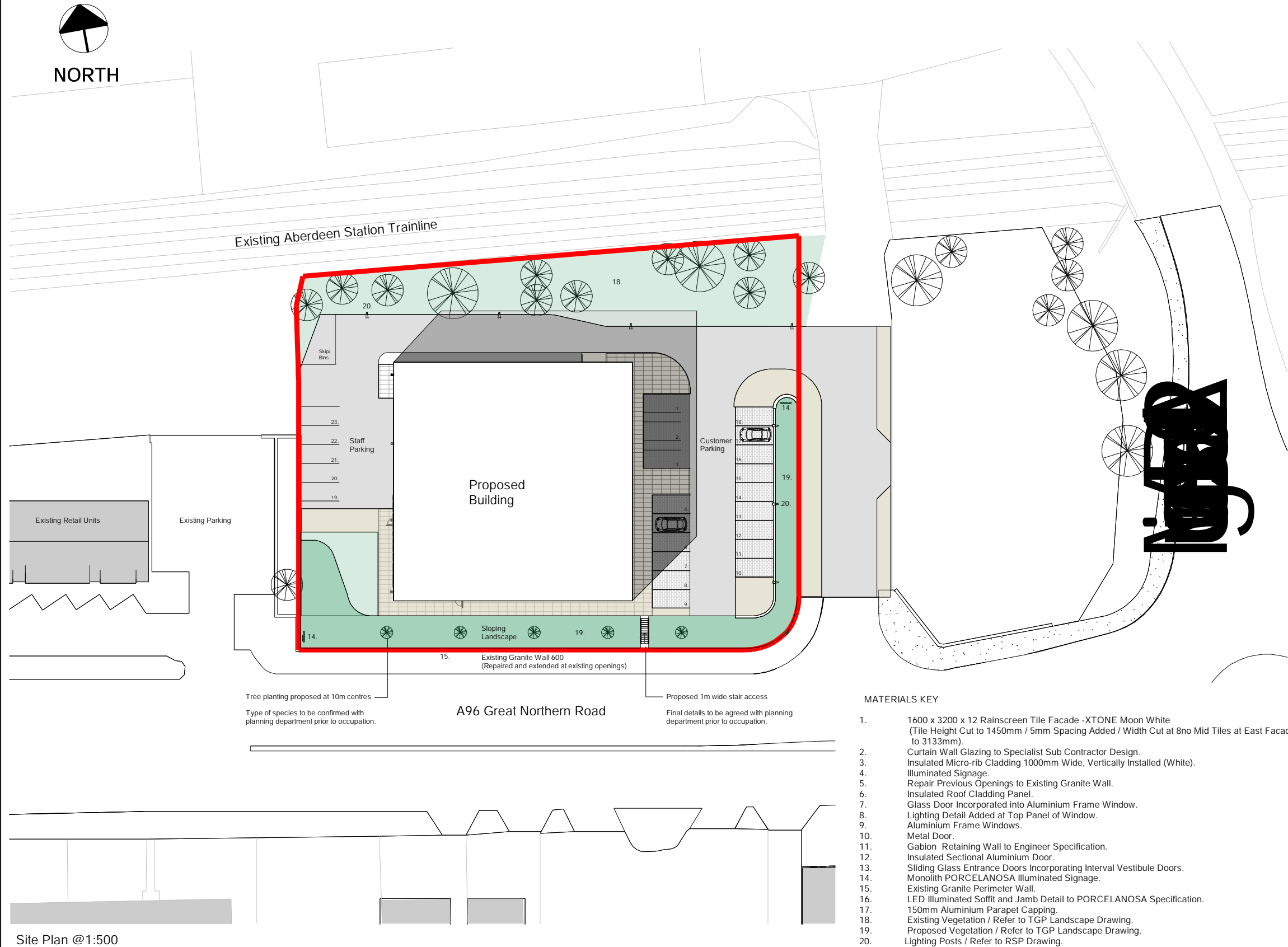
**Date on which development was completed:**

DD / MM / YYYY

## General Data Protection Regulations – How we use your data

Aberdeen City Council collects, maintains and processes automatically information about you for the purposes of processing and determining planning applications and may be used for consultation purposes where applicable under legislation. Information will be disclosed only in accordance with the requirements of the Town and Country Planning (Scotland) Act 1997 or otherwise as required by law, including disclosure to other agencies (for example Scottish Fire and Rescue Service, Police Scotland, NatureScot, Historic Environment Scotland) as required for the purposes of determining this application.

For the purposes of processing this information Aberdeen City Council is the Data Controller. The Information Commissioner Office is the UK's regulator of data protection law ([www.ico.org.uk](http://www.ico.org.uk)). For further information on how we use, store & protect your data please see our website [www.aberdeencity.gov.uk/your-data/privacy-notice/your-data-planning-application](http://www.aberdeencity.gov.uk/your-data/privacy-notice/your-data-planning-application)



GENERAL NOTES: Unless otherwise stated, the designs shown are subject to detailed site survey, investigations and legal definition, the CDM regulations and the comments and/or approval of the various relevant Local Authority Officers, Statutory Undertakers, Fire Officers, Engineers and the like. They are copyright, project specific and confidential and no part is to be used or copied in any way without the express prior consent of Core Associates.

It is the responsibility of the recipient to check that all information in reproduced drawings, whether in paper or electronic format, is correct in comparison to the original drawing. This drawing must be read in conjunction with all relevant design teams, sub-contractors information, and any accompanying drawings and specifications, including structural drawings and mechanical and electrical elements where necessary. Any discrepancies must be reported without delay to the issuing office, and clarification obtained before proceeding.

Approval Process	Revd	Chkd	Date
A -No Further Comments			
B -Accepted Subject to Comments			
C -Accepted Subject to Comments			

PORCELANOSA

Rev	Description	Mod by	Chkd	Date
B	Trees / stair added.	JH	AM	10/01/24

Client  
**PORCELANOSA**

Project Number:  
**2249**

Project Title:  
**Porcelanosa / Aberdeen**

Drawing Title:  
**Site Plan As Proposed**

Purpose of Issue: Scale at A2:  
Status: **Planning** Scale at A3: **1 : 500**

Drawing Identifier:				Rev :
Disc	Type	Element	Number	
<b>A</b>	<b>L</b>	<b>030</b>	<b>001</b>	<b>B</b>



The Hatrack Building 5th Floor  
144 St Vincent Street Glasgow G2 5LQ  
0141 530 4783  
office@coreassociates.co.uk

	<b>Strategic Place Planning</b>
	Report of Handling by Development Management Manager

<b>Site Address:</b>	Innovation Centre, Exploration Drive, Aberdeen Energy Park Bridge Of Don Aberdeen, AB23 8GX
<b>Application Description:</b>	Change of use from office [class 4 (business) use] to gym [class 11 (assembly and leisure) use]
<b>Application Ref:</b>	250070/DPP
<b>Application Type:</b>	Detailed Planning Permission
<b>Application Date:</b>	6 February 2025
<b>Applicant:</b>	AM Sci Tech Ltd
<b>Ward:</b>	Bridge of Don
<b>Community Council:</b>	Bridge of Don

## **DECISION**

Refuse

## **APPLICATION BACKGROUND**

### **Site Description**

The site comprises a largely vacant office pavilion and associated external car parking and amenity space located within landscaped ground within the Aberdeen Energy Park. The 2 storey building comprises 22 office suites, arranged around a central atrium. Unit 7 is occupied by a subsea consultancy. Unit 3 is also let. There is an ancillary reception, breakout space and meeting room. It has a total floor area of 1,248 Square metres with 68 associated car parking spaces. It is accessed from Exploration Drive, to the east. The nearest active bus stops to the site are on Ellon Road (A92), around 700m and 850m walking distance for southbound and northbound services respectively. The land to the west of the site, across Claymore Drive, is currently being redeveloped for residential use. A nursery and Silverburn Gymnastics Centre, around 106m west of the site, are located immediately to the north of that development.

### **Relevant Planning History**

None for the site.

Planning permission in principle for major residential led (c.100 to 150 units) development at Claymore Drive, to the west of the site, granted in 2020 (ref. 191904/PPP), is currently being implemented. Condition 20 of that permission restricts the extent of any associated commercial units within that development to a maximum of 500 square metres in order to ensure that retail and commercial floorspace is of a local scale. The detailed site plan approved under the subsequent application (240839/MSC) comprises 67 dwellings and no other uses.,

Planning permission was granted in 2019 to convert an ancillary sports facility of 1050 square metres floorspace at the former Silverburn House site on Claymore Drive to form a commercial gymnasium (Class 11 Use) (ref. 190510/DPP). This has been implemented and operates as Silverburn Gymnastics Centre, which is open to the public.

## **APPLICATION DESCRIPTION**

### **Description of Proposal**

Change of use is sought to use the entire building as a gym. No proposed layout, operational plan or details of the intended operator are provided. The existing access arrangements and parking would be retained. No external alterations are proposed. A bin storage area is shown within the car park.

### **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=SQSS2YBZFKY00>

- Planning Statement
- Marketing Information
- Traffic Analysis

## **CONSULTATIONS**

**ACC - Roads Development Management Team** – No objection subject to imposition of a condition regarding cycle parking provision on site. Note that there would be an increase in vehicle trips in the afternoon peak but consider this will have no impact on the road network. Advise that the nearest bus stops are on Ellon Road, around 15 minute walk from the site.

**ACC - Waste and Recycling** – No objection.

**ACC - Environmental Health** – No objection. Request that a condition is imposed restricting the use of the premises to a gym.

**ACC - Land and Property Assets** – No objection.

**Bridge of Don Community Council** – No response received.

## **REPRESENTATIONS**

None

## **MATERIAL CONSIDERATIONS**

### **Legislative Requirements**

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

### **Development Plan**

National Planning Framework 4 (NPF4)

NPF4 is the long-term spatial strategy for Scotland and contains a comprehensive set of national

planning policies that form part of the statutory development plan. The following policies are relevant:

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 3 (Biodiversity)
- Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings)
- Policy 13 (Sustainable Transport)
- Policy 15 (Local Living and 20 Minute Neighbourhoods)
- Policy 26 (Business and Industry)
- Policy 27 (City, Town, Local and Commercial Centres)

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

The site lies within a B2 (Business Zone). It is not identified as lying within a retail or commercial centre identified in the ALDP. The following ALDP policies are relevant:

- Policy B2 (Business Zones)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)
- Policy VC3 (Network of Centres)
- Policy VC8 (Town, District, Neighbourhood and Commercial Centres)
- Policy VC9 (Out of Centre Proposals)

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

- Hierarchy of Centres
- Transport and Accessibility

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

- Local living and 20 minute neighbourhoods: planning guidance 2024:  
<https://www.gov.scot/publications/scottish-government-planning-guidance-local-living-20-minute-neighbourhoods/>

The above guidance, is intended to assist and support planning authorities, communities, businesses, and others who have key roles in helping to deliver local living. It was published in April 2024 and states that:

*“Local living provides people with the opportunity to meet the majority of their daily needs within a reasonable distance of their home. It is centred on supporting people to ‘live well locally’....  
“Development proposals should be designed with consideration of the impacts on local living overall and take action to address negative impacts that may otherwise happen. To assist this, development proposers should be prepared to demonstrate how local living can be supported, how proposals respond to context including the existing settlement pattern, and the level and quality of interconnectivity of the proposed development with the surrounding area. NPF4 Policy 15 also sets out a list of considerations to help establish this, but it is recognised that their relevance will vary between applications and contexts.”*

- Planning Circular 4/1998: the use of conditions in planning permissions

#### **Other Material Considerations**

- Aberdeen Employment Land Audit 2023

## **EVALUATION**

### **Principle of Development**

The re-use of largely vacant / underused premises accords with the intent of NPF4 Policy 9. The intent of NPF4 Policy 26 is to encourage business uses. Whilst there is no shortfall of business land within the Aberdeen area, as evidenced by the Aberdeen Employment Land Audit and notwithstanding the marketing information provided, the loss of the authorised business use at the site raises a strategic land supply concern as, in order to maintain the supply of high quality / specialist business land, the loss of business premises located within B2 zoned areas has generally been resisted, in contrast with the approach in relation to B1 (Business and Industrial Land).

The substantial scale of the building is such that the proposed use could result in the attraction of footfall from a much greater catchment area than the local area or the immediate business location, in conflict with the intent of NPF4 Policies 13 and 27 and potentially detracting from the viability of existing established retail / commercial centres identified in the ALDP and Hierarchy of Centres APG. Whilst ALDP Policy B2 potentially allows for the provision of supporting facilities within such business areas, no evidence has been provided that the proposed use would primarily be targeted at meeting the needs of businesses and employees within the business zone rather than the wider area. The supporting planning statement states that customers could be attracted from nearby housing areas and prospective housing sites, in conflict with the intent of Policy B2. However, users could also be from a wider catchment. There is already an established commercial gymnasium (approved class 11 use) within the Energy Park which is open to the public and potentially available for the use of businesses. Whilst that was approved within a B2 zoned area, it did not result in the loss of business premises and related to the conversion of a pre-existing ancillary gymnasium building associated with the now demolished Silverburn House, which, given its built form had limited potential for conversion to business use and was readily convertible to class 11 use. Therefore the context of that approval was significantly different from the current application, which relates to a partly occupied office pavilion. Although that class 11 use currently operates as a gymnastics centre it could operate as a general purpose gymnasium without need for any planning permission. No specific end-user is identified and the applicant has declined to restrict the scale of the use to address the concerns identified. Thus, notwithstanding the claim in the supporting Planning Statement that the proposal will directly support the health and fitness needs of the surrounding employment base, compliance with ALDP Policy B2 has not been evidenced and the loss of the existing business use conflict with the intent of that policy. As the use would provide a supporting facility within walking distance of a major residential development which is under construction, it potentially accords with the intent of NPF4 Policy 15 and related guidance. However, there are wider sustainable travel and connectivity concerns which are addressed below.

### **Impact on Existing Centres**

The site lies outwith any existing or designated retail or commercial centre, where such commercial uses are directed to, as identified in the ALDP and Hierarchy of Centres APG. It is not located close to, or at the edge of, such centres. Whilst approval has been granted for an element of commercial and retail floorspace within the adjacent residential development (max. 500 square metres), such uses have not been developed. As no local retail or commercial centre has been identified in the ALDP or developed at that site, the application site cannot be regarded as edge of centre and thus constitutes an out of centre location. The substantial scale (1248 square metres) and nature of the proposed use is such that it has potential to generate significant footfall. Given that the floorspace of the building is significantly greater than 500 square metres (i.e. the floorspace restriction imposed on the adjacent residential development) the proposed commercial leisure has potential to attract a non-local catchment and adversely impact existing centres. No



Town Centre First Assessment has been submitted to demonstrate that the proposed use could not be located within an existing designated centre and potentially justify the location of the development. Whilst the planning statement includes some consideration of certain designated neighbourhood centres in Bridge of Don, it does not consider other identified centres, including the city centre and commercial centres. The proposals therefore conflicts with the intent of NPF4 Policy 27 and ADLP policies VC3, VC8 and VC9.

### **Sustainable Travel / Parking**

The Traffic Analysis and Planning Statement consider that the development should be viewed favourably, due to the proximity to consented housing and compliance with policy regarding local living and transport. Although the site is within walking distance of the proposed housing development under construction at Silverburn House, that comprises a total of only 69 houses. Its limited scale does not warrant approval of a gym of the scale proposed, particularly given that there is already a class 11 use located on Claymore Drive, closer to the above consented housing developments (albeit currently used as a gymnastics facility). Furthermore, there is no continuous/ direct path link between the site and Claymore Drive to the west. Pedestrian access is either through a private car park to the north, with no footpath, or via the footpaths on Exploration Drive, which would entail a significant detour to the east and south. Whilst the consented housing development at Cloverhill lies around 400m from the site at its closest point, there is no pedestrian connectivity between that development and Claymore Drive or Aberdeen Energy Park, with pedestrians effectively required to make a considerable detour of over 1km via a narrow and unattractive footpath along the east side of the heavily trafficked Ellon Road. Thus there is no attractive pedestrian connectivity with that development. The volume and nature of traffic on Ellon Road is such that it acts as a barrier to free pedestrian movement and connectivity within the wider residential area of Bridge of Don, located to its west, notwithstanding the existence of light controlled pedestrian crossings. Thus, overall, it is considered that the development would have limited pedestrian connectivity. Any limited accordance with the expectations of NPF4 Policy 15 and related guidance does not therefore warrant approval of the development

Although there are bus stops located on Parkway east, these are not operational as there is no regular bus service there, within the Aberdeen Energy Park, or to the former Park and Ride site. Whilst there would be no impact on the safety or efficiency of the surrounding road network, given the scale of the proposed use, the relative remoteness of the site from existing bus stops / services, and existing designated centres, the generous car parking provision at the site, the limited pedestrian connectivity and the evidence contained within the submitted Traffic Analysis that there would be an increase in vehicle traffic in the afternoon peak, it is likely that the use would result in relatively high car dependency. Thus there would be conflict with the desire to minimise vehicle traffic and associated carbon emission and the intent of NPF4 policies 1, and 13 and ALDP policy T2.

Had the recommendation been one of approval, a condition could have been imposed regarding provision of cycle parking on site in accordance with ALDP policy T3 and related Transport and Accessibility APG. Whilst no travel plan has been requested or proposed, given the propensity for gym users to travel by car, it is unclear to what extent such a travel plan or related travel conditions would, in any event, be effective.

### **Potential Restriction of Use**

The planning statement does not propose any conditions to address the potential adverse impacts of the development (e.g. car traffic generation, diversion of trade from existing designated centres, restriction of the extent of floorspace or nature of the use). Given that no proposed floor plan or operational statement is provided and that the proposal relates to an entire building it is unclear that imposition of a condition restricting the extent of proposed class 11 floorspace within the site to address the concerns and policy conflicts identified above would meet the relevant tests set out

in Planning Circular 4/1998.

Planning Circular 4/1998 expresses a presumption against use of conditions which restrict either permitted development rights granted by the General Permitted Development Order or future changes of use which the Use Classes Order would otherwise allow, except in exceptional circumstances. No evidence of such circumstances is considered to exist in this case as no specific end user or details of the proposed use have been provided. Thus it has not been demonstrated that exceptional circumstances exist which would warrant application of such a condition in this case.

Thus the negative impacts of the development would not be overcome by use of conditions.

#### Precedent

It is an established planning principle that proposals require to be considered on their merits, taking a plan-led approach to assessment, rather than relying on precedent to justify a grant of planning permission. As regards the alleged precedents referred to by the applicant, the planning permission at the College Street Arches (ref. 230711/DPP) did not relate to a B2 zoned area and comprised the conversion of part of a historic building located close to the city centre. The planning permission granted at Scotstown Road (230497/DPP) was for a gymnasium of substantially smaller scale than the current application (i.e. 140 square metres) and related to B1 (Business and Industrial Land) whereby a less strict approach to retention of business uses is applied, in contrast with B2 zoned areas. The Planning Statement claims in paragraph 5.8 that these permissions confirm gyms are not typically considered to result in significant footfall relative to other Class 11 uses and therefore a sequential approach does not need to be strictly followed. However, the current proposal has 9 times the floor area of Scotstown Road application and more than 3 times that of the Arches. This difference in scale is such that a more rigorous analysis, including town centre first assessment is now warranted, particularly given the 500 square metre commercial floorspace restriction which was imposed on the adjacent approval (191904/PPP). Whilst the Silverburn House gymnasium (ref. 190510/DPP) was approved within a B2 zoned area, it did not result in the loss of business premises and related to the conversion of a pre-existing gymnasium building associated with Silverburn House, which had limited potential for conversion to business use. It was also approved before the existence of NPF4, which was approved in 2022. Therefore the context of that approval was significantly different from the current application, which relates to a partly occupied office pavilion. Thus the context of all these approvals was substantially different from the current application and does not weigh in favour of its approval.

#### **Biodiversity / Nature Crisis**

Notwithstanding the expectations of NPF4 policy 3 and ALDP policy NE3, given that no physical development is proposed and the proposal is for a change of use, it would be unreasonable to require the development to address biodiversity or nature crisis matters. Any such policy tension therefore does not warrant refusal in this instance.

#### **Other Technical Considerations**

Notwithstanding the ongoing implementation of a nearby residential development on Claymore Drive and the potential for the proposed use to generate noise (e.g. amplified music) given that the Environmental Health Service do not request a noise impact assessment, the detached nature of the proposed building and that the closest proposed houses would be 60m from the building, there is considered to be no fundamental conflict with the approved residential use.

#### **DECISION**

Refuse

## **REASON FOR DECISION**

### **01. Conflict with Local Plan B2 Business Zones Policy**

The large scale and nature of the proposed use is such that it would attract customers from a wider area than the surrounding business zone and local area and thus would be contrary to B2 (Business Zones) within the Aberdeen Local Development Plan 2023 (ALDP). No evidence has been provided that the use would primarily be targeted at meeting the needs of businesses and employees within the Business Zone rather than the wider area.

### **02. Impact on Existing Centres**

The scale and nature of the proposed use is such that it has potential to generate significant footfall. A Town Centre First Assessment has not been submitted to demonstrate that the proposed use could not be located within an existing designated centre and justify the location of the development. It therefore conflicts with the intent of Policy 27 (City, Town, Local and Commercial Centres) within National Planning Framework 4 (NPF4), Policy VC3 (Network of Centres), Policy VC8 (Town, District, Neighbourhood and Commercial Centres) and Policy VC9 (Out of Centre Proposals) within the Aberdeen Local Development Plan 2023 (ALDP).

### **03. Sustainable Travel**

Given the scale of the proposed use, the remoteness of the site from existing bus stops, and existing designated centres, the generous car parking provision at the site, the limited pedestrian connectivity and the evidence contained with the submitted Traffic Analysis that there would be an increase in vehicle traffic in the afternoon peak, there would be conflict with the desire to minimise vehicle traffic and associated carbon emissions and would therefore be contrary to NPF4 Policy 1 (Tackling the Climate and Nature Crises) and Policy 13 (Sustainable Transport) and ALDP Policy T2 (Sustainable Transport).

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100697763-002

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

## Type of Application

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

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

## Description of Proposal

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

Change of Use from office (Class 4 - Business) to gym (Class 11 - Assembly and Leisure)

Is this a temporary permission? \*

☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place?

☐ Yes ☒ No

(Answer 'No' if there is no change of use.) \*

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

☒ No ☐ Yes – Started ☐ Yes - Completed

## Applicant or Agent Details

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

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

Company/Organisation:	Halliday Fraser Munro		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Halliday Fraser Munro	Building Name:	
Last Name: *	Planning	Building Number:	8
Telephone Number: *	01224 388700	Address 1 (Street): *	Victoria Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Aberdeen
Fax Number:		Country: *	Scotland
		Postcode: *	AB10 1XB
Email Address: *	planning@hfm.co.uk		
Is the applicant an individual or an organisation/corporate entity? *			
<input type="checkbox"/> Individual <input checked="" type="checkbox"/> Organisation/Corporate entity			

## Applicant Details

Please enter Applicant details

Title:		You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	c/o Agent
First Name: *		Building Number:	
Last Name: *		Address 1 (Street): *	c/o Agent
Company/Organisation	AM Sci Tech Ltd	Address 2:	
Telephone Number: *	01224388700	Town/City: *	c/o Agent
Extension Number:		Country: *	c/o Agent
Mobile Number:		Postcode: *	
Fax Number:			
Email Address: *	planning@hfm.co.uk		

## Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

810915

Easting

394968

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

☐ Yes ☒ No

## Site Area

Please state the site area:

4773.00

Please state the measurement type used:

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

## Existing Use

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

Office (Class 4)

## Access and Parking

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

☐ Yes ☒ No

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

<p>Are you proposing any change to public paths, public rights of way or affecting any public right of access? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.</p>	
<p>How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?</p>	<div style="border: 1px solid black; padding: 2px 10px;">68</div>
<p>How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *</p>	<div style="border: 1px solid black; padding: 2px 10px;">68</div>
<p>Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).</p>	
<h2 style="margin: 0;">Water Supply and Drainage Arrangements</h2>	
<p>Will your proposal require new or altered water supply or drainage arrangements? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>Do your proposals make provision for sustainable drainage of surface water?? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (e.g. SUDS arrangements) *</p> <p>Note:-</p> <p>Please include details of SUDS arrangements on your plans</p> <p>Selecting 'No' to the above question means that you could be in breach of Environmental legislation.</p>	
<p>Are you proposing to connect to the public water supply network? *</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No, using a private water supply</p> <p><input checked="" type="checkbox"/> No connection required</p> <p>If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).</p>	
<h2 style="margin: 0;">Assessment of Flood Risk</h2>	
<p>Is the site within an area of known risk of flooding? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</p> <p>If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.</p> <p>Do you think your proposal may increase the flood risk elsewhere? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</p>	
<h2 style="margin: 0;">Trees</h2>	
<p>Are there any trees on or adjacent to the application site? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.</p>	
<h2 style="margin: 0;">Waste Storage and Collection</h2>	
<p>Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	



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

No changes proposed to existing waste storage and collection arrangements

## Residential Units Including Conversion

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

☐ Yes ☒ No

## All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? \*

☒ Yes ☐ No

## All Types of Non Housing Development – Proposed New Floorspace Details

For planning permission in principle applications, if you are unaware of the exact proposed floorspace dimensions please provide an estimate where necessary and provide a fuller explanation in the 'Don't Know' text box below.

Please state the use type and proposed floorspace (or number of rooms if you are proposing a hotel or residential institution): \*

Class 11 Assembly and Leisure

Gross (proposed) floorspace (In square meters, sq.m) or number of new (additional) Rooms (If class 7, 8 or 8a): \*

1350

If Class 1, please give details of internal floorspace:

Net trading spaces:

Non-trading space:

Total:

If Class 'Not in a use class' or 'Don't know' is selected, please give more details: (Max 500 characters)

## Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) \*

☒ Yes ☐ No ☐ Don't Know

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

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

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*

☐ Yes ☒ No

## Certificates and Notices

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

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

Are you/the applicant the sole owner of ALL the land? \*

☐ Yes ☒ No

Is any of the land part of an agricultural holding? \*

☐ Yes ☒ No

Are you able to identify and give appropriate notice to ALL the other owners? \*

☒ Yes ☐ No

## Certificate Required

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

Certificate B

## Land Ownership Certificate

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

I hereby certify that

(1) - No person other than myself/the applicant was an owner [Note 4] of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application;

or –

(1) - I have/The Applicant has served notice on every person other than myself/the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application was owner [Note 4] of any part of the land to which the application relates.

Name:

Address:

Aberdeen City CouncilMarischal College (Ground Floor), Broad Street, Aberdeen, AB10 1AB

Date of Service of Notice: \*

28/01/2025

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

or –

(2) - The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have/the applicant has served notice on every person other than myself/himself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. These persons are:

Name:

Address:

Date of Service of Notice: \*

Signed: Halliday Fraser Munro Planning

On behalf of: AM Sci Tech Ltd

Date: 28/01/2025

☒ Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

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

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

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. \*

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. \*

☐ Yes ☒ N/A

A Flood Risk Assessment. \*

☐ Yes ☒ N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). \*

☐ Yes ☒ N/A

Drainage/SUDS layout. \*

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. \*

☐ Yes ☒ N/A

Habitat Survey. \*

☐ Yes ☒ N/A

A Processing Agreement. \*

☐ Yes ☒ N/A

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

Planning Statement

## Declare – For Application to Planning Authority

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

Declaration Name: . Halliday Fraser Munro Planning

Declaration Date: 28/01/2025

## Payment Details

Pay Direct

Created: 28/01/2025 15:05

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## DECISION NOTICE

### The Town and Country Planning (Scotland) Act 1997

### Detailed Planning Permission

Halliday Fraser Munro Planning  
Halliday Fraser Munro  
8 Victoria Street  
Aberdeen  
AB10 1XB

on behalf of **AM Sci Tech Ltd**

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

<b>Application Reference Number</b>	250070/DPP
<b>Address of Development</b>	Innovation Centre Exploration Drive Aberdeen Energy Park Bridge Of Don Aberdeen AB23 8GX
<b>Description of Development</b>	Change of use from office [class 4 (business) use] to gym [class 11 (assembly and leisure) use]
<b>Date of Decision</b>	1 May 2025

#### DETAILS OF ANY VARIATION MADE TO THE APPLICATION

None.

#### REASON FOR DECISION

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

1. Conflict with Local Plan B2 Business Zones Policy

The large scale and nature of the proposed use is such that it would attract customers from a wider area than the surrounding business zone and local area and thus would be contrary to B2 (Business Zones) within the Aberdeen Local Development Plan 2023 (ALDP). No evidence has been provided that the use would primarily be targeted at meeting the needs of businesses and employees within the Business Zone rather than the wider area.

2. Impact on Existing Centres

The scale and nature of the proposed use is such that it has potential to generate significant footfall. A Town Centre First Assessment has not been submitted to demonstrate that the proposed use could not be located within an existing designated centre and justify the location of the development. It therefore conflicts with the intent of Policy 27 (City, Town, Local and Commercial Centres) within National Planning Framework 4 (NPF4), Policy VC3 (Network of Centres), Policy VC8 (Town, District, Neighbourhood and Commercial Centres) and Policy VC9 (Out of Centre Proposals) within the Aberdeen Local Development Plan 2023 (ALDP).

3. Sustainable Travel

Given the scale of the proposed use, the remoteness of the site from existing bus stops, and existing designated centres, the generous car parking provision at the site, the limited pedestrian connectivity and the evidence contained within the submitted Traffic Analysis that there would be an increase in vehicle traffic in the afternoon peak, there would be conflict with the desire to minimise vehicle traffic and associated carbon emissions and would therefore be contrary to NPF4 Policy 1 (Tackling the Climate and Nature Crises) and Policy 13 (Sustainable Transport) and ALDP Policy T2 (Sustainable Transport).



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

## PLANS AND DRAWINGS

1030000/PARKING

Site Layout (Other)  
Location Plan

Signed on behalf of the planning authority

**Daniel Lewis**

Development Management Manager



## **IMPORTANT INFORMATION RELATED TO THIS DECISION**

### **RIGHT OF APPEAL**

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

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

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

### **SERVICE OF PURCHASE NOTICE**

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

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# Aberdeen City Council – Development Management Team Consultation Request

<b>Case Officer:</b> Robert Forbes	<b>To:</b> ACC - Environmental Health
<b>E-mail:</b> rforbes@aberdeencity.gov.uk	<b>Date Sent:</b> 11 February 2025
<b>Tel.:</b> 01224 067942	<b>Respond by:</b> 4 March 2025
<b>Application Type:</b> Detailed Planning Permission	
<b>Application Address:</b> Innovation Centre Exploration Drive Aberdeen Energy Park Bridge Of Don Aberdeen AB23 8GX	
<b>Proposal Description:</b> Change of use from office [class 4 (business) use]] to gym [class 11 (assembly and leisure) use]	
<b>Application Reference:</b> 250070/DPP	
<b>Consultation Reference:</b> DC/ACC/SRJ7ZABZ01B00	

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

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

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

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

Please select one of the following.

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

## COMMENTS

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

## **Environmental Noise Control**

To protect the amenity of existing neighbours from noise, we would recommend the following condition:

The premises shall be used only as a gym and shall not be used for any other purpose within Use Class 11 without an express grant of planning permission from the Planning Authority.

Responding Officer: Neil Stirling

Date: 20/02/25

Email: [nstirling@aberdeencity.gov.uk](mailto:nstirling@aberdeencity.gov.uk)

# Consultee Comments for Planning Application 250070/DPP

## Application Summary

Application Number: 250070/DPP

Address: Innovation Centre Exploration Drive Aberdeen Energy Park Bridge Of Don Aberdeen AB23 8GX

Proposal: Change of use from office [class 4 (business) use] to gym [class 11 (assembly and leisure) use]

Case Officer: Robert Forbes

## Consultee Details

Name: Mr Jack Penman

Address: Aberdeen City Council, Marischal College, Broad Street, Aberdeen AB10 1AB

Email: Not Available

On Behalf Of: ACC - Roads Development Management Team

## Comments

I note that this proposal is for a change of use from office [class 4 (business) use] to gym [class 11 (assembly and leisure) use] Innovation Centre, Exploration Drive, Aberdeen, Energy Park, Bridge of Don, Aberdeen, AB23 8GX.

The site is in the outer city boundary and is not in a CPZ.

The site is fronted by good standard adopted footways and there are existing pedestrian crossing facilities to get across Ellon Road. This provides a safe pedestrian route from the nearest bus stops to the site. These bus stops are approximately a 15-minute walk from the site.

It is unclear from the submitted plan whether the whole building is being converted to a gym or if some office space is still to remain. This will impact on the parking calculation and needs clarified. The plan has areas shaded green and pink what is the significance of this? The floorplan schedule on the right of the plan does not seem to correspond with all the rooms in the building, again clarity is required.

It is noted that there are 68 parking spaces and 68 are to remain. Are any of these accessible spaces?

ACC cycle parking requirements for sports centre/facility are 1 per staff + 1 per 10 staff and 1 space for visitors and 1 space per 10 peak time visitors. The cycle parking should be long stay (i.e. secure and covered). Is there existing cycle parking associated with the site? Details are required.

What is the waste management plan. No business bins would be permitted to be stored on the

public road (includes footway) outwith collection time and should be removed immediately after.

Roads require further information before being able to provide further / final comment.

# MEMO

Strategic Place Planning

## Commissioning

Business Hub 4, Ground Floor North, Marischal College



To	Development Management, Strategic Place Planning		
From	Jack Penman, Engineer, Roads Development Management		
E-mail	<a href="mailto:JPenman@aberdeencity.gov.uk">JPenman@aberdeencity.gov.uk</a>	Date	27/02/25
		Our Ref.	DPP- 250070
		Your Ref.	

### Planning Application No. 250070

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

#### 1. Development Proposal

- 1.1. I note that this proposal is for a change of use from office [class 4 (business) use] to gym [class 11 (assembly and leisure) use] Innovation Centre, Exploration Drive, Aberdeen, Energy Park, Bridge of Don, Aberdeen, AB23 8GX.
- 1.2. This is the **second** revision of roads comments.
- 1.3. The site is in the outer city boundary and is not in a CPZ.

#### 2. Walking and Cycling

- 2.1. The site is fronted by good standard adopted footways. These link around the Aberdeen Energy Park providing good pedestrian access to the neighboring units. There is a direct pedestrian access from the public footway to the door of the site.
- 2.2. There is an existing pedestrian crossing on Ellon Road which provides a safe route from Bridge of Don Industrial estate and Bridge of Don.
- 2.3. There is a shared use path on the western side of Ellon Road, which provides a safe cycling route along this road. Around the site cycling would be on carriageway.

#### 3. Public Transport

- 3.1. The nearest bus stops to the site are on Ellon Road. These are approximately 15 minute walk from the site and are well served.

#### 4. Parking

- 4.1. ACC parking standards for sports centre / facility in the outer city boundary are 1 space per 22m<sup>2</sup> GFA. I note the GFA is 1350m<sup>2</sup>. This equates to a maximum parking of 61. As an office the parking standard is 1 space per 30m<sup>2</sup>, which would equate to a maximum parking of 45 spaces. I note that there are 68 spaces existing. Therefore there is a current overprovision on parking compared to our current standards but this overprovision reduces with the proposal.
- 4.2. I note that the applicant has stated that 2 of these spaces are for accessible parking. ACC standards for accessible parking for retail/leisure in car parks (up to 200 spaces) is for 3 spaces or 6% whichever is greater. As such 4 spaces minimum are required. These spaces should be located close to the entrance and appropriately lined/signed.
- 4.3. If 4 accessible spaces are provided the parking total would be 64 spaces which is only 3 spaces above our maximum standard. As this is such is an existing situation Roads can accept this, whilst noting it will likely encourage more private vehicle trips.
- 4.4. A plan of the car park showing the location of the accessible parking is required.
- 4.5. ACC cycle parking requirements for sports centre/facility are 1 per staff + 1 per 10 staff and 1 space for visitors and 1 space per 10 peak time visitors. The cycle parking should be long stay (i.e. secure and covered). Details of this are required.

## **5. Vehicle Access/Local Road Network**

- 5.1. Vehicle access is by the existing road network and site access junction which are acceptable. The site appears to operate as a one-way loop with a separate entry and exit. This should remain.
- 5.2. The applicant should provide a TRICS analysis for the predicted trip rates of the proposed use compared to the consented use.

## **6. Waste Management Plan**

- 6.1. Details of the waste management plan are required including storage area for bins. No business bins would be permitted to be stored on the public road (includes footway) outwith collection time and should be removed immediately after.

## **7. Conclusion**

- 7.1. Roads require information regarding the accessible and cycle parking, waste management and the trip rates before being able to provide further/final comment.

Jack Penman

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

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





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# MEMO

Strategic Place Planning

## Commissioning

Business Hub 4, Ground Floor North, Marischal College



To	Development Management, Strategic Place Planning		
From	Jack Penman, Engineer, Roads Development Management		
E-mail	<a href="mailto:JPenman@aberdeencity.gov.uk">JPenman@aberdeencity.gov.uk</a>	Date	26/03/25
		Our Ref.	DPP- 250070 v3
		Your Ref.	

### Planning Application No. 250070

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

#### 1. Development Proposal

- 1.1. I note that this proposal is for a change of use from office [class 4 (business) use] to gym [class 11 (assembly and leisure) use] Innovation Centre, Exploration Drive, Aberdeen, Energy Park, Bridge of Don, Aberdeen, AB23 8GX.
- 1.2. This is the **third** revision of roads comments. New comments are in **bold**.
- 1.3. The site is in the outer city boundary and is not in a CPZ.

#### 2. Walking and Cycling

- 2.1. The site is fronted by good standard adopted footways. These link around the Aberdeen Energy Park providing good pedestrian access to the neighboring units. There is a direct pedestrian access from the public footway to the door of the site.
- 2.2. There is an existing pedestrian crossing on Ellon Road which provides a safe route from Bridge of Don Industrial estate and Bridge of Don.
- 2.3. There is a shared use path on the western side of Ellon Road, which provides a safe cycling route along this road. Around the site cycling would be on carriageway.

#### 3. Public Transport

- 3.1. The nearest bus stops to the site are on Ellon Road. These are approximately 15 minute walk from the site and are well served.

#### 4. Parking

- 4.1. ACC parking standards for sports centre / facility in the outer city boundary are 1 space per 22m<sup>2</sup> GFA. I note the GFA is 1350m<sup>2</sup>. This equates to a maximum parking of 61. As an office the parking standard is 1 space per 30m<sup>2</sup>, which would equate to a maximum parking of 45 spaces. I note that there are 68 spaces existing. Therefore there is a current overprovision on parking compared to our current standards but this overprovision reduces with the proposal.
- 4.2. I note that the applicant has stated that 2 of these spaces are for accessible parking. ACC standards for accessible parking for retail/leisure in car parks (up to 200 spaces) is for 3 spaces or 6% whichever is greater. As such 4 spaces minimum are required. These spaces should be located close to the entrance and appropriately lined/signed.
- 4.3. If 4 accessible spaces are provided the parking total would be 64 spaces which is only 3 spaces above our maximum standard. As this is such a minor overprovision compared to our standards and is an existing situation Roads can accept this, whilst noting it will likely encourage more private vehicle trips.
- 4.4. **I note the location of the disabled parking and can confirm this is acceptable.**
- 4.5. ACC cycle parking requirements for sports centre/facility are 1 per staff + 1 per 10 staff and 1 space for visitors and 1 space per 10 peak time visitors. The cycle parking should be long stay (I.E secure and covered). **Details of this have not been provided. A suitable condition should be attached to any approval to ensure that covered secure cycle parking is provided.**

## 5. Vehicle Access/Local Road Network

- 5.1. Vehicle access is by the existing road network and site access junction which are acceptable. The site appears to operate as a one-way loop with a separate entry and exit. This should remain.
- 5.2. **I note the TRICS analysis provided by the applicant. The results have shown that in the AM peak there is predicted to be 1 less two-way vehicle trip than the current consented use. However, in the PM peak there is expected to be an increase of 29 two-way vehicle trips when compared to the consented use. The applicant has noted that these will likely be pass-by trips and not new trips generated. This point is accepted by Roads. Given the site location, which is in proximity to a main arterial route (A92 Ellon Road) the likelihood is this modest increase will have no impact on running of the road network.**

## 6. Waste Management Plan

- 6.1. Details of the waste management plan are required including storage area for bins. No business bins would be permitted to be stored on the public road (includes footway) outwith collection time and should be removed

immediately after. I note the bin store location and can confirm it is acceptable.

## **7. Conclusion**

- 7.1. Subject to a suitable condition being attached to ensure secure cycle parking is provided I can confirm that Roads have no objection to this proposal.

Jack Penman  
Engineer  
**Roads Development Management**

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# Aberdeen City Council – Development Management Team Consultation Request

<b>Case Officer:</b> Robert Forbes	<b>To:</b> ACC - Waste And Recycling
<b>E-mail:</b> rforbes@aberdeencity.gov.uk	<b>Date Sent:</b> 26 March 2025
<b>Tel.:</b> 01224 067942	<b>Respond by:</b> 16 April 2025
<b>Application Type:</b> Detailed Planning Permission	
<b>Application Address:</b> Innovation Centre Exploration Drive Aberdeen Energy Park Bridge Of Don Aberdeen AB23 8GX	
<b>Proposal Description:</b> Change of use from office [class 4 (business) use] to gym [class 11 (assembly and leisure) use]	
<b>Application Reference:</b> 250070/DPP	
<b>Consultation Reference:</b> DC/ACC/STQ6ZOBZ01B00	

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

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

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

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

Please select one of the following.

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

## COMMENTS

The following development is classified as commercial and therefore receives a business waste collection.

When providing feedback on commercial developments, I can only provide a very general response regarding commercial developments due to Aberdeen City Council not being the only waste service contractor available in the city.

### **See below for general comments:**

- Business premises need to be provided with a bin store to allocate, within the property curtilage for the business waste and recycling bins
- Commercial waste bins cannot be stored on the street any day of the week as per Council Policy 2009 (Obstructions- Commercial Waste Bins). Infringement on the Council Policy can lead to a fine of £500 per bin as adopted by the Enterprise, Strategic Planning and Infrastructure Committee on 29<sup>th</sup> August 2013
- There are many waste contract collection providers operating in Aberdeen and each one provides different collection of waste and recycling services. For this reason, business premises need to liaise with their waste contract collection to ensure the correct management of their waste.
- Business premises have a legal Duty of Care covering all the waste they produce. This means that it is the Business premises responsibility to manage and dispose of any waste correctly.
- The Waste (Scotland) 2012 requires that **all businesses** from 1<sup>st</sup> January 2014 are required to separate paper, cardboard, glass, plastic and metals for recycling. Some businesses will additionally be required to separate their food waste (where food waste >5kg per week).
- General tips for site and hopefully the chosen waste collection contractor will detail this but for access, the following is needed:
  - An area of hard standing at storage and collections point(s)
  - Dropped kerb at proposed bin collection point
  - Yellow lines in front of bin collection point
  - Bin storage areas to ideally be provided with a gulley and wash down facility for the interest of hygiene

For further independent guidance about waste and recycling provision, storage and collection please refer to the following document: [http://www.lgcplus.com/Journals/3/Files/2010/7/14/ADEPTMakingspaceforwaste\\_000.pdf](http://www.lgcplus.com/Journals/3/Files/2010/7/14/ADEPTMakingspaceforwaste_000.pdf) and additional Trade Waste information can be found in the Waste Supplementary Guidance available at [https://www.aberdeencity.gov.uk/sites/default/files/2024-05/APG%20Waste%20Management%20Requirements%20for%20New%20Developments\\_0.pdf](https://www.aberdeencity.gov.uk/sites/default/files/2024-05/APG%20Waste%20Management%20Requirements%20for%20New%20Developments_0.pdf)

Responding Officer: J Talaga

Date: 31<sup>st</sup> of March 2025

Email: [wasteplanning@aberdeencity.gov.uk](mailto:wasteplanning@aberdeencity.gov.uk)





provision of an LDP, whichever of them is the later in date is to prevail (Town and Country Planning (Scotland) Act 1997 ("the 1997 Act"); section 24(3)).

Across Scotland there is a substantial amount of supplementary guidance associated with SDPs and LDPs. Supplementary guidance associated with SDPs will no longer have effect following adoption and publication of NPF4 on 13 February. Supplementary guidance associated with LDPs which was in force before 12 February (the date on which section 13 of the 2019 Act comes into force) will continue to be in force and be part of the development plan (1997 Act; paragraph 2 of schedule 1).

As the development plan system transitions to one without statutory supplementary guidance, the Planning (Scotland) Act 2019 (Commencement No.11 and Saving and Transitional Provisions) Regulations 2023 provide for local authorities to continue to prepare and adopt supplementary guidance associated with LDPs until 31 March 2025. Supplementary guidance adopted under those provisions is to be treated as forming part of the development plan for the area to which the LDP relates.

The provisions of section 16(1)(a) of the 1997 Act require planning authorities to prepare a new LDP for their area at intervals of no more than 10 years or whenever required to do so by the Scottish Ministers. It will be important for the first round of 'new style' LDPs to be prepared in a timely fashion. We expect that every planning authority in Scotland will have a new style plan in place within around 5 years of the new development plan regulations coming into force, which we anticipate happening this spring.

Legislation provides for planning authorities to prepare LDPs that include policies and proposals for development and use of land in their area. There is no legal requirement for LDPs to be directly 'compatible' with NPF4, although in preparing LDPs, there will be a statutory requirement under section 16(2)(a)(i) of the 1997 Act that planning authorities take the NPF into account.

## Applying NPF4 Policy

Section 25 of the 1997 Act requires that decisions are made in accordance with the development plan unless material considerations indicate otherwise. Application of planning judgement to the circumstances of an individual situation remains essential to all decision making, informed by principles of proportionality and reasonableness.

It is important to bear in mind NPF4 must be read and applied as a whole. The intent of each of the 33 policies is set out in NPF4 and can be used to guide decision-making. Conflicts between policies are to be expected. Factors for and against development will be weighed up in the balance of planning judgement.

It is recognised that it may take some time for planning authorities and stakeholders to get to grips with the NPF4 policies, and in particular the interface with individual LDP policies. As outlined above, in the event of any incompatibility between a provision of NPF and a provision of an LDP, whichever of them is the later in date is to prevail. Provisions that are contradictory or in conflict would be likely to be considered incompatible.

We expect that monitoring of the policies will particularly focus on new and developing policy areas, so that their application in practice can inform future guidance.

Below we have set out some more specific advice on individual policies.

## Policy 1 – Tackling the climate and nature crises

This policy prioritises the climate and nature crises in all decisions. It should be applied together with the other policies in NPF4. It will be for the decision maker to determine whether the significant weight to be applied tips the balance in favour for, or against a proposal on the basis of its positive or negative contribution to the climate and nature crises.

## Policy 2 - Climate mitigation and adaptation

There is currently no single accepted methodology for calculating and / or minimising emissions. The emphasis is on reducing emissions as far as possible, rather than eliminating all emissions.

At this stage, quantitative assessments are not expected for all applications and there are no defined thresholds that require different levels of information at this stage. Planning authorities will be aware that this is unlikely to be a key consideration for many applications, for example for smaller scale developments, householder applications or many changes of use. However, for other types of development proposals that may generate significant emissions, such as some national or major developments, we consider it to be reasonable to expect quantitative information to be provided. For developments that require an Environmental Impact Assessment (EIA), the impact of the project on climate (e.g. the nature and magnitude of greenhouse gas emissions) and the vulnerability of the project to climate change will have been considered as appropriate in the EIA Report. See [Circular 1/2017](#) for further information.

Last year the Scottish Government published [carbon management guidance for projects and programmes](#). Whilst this is aimed at larger scale projects within city region and growth deals and a fully quantified approach is only likely to be proportionately applicable to larger scale proposals, at least whilst practice and methodologies develop over the coming years, the guidance includes useful information and highlights established methodologies which may be of assistance to applicants and planning authorities. Published research on the Lifecycle Greenhouse Gas Emissions of NPF4 Proposed National Developments<sup>1</sup>, also offers an example of a high-level approach to identifying direct and indirect effects of proposals on GHG emissions which can be embedded into statutory Environmental Assessment obligations.

## Policy 3 - Biodiversity

To support this policy in practice, NatureScot previously consulted on new 'Developing with Nature guidance' to accompany NPF4 Biodiversity policy 3c), which is to be applied to certain local development. A final version of the guidance will be available shortly. We are committed to developing guidance to accompany wider NPF4 policy 3, and – recognising that currently there is no single accepted methodology for calculating and / or measuring biodiversity 'enhancement' – we have commissioned research to explore options for developing a biodiversity metric or other tool, specifically for use in Scotland. There will be some proposals which will not give rise to opportunities to contribute to the enhancement of biodiversity, and it will be for the decision maker to take into account the policies in NPF4 as a whole, together with material considerations in each case.

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<sup>1</sup> [National Planning Framework 4 - lifecycle greenhouse gas emissions: assessment findings - gov.scot \(www.gov.scot\)](#)

## Policy 16 - Quality homes

NPF4 sets out a distinct, new approach to planning for new homes across Scotland that aims to deliver more quality homes that meet diverse needs. Policy 16, Quality Homes, promotes a plan-led approach.

New style LDPs must include targets for meeting the housing needs of people living in the area, this is referred to in NPF4 as the "Local Housing Land Requirement" (LHLR)<sup>2</sup>. The LHLR will be informed by the Evidence Report and Gate Check process. It is expected that the LHLR will exceed the Minimum All-Tenure Housing Land Requirements (MATHLR) set out in NPF4.

Proposed Plans will allocate sites to meet the LHLR and, in doing so, we expect there to be greater emphasis on delivery. Policy 16 looks to incentivise delivery of allocated sites, as they will have been considered and agreed through the comprehensive and participative LDP preparation process. If an LDP reaches Examination without sufficient sites identified to meet the LHLR, a planning authority can be required to prepare another Proposed LDP under new legislative provisions in section 19ZA of the 1997 Act.

Once adopted, the delivery of new style LDPs will be monitored and supported through the Housing Land Audit and the LDP Delivery Programme. New guidance on Housing Land Audits will be prepared this year, in collaboration with key stakeholders. The new guidance will seek to ensure a consistent approach is adopted in the preparation of new Housing Land Audits. If needed, collaboration on the LDP Delivery Programme can assist in early consideration of bringing forward longer term sites.

Policy 16 is applicable to decision making when NPF4 becomes part of the statutory development plan. As outlined above, SPP(2014) will be superseded and not form part of Scottish Government planning policies, including: the requirement to maintain at least a 5 year supply of effective housing land at all times, shortfalls in supply indicating LDP policies are not up-to-date, the 'presumption in favour of development that contributes to sustainable development' and the concept commonly known as the 'tilted balance'. Consideration must be given as to whether provisions in LDPs are incompatible with provisions of NPF4. Where there is an incompatibility, such as between a housing exceptions policy in an LDP and Policy 16(f) of NPF4, the latter will prevail.

## Policy 23 - Health and safety

We understand that there were some concerns about references within NPF4 to suicide risk, including recognition that LDPs should be informed by awareness of locations of concern for suicide. We would draw your attention to [Creating Hope Together \(Scotland's Suicide Prevention Action Plan 2022-2025\)](#) which was published last year by the Scottish Government together with COSLA. This recognises the importance of the National Planning Framework in reflecting the role of planning in suicide prevention. Further resources are referenced in the action plan and have been produced by Public Health Scotland.

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<sup>2</sup>NPF4: Annex F provides the Local Housing Land Requirement means "The amount of land required for housing, as identified by the local development plan. The Local Housing Land Requirement (LHLR) is expected to exceed the 10 year Minimum All-Tenure Housing Land Requirement (MATHLR) set out in the National Planning Framework"

It may also be useful to see [guidance](#) produced by the Welsh Government, which emphasises a pragmatic approach, suggests that suicide prevention should ideally be built into the design of projects and should be compatible with creation of good places. It also references further available practical advice on this.

## **Policy 27(d) - Drive through developments**

During the Parliamentary scrutiny of the draft NPF4, there was some debate about the meaning and application of Policy 27(d), which states that “drive-through developments will only be supported where they are specifically supported in the LDP”. The intention of this policy was to ensure that this type of development is considered as an integral part of the wider development plan, and is not (as has been erroneously reported) a moratorium or ban on such developments.

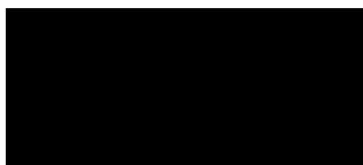
In applying policy 27(d) and whether such developments are supported, planning authorities may regard wider uses that are compatible with the drive through function to be included, as there is no single class of development that this relates to and may sometimes be considered as *sui generis*. Suitable locations may include for example those allocated for Class 1 shops or Class 3 Food and drink, depending on the nature of the proposal involved in each case. In looking at the potential impact of the development as a whole, as always, decisions will depend on the facts and circumstances of each individual case and regard should be given to wider policies within NPF4, including those relating to reducing emissions that contribute to climate change and to wider policies that aim to improve town centres and support local living.

Looking forward, we will include guidance on drive throughs and the relationship to Policy 27(d) within the forthcoming local development plan guidance, which will be published this spring to support implementation of the new arrangements for LDPs.

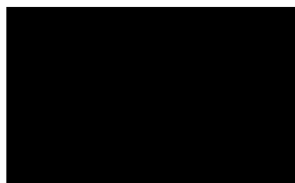
### Further Planning Guidance and Advice

In the NPF4 Delivery Programme, we have given our commitment to progress work on a new suite of guidance and advice that will support activity to deliver the policy intent of NPF4. We will do this alongside careful monitoring of the implementation of policies. With some substantial changes being made through the reform of our planning system, both through legislation and in NPF4, there will now be some discrepancies in existing planning guidance and advice as a result. Nevertheless, there will remain aspects which will still be useful for reference through the new planning system and policy approach. Over time, we will review that historic advice as appropriate.

Yours faithfully



**Dr Fiona Simpson**  
Chief Planner



**Tom Arthur**  
Minister for Public Finance, Planning  
and Community Wealth

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## Policy List for 250070/DPP

### Development Plan

#### National Planning Framework 4

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

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 3 (Biodiversity)
- Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings)
- Policy 13 (Sustainable Transport)
- Policy 15 (Local Living and 20 Minute Neighbourhoods)
- Policy 26 (Business and Industry)
- Policy 27 (City, Town, Local and Commercial Centres)

#### Aberdeen Local Development Plan 2023

- Policy B2 (Business Zones)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)
- Policy VC3 (Network of Centres)
- Policy VC8 (Town, District, Neighbourhood and Commercial Centres)
- Policy VC9 (Out of Centre Proposals)

#### Aberdeen Planning Guidance

- [Transport and Accessibility](#)
- [Hierarchy of Centres](#)

### Other National Policy and Guidance

- Local living and 20 minute neighbourhoods: planning guidance 2024:  
<https://www.gov.scot/publications/scottish-government-planning-guidance-local-living-20-minute-neighbourhoods/>

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100697763-005

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

## Applicant or Agent Details

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

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Halliday Fraser Munro"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Halliday Fraser Munro"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="Planning"/>	Building Number:	<input type="text" value="8"/>
Telephone Number: *	<input type="text" value="01224 388700"/>	Address 1 (Street): *	<input type="text" value="Victoria Street"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
		Postcode: *	<input type="text" value="AB10 1XB"/>
Email Address: *	<input type="text" value="planning@hfm.co.uk"/>		

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

☐ Individual ☒ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="c/o Agent"/>
First Name: *	<input type="text"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="c/o Agent"/>
Company/Organisation	<input type="text" value="AM Sci Tech Ltd"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value=""/>	Town/City: *	<input type="text" value="c/o Agent"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="c/o Agent"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value=""/>		

## Site Address Details

Planning Authority:	<input type="text" value="Aberdeen City Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="810915"/>	Easting	<input type="text" value="394968"/>
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## Description of Proposal

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

Change of use from office [class 4 (business) use] to gym [class 11 (assembly and leisure) use]

## Type of Application

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

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

What does your review relate to? \*

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

## Statement of reasons for seeking review

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

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

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

Please refer to the Appeal Statement of Case located in the Supporting Documents section

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

☐ Yes ☒ No

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

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

Appeal Statement of Case (including appendices); Planning application material lodged under application 250070/DPP; Chief Planner Letter February 2023

## Application Details

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

250070/DPP

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

28/01/2025

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

01/05/2025

## Review Procedure

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

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

## Checklist – Application for Notice of Review

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

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

☒ Yes ☐ No ☐ N/A

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

## **Declare – Notice of Review**

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

Declaration Name: . Halliday Fraser Munro Planning

Declaration Date: 30/05/2025

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HALLIDAY FRASER MUNRO

CHARTERED ARCHITECTS & PLANNING CONSULTANTS

# Appeal Statement of Case

Notice of Review appeal made under section 43A of the  
Town and Country Planning (Scotland) Act 1997

Change of Use from office (Class 4 - Business) to gym  
(Class 11 - Assembly and Leisure) at Innovation Centre,  
Exploration Drive, Aberdeen Energy Park, Bridge of Don,  
Aberdeen, AB23 8GX

Application Reference: 250070/DPP

Appellant: AM Sci Tech

Rev		Date	Author	Signed
P01	First Issue	28 May 2025	HH	SC
P02	Second Issue	30 May 2025	HH	SC

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## 1. Introduction

- 1.1 Halliday Fraser Munro have been instructed to lodge this Notice of Review appeal on behalf of the applicant, AM Sci Tech Ltd. This appeal has been made under section 43A of the Town and Country Planning (Scotland) Act 1997 to review the Planning Authority's decision to refuse planning permission for the development described below at the Innovation Centre, Exploration Drive, Aberdeen Energy Park, Bridge of Don, Aberdeen, AB23 8GX.

Description of Development: *Change of use from office [class 4 (business) use] to gym [class 11 (assembly and leisure) use]*

- 1.2 The application was validated on the 6<sup>th</sup> of February 2025 under 250070/DPP and refused on the 1<sup>st</sup> of May 2025. The application was refused without prior notification or dialogue from the Planning Service that this was going to be the final decision on the application. Furthermore, the applicant was not given a formal opportunity to lodge additional supporting information to respond to the concerns raised by the Case Officer. Had the applicant been given an indication of the imminent decision they could have provided further supporting information or amendments prior to the decision, and constructive actions could have been undertaken by the applicant to potentially change the outcome of the application. At the very least, the applicant could have clarified some of the of the technical matters raised by the officer in their decision. Unfortunately, as the applicant was given no formal opportunity to respond to the concerns of the Planning Service, the applicant is now in a position where they have no option but to lodge an appeal and request a review of the decision.

- 1.3 Three reasons for refusal were cited in the Decision Notice, namely:

- 1. Conflict with Local Plan B2 Business Zones Policy**
- 2. Impact on Existing Centres**
- 3. Sustainable Travel**

- 1.4 The Report of Handling places significant weight on the land use conflict of the location of the proposed gym in a business zone and outwith a town centre, citing Policies B2, VC3, VC8 and VC9 of the Aberdeen Local Development Plan 2023 (ALDP) and National Planning Framework 4 (NPF4) Policies 26 and 27. It does not recognise the changing nature of traditional employment areas, which are transitioning away from exclusive business and industrial use to more diversified and mixed use neighbourhoods that support the daily needs of the local workforce (particularly post COVID-19 pandemic). This changing nature of traditional employment areas is particularly relevant when considering the appeal against the overarching planning policy intent of NPF4, which is also shifting focus from rigid monofunctional land use segregation i.e. large areas zoned for single uses, to a more flexible place-based approach that encourages a mix of residential, employment, retail, health, and community use in close proximity to each other. The Report of Handling provides very limited consideration of the policies that support local living and mixed-use neighbourhoods and the reuse of existing underutilised buildings. This imbalanced application of NPF4 conflicts with the Chief Planner's instructions to consider NPF4 as a whole rather than as a set of standalone policies.

- 1.5 The Aberdeen Energy Park in Bridge of Don is a prime example of a traditional employment area in Aberdeen that is undergoing transition toward mixed use neighbourhood. This transition has come about in response to a significant surge in residential development on the eastern side of Bridge of Don. Specifically, there are circa 950 new houses under construction or in planning at Cloverhill, Silverburn House and the former AECC site, all of which are in an 800m radius of the site or generally within a 10 – 15 minute walk. Meanwhile, there has been a significant decline in demand for traditional employment land within the Aberdeen Energy Park, including the appeal

site. The Marketing Information lodged in support of the application shows that the owners have been struggling to find tenants for the site and the building has been sitting mostly empty for longer than four years despite investing about £216,071 in upgrades. It now sits 90% empty, costing over £100,000 per year in holding costs. The remaining 10% of tenants have either already relocated or are under contract to relocate within other available spaces in the Energy Park. There is therefore an obvious need for economic diversification to improve local liveability and sustain local workforce populations and the proposal has come about as a positive response to these changing market needs and for the economic benefit of the area. A secondary benefit of locating this type of use in a business park is that it will help attract business occupiers to the remaining units and plots by providing a much-improved suite of uses that their employees would have access to. This will improve the overall success of this business park.

- 1.6 The change of use will be occupied by a credible local gym operator, improving accessibility to health and fitness services to the local workforce population, particularly those in Aberdeen Energy Park, Bridge of Don and Denmore industrial estates. The change of use will thus improve the overall attraction of Aberdeen Energy Park and surrounding employment areas and stimulate further business investment or relocation to these Business Zone areas in accordance with ALDP Policy B2. The influx of residents into this part of Bridge of Don has also heightened the demand for local amenities and services, particularly health, fitness and leisure facilities. Converting the Innovation Centre into a gym would directly address this need, providing accessible 24-hour health and fitness services in close proximity to these new residents
- 1.7 Within this Appeal Statement of Case, we provide considered justification to demonstrate the proposed nature and scale of the use is in fact suitable for the site in respect of the surrounding area and would deliver a much-needed health and fitness service (general fitness gym) in a sustainable location in Bridge of Don. In all regards, this statement comprehensively rebuffs the Planning Service's reasons for refusal outlined in the Decision Notice and demonstrates how the proposal accords with the ALDP and NPF4 in all respects. Therefore, the proposal is an appropriate form of development in this location and one which is worthy of support.
- 1.8 The full list of supporting documentation accompanying this application is set out below:
  - **Appendix 1:** Wider Site Context Map
  - **Appendix 2:** Town Centre First Review (21<sup>st</sup> May 2025)
  - **Appendix 3:** NPF4 and ALDP Policy Extracts
- 1.9 The full list of planning application material lodged under application 250070/DPP is as follows:
  - Application Form (28<sup>th</sup> January 2025)
  - Location Plan (28<sup>th</sup> January 2025)
  - Marketing Information (28<sup>th</sup> January 2025)
  - Planning Statement (28<sup>th</sup> January 2025)
  - Traffic Analysis (21<sup>st</sup> March 2025)
  - Site Parking Plan (21<sup>st</sup> March 2025)
  - Existing Floor Plan (11<sup>th</sup> April 2025)
  - Decision Notice (1<sup>st</sup> May 2025)
  - Report of Handling (1<sup>st</sup> May 2025)
- 1.10 Other material referred to in this Statement of Case is as follows:
  - Chief Planner Letter February 2023

## 2. Site Location

- 2.1 The appeal site is a vacant office building formerly known as the Innovation Centre located in the Aberdeen Energy Park in Bridge of Don (~4km north of Aberdeen City Centre). The site is bound to the north and east by Exploration Drive, to the west by Claymore Drive and to the south by an industrial premises occupied by Emstech Oil Services.
- 2.2 Pursuant the ALDP, the appeal site and wider Aberdeen Energy Park is situated in the Business (B2) Zone. While the site is in the Business Zone, the surrounding area is increasingly characterised by a mixture of land uses, as described in Table 1 below. Per Table 1, some of these non-employment uses were formerly situated on B2 Business or B1 Business and Industry Zoned land under superseded versions of the ALDP. This increased mixture of land uses in and around Business and Industry Zoned land reflects the transitional nature of traditional employment areas to more diversified and mixed use areas, which now provide workers more flexible conditions and access to health and lifestyle options and amenities near their workplaces.

<b>North</b>	To the north is the wider Aberdeen Energy Park, accommodating mainly Class 4 and 5 employment uses including serviced offices, coworking spaces, modern workshops, laboratories and warehousing. The Energy Park has consent to expand onto a vacant 17 ha parcel of land to the north, providing 48,000 sqm of additional office, industrial and warehouse floorspace (application reference: 131483 and 181987/S42). Land further north contains the Cloverhill housing development, which consists of 536 homes.
<b>South</b>	Land to the south contains the Emstech Oil Services industrial facility and The Hub office complex which includes the Grub Fresh Food café. Further south is the former Aberdeen Exhibition and Conference Centre (AECC) which has been granted Planning Permission in Principle for residential redevelopment (application reference: 150824). The former AECC site is currently subject to a Matters Specified in Conditions application for ~333 homes (application reference: 240850/MSC). King's Church and the former Holiday Inn Express are located to the southwest of the Parkway East / Claymore Drive / Exploration Drive roundabout.
<b>East</b>	To the east is the wider Aberdeen Energy Park. The Bridge of Don household waste and recycling centre (HWRC) was recently approved (on 5 <sup>th</sup> December 2023) in the north-eastern corner of the former AECC site (application reference: 231516/DPP). The Royal Aberdeen Golf Club and North Sea coastline is located further to the east of the Aberdeen Energy Park.
<b>West</b>	Land to the west of Claymore Drive contains the Bridges Pre-school Nursery, a Gymnastics Centre, as well as the former five storey Silverburn House office building (now demolished) that has been granted planning permission at committee for 69 houses (application reference: 241301/MSC). All these uses were formerly situated in the Business (B2) zone under the previous ALDP 2017. Further west, on the opposite side of Ellon Road, is the Bridge of Don and Denmore industrial estate which contains various employment uses and some non-employment uses, including a McDonalds, KFC, Starbucks, and an indoor sports venue, all of which is situated on Business and Industry (B1) zoned land.

*Table 1 - Site Context*

- 2.3 Review of the surrounding area confirms that there is no general fitness gym established within or near the Aberdeen Energy Park. The nearest general fitness gym in Bridge of Don is the Get Active (Alex Collie) gym and gymnastics centre 1.3km to the south-west of the site and the Get Active (Jesmond) gym 2.2km to the north-west of the site. Both these gyms are Council managed facilities that serve the western residential catchment of Bridge of Don with no general fitness

gyms available to serve the employment and residential areas on the eastern side of Bridge of Don.

- 2.4 The location of the application site in relation to the immediate surrounding area is shown in Figure 1 over while Figure 2 shows the zoning.



Figure 1 – Aerial image of the site and surrounds (Source: Pastmap)



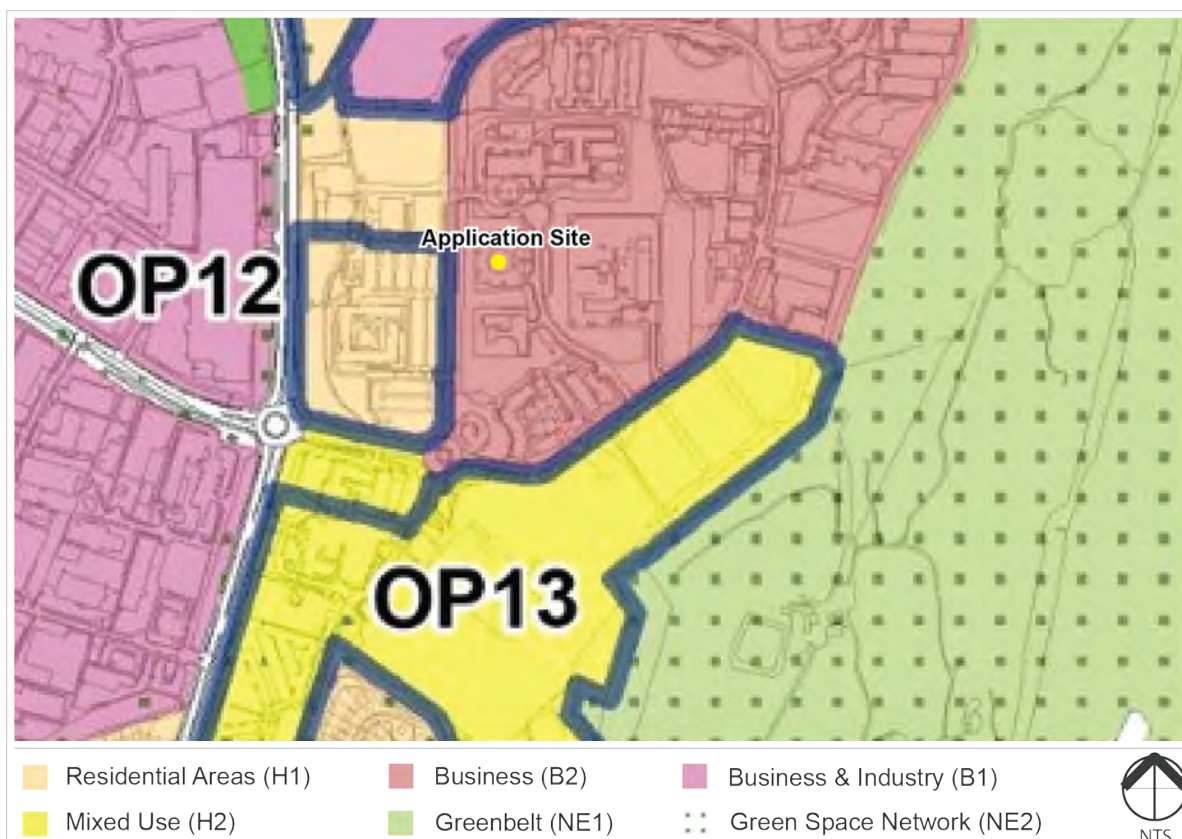


Figure 2 – ALDP Zoning (Source: Aberdeen City Council)

- 2.5 The site measures ~0.47 ha and contains a two-storey office that was built in the 1990s under application: 901249. The building comprises a total floor area of ~1,248m<sup>2</sup> and contains 22 small-scale serviced office tenancies wrapping around a central atrium. There have been no planning applications recorded against the site since the original permission was granted.
- 2.6 Externally, the site features an outdoor staff recreation area in front of the building (eastern side) and existing street tree planting. The site also contains existing landscape buffers along the northern, southern and western sides of the site. The existing planting provides an attractive streetscape outcome and screens the site from the future residential development at Silverburn House. No changes are proposed to these landscaped areas.
- 2.7 In terms of access and parking, the site features a large carpark with 68 spaces including two PWD spaces. The application site has two points of access to Exploration Drive. The southern access is ingress only while the northern access is egress only, enabling safe and efficient entry and exit to the site. There is an existing footpath running along the entire site frontage. No changes are proposed to the existing carpark, footpath and points of access.
- 2.8 In terms of designations, the site is not located within or near any national or local natural heritage designations, nor is it within vicinity of any designated historic assets. Per SEPA flood maps, the site is subject to some low-risk surface water flooding which will not be affected by this application.

### 3. Appeal Scheme Overview

- 3.1 The proposal seeks to change the use of the existing building from an office (Class 4 - Business) to gym (Class 11 - Assembly and Leisure). The site will be occupied by a credible local gym operator that is ready to move onto the site. Unlike the Silverburn Gymnastics Centre, which purely provides classes for preschool and recreational artistic gymnastics, the proposal seeks to operate as a general fitness gym. The gym seeks to operate 24 hours a day, seven days per week, with reception staff to be present and personal training sessions to take place during standard business hours. The peak use would likely be in the evening and at weekends, limiting potential conflicts with adjacent business and industry uses. ACC Environmental Health raised no objections to the proposed hours of operation. The proposed gym is therefore not considered to prejudice the operation of existing surrounding uses or negatively affect the attraction or sustainability of the city's business and industrial land.
- 3.2 No changes are proposed to the structure of the existing building or external elevations. As the proposal will only require the internal reuse and refit of the existing office building, the building can readily be reverted to Class 4 use in the future. Furthermore, the site has adequate access, car parking and landscaping arrangements and therefore no external alterations are proposed. The Traffic Analysis lodged in support of the application confirms that there would be no increase in vehicle trips in the morning peak and a minor increase in vehicle trips in the afternoon peak, however, will have no impact on the road network. ACC Roads Development Management Team and Waste and Recycling Services raised no objections to the site access, traffic generation, car parking and waste servicing arrangements of the proposal.

### 4. Planning Policy Context

- 4.1 Sections 25 and 37(2) of the *Town and Country Planning (Scotland) Act 1997* require that all applications for planning permission be determined having regard to the development plan unless so far as material to the application, and to any other material considerations. NPF4 together with the ALDP form the development plan for the assessment and determination of this application. This section sets out the applicable components of the development plan and other material considerations relevant to the assessment and determination of this appeal.

#### National Planning Framework 4:

- 4.2 NPF4 is a statutory framework for Scotland's long term spatial development, which has an outlook to 2045. NPF4 was adopted on the 13<sup>th</sup> of February 2023 and supersedes NPF3 and the Scottish Planning Policy (2014). NPF4 guides spatial development at a national level through setting out the Scottish Government's overarching long-term spatial strategy and principles. The 33 national planning policies under Part 2 of the NPF4 are most relevant to the assessment of this planning application are. Importantly, as noted at p.95 and p.98 of NPF4 and set out under the Chief Planner letter: transitional arrangements for National Planning Framework 4 - February 2023, the national planning policies are to be read and applied as a whole.
- 4.3 The national planning policies which are relevant to the assessment of planning applications, are set out under the following headings
- Policy 1: Tackling the climate change and nature crisis;
  - Policy 2: Climate mitigation and adaptation;
  - Policy 9: Brownfield, vacant and derelict land and empty buildings;
  - Policy 13: Sustainable transport;

- Policy 15: Local living and 20 minute neighbourhoods;
- Policy 23: Health and safety;
- Policy 26: Business and industry; and
- Policy 27: City, Town, Local and Commercial Centres.

4.4 As demonstrated in section 5 of below, the appeal scheme aligns with the relevant national planning policy outcomes and is thus considered to accord with the overarching long term spatial strategy of NPF4.

#### Aberdeen Local Development Plan 2023

4.5 The ALDP was adopted on 19 June 2023. The ALDP is the principal local policy document used to guide decisions on planning applications in the City of Aberdeen. At its heart, the ALDP seeks to deliver sustainable and healthy communities.

4.6 The following policy provisions from the ALDP are relevant to the assessment of this application:

- Policy B2: Business Zones;
- Policy T2: Sustainable Transport;
- Policy T3: Parking;
- Policy VC3: Network of Centres;
- Policy VC8: Town, District, Neighbourhood and Commercial Centres
- Policy VC9: Out of Centre Proposals;
- Policy R5: Waste Management in New Developments;
- Policy R6: Low and Zero Carbon Buildings, and Water Efficiency;
- Policy WB1: Healthy Developments; and
- Policy WB3: Noise.

4.7 Alongside the ALDP is a suite of Planning Guidance documents that were adopted as non-statutory Planning Advice on 3 November 2023. These guidance documents are material in the assessment and determination of planning applications as they provide more detailed information on policies and sites. The following Aberdeen Planning Guidance documents have been identified as relevant to this application:

- Hierarchy of Centres;
- Noise;
- Transport and Accessibility; and
- Waste Management Requirements for New Developments.

4.8 The above-listed ALDP policy provisions and associated Planning Guidance documents are addressed in the planning assessment below.

## **5. Planning Appeal Assessment**

5.1 This section of the Appeal Statement of Case sets out the appellant's grounds of appeal. The application subject of this appeal (250070/DPP) was refused under delegated powers on the 1<sup>st</sup> of May 2025. In refusing to grant planning permission, three reasons for refusal were given as follows:

1. Conflict with Local Plan B2 Business Zones Policy: *The large scale and nature of the proposed use is such that it would attract customers from a wider area than the surrounding*



*business zone and local area and thus would be contrary to B2 (Business Zones) within the Aberdeen Local Development Plan 2023 (ALDP). No evidence has been provided that the use would primarily be targeted at meeting the needs of businesses and employees within the Business Zone rather than the wider area*

2. *Impact on Existing Centres: The scale and nature of the proposed use is such that it has potential to generate significant footfall. A Town Centre First Assessment has not been submitted to demonstrate that the proposed use could not be located within an existing designated centre and justify the location of the development. It therefore conflicts with the intent of Policy 27 (City, Town, Local and Commercial Centres) within National Planning Framework 4 (NPF4), Policy VC3 (Network of Centres), Policy VC8 (Town, District, Neighbourhood and Commercial Centres) and Policy VC9 (Out of Centre Proposals) within the Aberdeen Local Development Plan 2023 (ALDP).*
3. *Sustainable Travel: Given the scale of the proposed use, the remoteness of the site from existing bus stops, and existing designated centres, the generous car parking provision at the site, the limited pedestrian connectivity and the evidence contained with the submitted Traffic Analysis that there would be an increase in vehicle traffic in the afternoon peak, there would be conflict with the desire to minimise vehicle traffic and associated carbon emissions and would therefore be contrary to NPF4 Policy 1 (Tackling the Climate and Nature Crises) and Policy 13 (Sustainable Transport) and ALDP Policy T2 (Sustainable Transport).*

- 5.2 The three reasons for refusal are addressed in-turn in the commentary below. The below assessment demonstrates that reasons for refusal are unfounded, and the proposal aligns with the relevant policies of the ALDP and NPF4 such that Officer's decision should be overturned.

#### Reason 1: Conflict with Local Plan B2 Business Zones Policy

- 5.3 The first reason for refusal relates to the principle of the development, namely the principle of establishing a Class 11 gym in the B2 Business Zone of Aberdeen Energy Park. While it is acknowledged that the primary land use sought within this zone is Class 4 (Business), the zone also permits other compatible land uses that support the sustainability of the Business Zone for investment and meet the needs of businesses and employees:

*"Facilities that directly support business uses may be permitted where they enhance the attraction and sustainability of the Business Zone for investment. Such facilities should be aimed at meeting the needs of businesses and employees within the Business Zone rather than the wider area". (ALDP, Policy B2)*

*"Development proposals for business and industry uses will be supported where they are compatible with the primary business function of the area. Other employment uses will be supported where they will not prejudice the primary function of the area and are compatible with the business/industrial character of the area". (NPF4, Policy 26 (c))*

- 5.4 The Report of Handling acknowledges that ALDP Policy B2 allows for the provision of supporting facilities within business areas. However, it states that "no evidence has been provided that the proposed use would primarily be targeted at meeting the needs of businesses and employees within the business zone rather than the wider area". The appellant refutes this claim. Sufficient evidence commensurate to the nature, scale and location of the gym was set out in the supporting Planning Statement to demonstrate the need for the gym to support the surrounding workforce in Aberdeen Energy Park and the nearby employment workforce in Bridge of Don and Denmore industrial estate to the west of Ellon Road. Carrying out a formal needs and demand assessment

for the proposal is unnecessary given there are no competing gyms of the same nature in vicinity of the site and the fact that there are hundreds of employees within walking distance of the site, which means the usage and benefits of the gym to the area are already readily apparent. Notwithstanding the supporting information supplied in the Planning Statement, further supplementary evidence to support the need for the proposed gym is set out below.

- 5.5 Gyms are now widely recognised as standard health and fitness services in most modern business parks and estates due to the benefits they provide for employee performance and wellbeing, which ultimately improves staff retention. The best business parks offer more than just office space - they provide employees with amenities that promote health, well-being, and work-life balance. These features allow workers to take care of their physical and mental health during the workday and providing work-life balance resources also helps companies attract and retain top talent. Said benefits will help stimulate further business investment in the wider Business Zone as it creates a competitive edge to these industrial estates and business parks that are more attractive to companies looking to relocate or expand. The majority of the major business parks and industrial estates surrounding Aberdeen now have integrated gym facilities similar to the proposal, as follows:

- Altens: PureGym (application reference: 170339/DPP)
- Dyce: Martyn Paul Fitness Centre (application reference: 151524)
- Kingswells (Prime Four): Village Hotel and Gym/Spa Aberdeen
- Westhill: Colosseum Gym (Aberdeenshire Council application reference: APP/2022/1574)

- 5.6 The business and industrial areas of Bridge of Don, in particular Aberdeen Energy Park, contain no general health and fitness facilities. The only Class 11 facility available is the Silverburn Gymnastics Centre, which is a private club targeted toward “preschool and recreational artistic gymnastics” (as stated on the business’ social media profiles). The Report of Handling states that the gymnastics centre “could operate as a general purpose gymnasium without need for any planning permission”. The appellant refutes this claim and contends that the need for the proposed gym should be based on the existing situation as it is impossible to make an informed decision based on hypothetical, uncertain development that could occur in the surrounding area in the future. Accordingly, under current circumstances, due to the nature of the Silverburn Gymnastics Centre, it does not contribute toward fulfilling the health and fitness needs of employees in the Aberdeen Energy Park and the wider surrounding employment area (Bridge of Don and Denmore industrial estates). It is not a general fitness gym, hasn’t proposed to change to one and is serving a particular and very specialised need. There is therefore an obvious gap in this part of the City for a general fitness facility which is open to the public (workers and nearby residents).

- 5.7 The proposed gym is located within the Aberdeen Energy Park and, as set out above, there are no other 24-hour general fitness gyms in the area. As such, based on the convenience and accessibility aspects of the gym alone, it will induce demand from the surrounding workforce within the business zone, thereby directly support the health and fitness needs of businesses and employees. Furthermore, the proposed 24-hour operation of the facility will make it easier for the surrounding employment workforce to fit workouts into their work routine and also reduce the need to travel to access gym facilities as it will be on their doorstep. It is also anticipated that once the gym is established, it will integrate corporate health and wellness initiatives to support and encourage the health and fitness goals of local businesses within the Aberdeen Energy Park. Such initiatives could include subsidising corporate memberships, offering group fitness classes for businesses, and providing business specific health programs or wellness incentives.

- 5.8 While the gym will primarily be targeted toward the employment workforce in the surrounding business zones, as set out in the Planning Statement, it is also intended to be open to the wider

Bridge of Don community outwith the Aberdeen Energy Park to ensure that it remains a viable operation. This is not an unreasonable requirement for a gym of this nature, particularly given the significant level of housing that is emerging in this part of Bridge of Don. The main developments emerging within 400m of the appeal site are summarised as follows:

- Cloverhill: 536 homes (application reference: 191171/PPP and 210884/MSC). The development is now under construction.
- AECC Redevelopment: ~333 homes (application reference: 240850/MSC). The MSC application is still in the planning stages but getting closer to a decision.
- Silverburn House Redevelopment: 69 homes (application reference: 241301/MSC). The application was approved back in November 2024.

5.9 From the three residential developments listed above, both the Cloverhill and Silverburn House sites were formerly located on B1 and B2 zoned land (refer to Figure 3) before being allocated and approved for residential development. This demonstrates that the surrounding area has become more mixed use in nature over time and the provision of a new gym would contribute to the mixed-use nature of the area. Indeed, the gym would significantly improve local living for those new residents by providing an accessible general purpose health and fitness facility in an area where no such facilities are available (at least not within a reasonable sustainable travel distance).

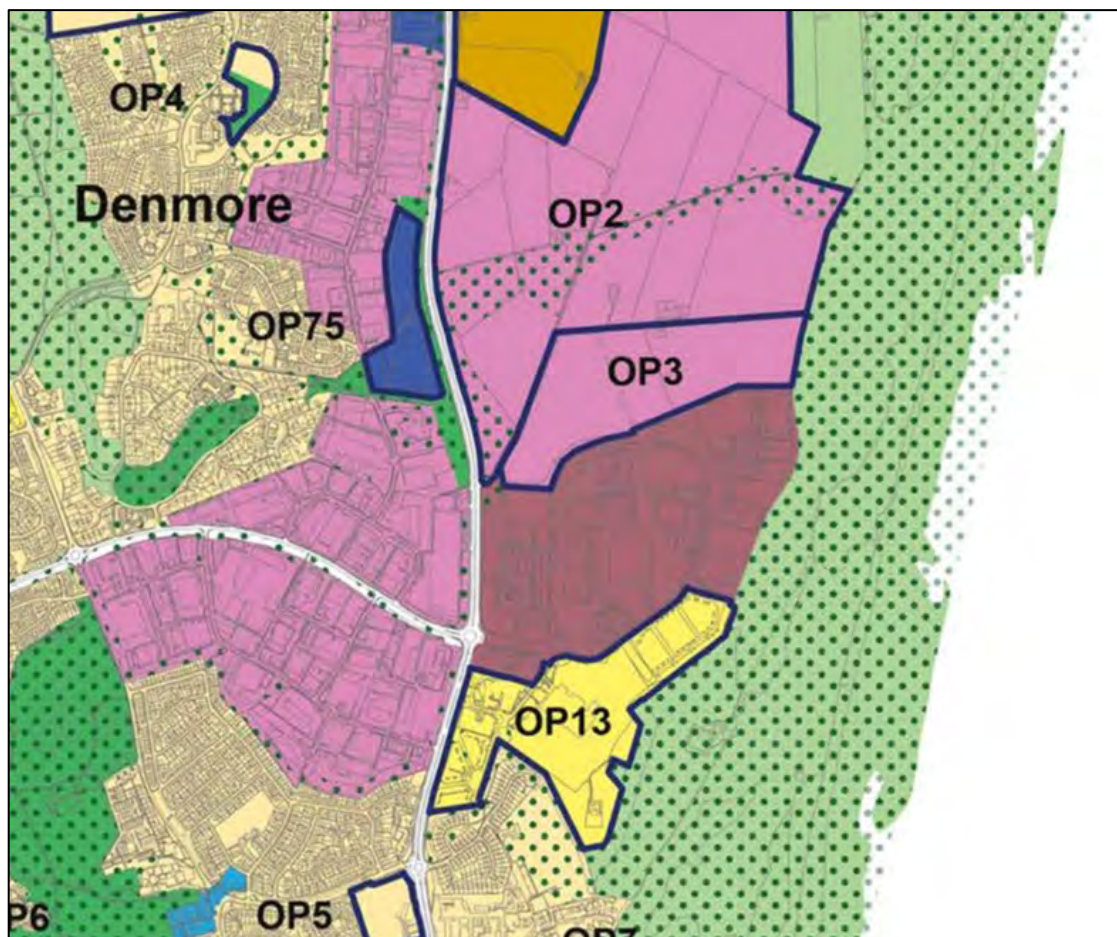


Figure 3: ALDP 2017 Zoning

5.10 The Report of Handling suggests that opening the gym to the nearby residents would conflict with ALDP Policy B2. However, the appellant contends that the use of the gym by employees and surrounding residents should not be mutually exclusive. The gyms mentioned under section 5.5 were not required to limit their clientele to surrounding employment catchment and it would

be unreasonable to expect such limitations to be applied to any business. It is also noted that under the planning application for the Bodbox boxing gym approved on Scotstown Road, Bridge of Don (application reference: 230497/DPP), the Planning Service acknowledged that the target client base should not just be from employees in the surrounding industrial estate, but also from the wider Bridge of Don area. The health benefits to the overall surrounding population, working and residential, will be substantial.

- 5.11 Setting the ALDP B2 zoning aside, the benefits the appeal scheme could provide at a local level toward meeting the overarching policy direction of NPF4 should weigh heavily in favour of the proposal. The Report of Handling provides little recognition of the proposal's compliance with the broader policy objectives of NPF4 and instead focuses mainly on the LDP zoning. This narrow approach of focusing on individual policies conflicts with the Chief Planner's instructions to consider NPF4 as a whole.
- 5.12 NPF4 has moved away from exclusionary monofunctional zoning practices and instead encourages more holistic mixed use and place-based planning approach. Relevant to the appeal scheme, it supports sustaining and supporting a skilled local workforce population and stimulates economic diversification and revitalisation (NPF4 Policy 26), improving local living and 20-minute neighbourhoods (NPF4 Policy 15), and creating healthier places that are less reliant on unsustainable car travel (NPF4 Policy 13 and 23). The proposal would successfully deliver on these policy provisions by providing an accessible health and fitness facility that will service both the surrounding workforce and wider emerging residential population of Bridge of Don, all the while stimulating the revitalisation of an underutilised office building and business park. It is also in line with the National Spatial Strategy for the North East of Scotland, which sets out that there should be more of a "focus on continued regeneration through the principles of local living and 20-minute neighbourhoods to sustain the skilled workforce and improve local liveability" and to "support continued economic diversification and innovation" (NPF4, pg. 28).
- 5.13 Policy 9(d) of NPF4 encourages the reuse of vacant and empty buildings to ensure that development is directed to the right location and that the use of existing assets is maximised. Per the Marketing Information supplied in support of the application, the majority of the Innovation Centre building has been vacant since March 2021 (four years), with very little or no interest in its future use as an office building. This is still the case despite the owner having invested about £216,071 in upgrading the building in recent years and having actively marketed the site for Class 4 uses. The building currently lies 90% empty, costing over £100,000 per year in holding costs. Retaining the building purely for Class 4 office use is thus clearly unsustainable and unviable for supporting the continued management of the building and warrants alternate strategies to secure a viable commercial use such as the proposed gym change of use. It is noted that the remaining 10% of tenants have either already relocated or are under contract to relocate within other available spaces in the Energy Park.
- 5.14 The market for business uses within the wider City of Aberdeen has been weak for some time with little expectation that this will change. The proposal will result in the loss of 0.47 ha of business land, which represents only ~2% of the ~25ha of business zoned land that is available in Aberdeen Energy Park. This is a very minor proportion of the overall business park, particularly given it is planned to expand a further 60.1 ha under the ALDP OP3 (Findaly Farm, Murcar) and OP45 (Berryhill) allocations.
- 5.15 The current proposal for a change of use to a gym would see the brought back into an active use by a credible local gym operator. Establishing a viable alternative use that will improve facilities in an employment zone will not only bring the building back into an active use but will also help encourage new investment or relocation to Aberdeen Energy Park and the surrounding business zones. The principle of the proposed change of use is thus supported under NPF4 Policy 9 and this should be afforded significant weight in light of the Marketing Information supplied by the



appellant and considering the current market conditions for business uses in City. The alternative would be to retain the low levels of office occupancy, which is unsustainable and would lead to disuse and eventual dereliction and potentially demolition.

- 5.16 Overall, owing to the proximity of the of the proposed gym to the concentrated working population of Aberdeen Energy Park and surrounding employment zones, and the lack of similar general health and fitness facilities in the area, the utility of the proposed gym for the surrounding workforce and emerging residential catchment is self-evident. As such, the location of the proposed gym in the B2 Business Zone is entirely appropriate and logical as it will be compatible with the primary business function of the area in accordance with NPF4 Policy 26 and support basic employee health and fitness needs in accordance with NPF4 Policy 23. It will also satisfy the expectations of modern business parks by providing facilities to support daily local living, such as Prime Four in Kingswells, therein inducing increased business investment in the area in accordance with NPF4 Policy 15 and 26. Further, as the majority of the premises has been vacant for quite some time, its reuse accords with NPF4 Policy 9, as it would conserve embodied energy by avoiding letting the building go into disuse and improving the wellbeing and vibrancy of an existing place.
- 5.17 In light of the above, the principle of the change of use is generally considered to be acceptable as it will directly support the health and fitness needs of the surrounding employment base without compromising existing and future business and industry uses in the surrounding area.

Reason 2: Impact on Existing Centres:

- 5.18 The second reason for refusal focusses on the proposal's potential to adversely impact existing centres due to the out of centre location of the site and its potential to generate significant footfall from a non-local catchment. It cites NPF4 Policy 27 and ALDP Policies VC3, VC8 and VC9 as the premise for this reason for refusal.
- 5.19 The Report of Handling states that no "Town Centre First Assessment has been submitted to demonstrate that the proposed use could not be located within an existing designated centre and potentially justify the location of the development". This claim is erroneous as a Town Centre First Assessment was submitted in support of the planning application. Said Town Centre First Assessment was set out in section 5 of the Planning Statement and provided a comprehensive review of potential alternative locations / vacant tenancies within designated centres in Bridge of Don. This Town Centre First Assessment conducted by the appellant is entirely commensurate and proportionate to the scale of the proposal.
- 5.20 Per ALDP Policy VC3, a full Retail Impact Assessment is not required because the development has less than 2,500 sqm gross floorspace. The Town Centre First Assessment need not cover other commercial centres in the city given the proposal is intended to be a local facility that services the local population of Bridge of Don and the fact that there are already other established general fitness gym facilities that service locations outwith Bridge of Don. This approach also aligns with section 2.2 of the Aberdeen Planning Guidance 2023: Hierarchy of Centres, which states that Neighbourhood Centres are first choice locations for convenience development of under 2,000 sqm. A similar approach was deemed acceptable by the Planning Service for the PureGym planning application in Altens industrial estate (application reference: 170339/DPP).
- 5.21 Notwithstanding the above, the appellant has reviewed and updated the Town Centre First Assessment below. The findings of this updated Town Centre First Assessment expand upon the original assessment within the Planning Statement and are verified by a site visit to each of the centres that was conducted on the 21<sup>st</sup> May 2025.

### **Scotstown Road Neighbourhood Centres:**

- 5.22 This is the nearest designated centre to the site in Bridge of Don (~1.2km to the south-west of the site). Scotstown Road contains two small-scale neighbourhood centres. The first southernmost neighbourhood centre at 6 – 8 Scotstown Road contains a series of three ribbon shops that are all occupied. There is therefore no opportunity for a gym here.
- 5.23 The second neighbourhood centre at 21 – 27 Scotstown Road contains a series of four ribbon shops and a public library that are all occupied. To the rear of this neighbourhood centre are two medical centres, both of which are occupied by the Bridge of Don Clinic and Scotstown Surgery. This neighbourhood centre designation extends partially over the northern side of the B977 to capture the Black Dog Pub at 27 N Donside Road and Peony House Chinese Takeaway Restaurant at 1 Jesmond Drive. Again, there are no vacancies here so no opportunity for a gym in this location.

### **Braehead Way Neighbourhood Centre:**

- 5.24 Similar to the Scotstown Road neighbourhood centres, this neighbourhood centre is very small and contains a series of ribbon style convenience shops. There is one 104.89 sqm first floor tenancy available for let (<https://www.fgburnett.co.uk/properties/braehead-way-shopping-centre>). This tenancy is circa 10% of the size of the floorspace of the proposal and is therefore too small to accommodate the spatial requirements of the proposed gym and associated access and car parking.

### **Jesmond Drive Centre:**

- 5.25 This neighbourhood centre is ~2.2km north-west of the site. While it is slightly larger than the other two neighbourhood centres, the centre is dominated by three large tenancies / buildings (ASDA, medical centre and Get Active Jesmond) with some smaller retail tenancies adjacent the ASDA. As identified during the site visit carried out on the 21<sup>st</sup> of May, none of the larger tenancies are vacant. One of the smaller retail tenancies was vacant, however, this was being renovated and was not advertised as being available for let and would not meet the spatial requirements of the proposed gym.
- 5.26 It is noted that there is already a general fitness gym established at this centre (Get Active Jesmond). Given the separation distance between this gym and the application site, the proposal is unlikely to impact on the vitality and viability of this gym as the proposal would primarily be serving the employees and residents in the neighbouring employment areas on the eastern side of Bridge of Don.
- 5.27 Refer to Appendix 2 for photographs of the above neighbourhood centres, as taken during the site visit on the 21<sup>st</sup> of May.
- 5.28 Overall, it is clear from the above assessment that there are no opportunities within or on the edge of existing centres in Bridge of Don that can accommodate the development proposed. Consequently, there are no sequentially preferable locations for the proposed gym. As such, the proposed location of the gym in the B2 zone is not considered to bring about any tensions with NPF4 Policy 27 and ALDP Policies VC3, VC8 and VC9.
- 5.29 It is also material that gyms are also commonly located within B1 and B2 zones due to their scale and operational nature typically not being compatible in centres and other non-industrial areas. For example, gyms typically require large open floor plans, unrestricted hours of operation and ample on-site car parking, all of which are best found in business and industrial areas. The appeal site satisfies these key spatial and operational requirements and is thus entirely appropriate for

the selected location, particularly given the majority of the building has been vacant for several years and there is a clear oversupply of employment land in Aberdeen.

### Reason 3: Sustainable Travel

- 5.30 The final reason for refusal is based on the Planning Service's view that the proposal conflicts with the desire to minimise vehicle traffic and associated carbon emissions under NPF4 Policy 1 and 13 and ALDP Policy T2. The Report of Handling acknowledges that the site is within 400m distance of the consented housing at Silverburn House (application reference: 241301/MS) and Cloverhill (application reference: 191171/PPP and 210884/MS), however, claims that there is no attractive pedestrian connectivity with those developments and that the volume and nature of traffic on Ellon Road is a barrier to free pedestrian movement.

- 5.31 In the first instance, while pedestrian routes along Ellon Road may not be attractive, the appellant contends that the attractiveness of a walking route is not a material consideration. The primary consideration should be whether or not said routes provide safe connectivity. The Roads Development Management Team did not raise any concerns about there being any connectivity or safety barriers between the appeal site and the surrounding employment land / housing development. Instead, the Roads Development Management Team provided positive commentary in relation to the site's accessibility by way of walking and cycling infrastructure, as follows:

*"2.1 The site is fronted by good standard adopted footways. These link around the Aberdeen Energy Park providing good pedestrian access to the neighbouring units. There is a direct pedestrian access from the public footway to the door of the site.*

*2.2. There is an existing pedestrian crossing on Ellon Road which provides a safe route from Bridge of Don Industrial estate and Bridge of Don.*

*2.3 The site is fronted by good standard adopted footways. These link around the Aberdeen Energy Park providing good pedestrian access to the neighboring units. There is a direct pedestrian access from the public footway to the door of the site. 2.2. There is an existing pedestrian crossing on Ellon Road which provides a safe route from Bridge of Don Industrial estate and Bridge of Don."*

- 5.32 The Report of Handling further states that the site is relatively remote from existing bus stops / services and that the bus stops on Parkway East and at the Park and Ride are no longer operational. It does not acknowledge the fact that there is a bus stop on Ellon Road less than 800m from the site that provides a high level of service to Aberdeen City Centre. Again, the comments in the Report of Handling are contrary to the Roads Development Management Team response which positively supports the site's accessibility by way of public transport infrastructure:

*"3.1 The nearest bus stops to the site are on Ellon Road. These are approximately 15 minute walk from the site and are well served."*

- 5.33 Per Appendix 1 below, the site is within 400m – 800m of a significant concentration of employment land and three major housing developments (Cloverhill, Silverburn House and the former AECC). The Report of Handling makes no acknowledgement of the site's accessibility to the surrounding employment land, the planned housing development at the former AECC site, or the King's Church and former Holiday Inn hotel. The AECC development alone will bring the concentration of new housing within 400m – 800m of the site up to circa 950 new dwellings. It is important to include the surrounding employment land and the AECC housing development to

accurately evaluate the sustainable and active travel potential and demand of the gym. Walking and cycling to this gym are very viable options. As these key working and residential population areas have been discounted in the Report of Handling, this suggests that the Case Officer's assessment of sustainable travel potential is fundamentally incorrect.

- 5.34 Lastly, the Report of Handling does not recognise the potential for the proposal to reduce the number and length of vehicle trips. While the appellant accepts that the proposal will require some degree of access by private car, it is important to note that those accessing the gym by private car from the local area will no longer have to travel to gyms further away. This is because of the strategic location of the site (adjacent concentrated employment and housing land) and lack of general fitness gyms in the area.
- 5.35 Overall, the appellant submits that the proposed gym's location within the employment hub of Aberdeen Energy Park enables it to serve the health and fitness needs of the existing workforce and rapidly growing local residential population. This will result in shorter local trips, often by active travel modes such as walking and cycling, or short public transport journeys, therein reducing reliance on private cars and cutting down emissions. The proposal is therefore considered to encourage and support sustainable travel and the transition to net zero carbon, thereby aligning with NPF4 Policy 1 and 13 and ALDP Policy T2. The appellant is willing to accept a condition regarding the provision of on-site cycle parking and the lodgement of a Travel Plan.

## 6. Conclusion

- 6.1 In the light of the evidence produced within this Statement of Case and the supporting documentation submitted with the planning application (250070/DPP), we consider that sufficient information has been provided to demonstrate that the proposed gym will support the strategic direction and policy principles of NPF4 and the ALDP in the following ways:

- The building currently lies 90% empty and is costing the landowner over £100,000 per year in holding costs. There is already a credible local gym operator ready to move onto the site and occupy the whole premises to prevent disuse and the site eventually becoming derelict. In addition, the remaining 10% of tenants have either already relocated or are under contract to relocate within other available spaces in the Energy Park. If this appeal does not get allowed, the landowner will be forced to demolish the building to avoid continued financial losses and vacant rates liability.
- The proposal promotes public health and well-being by improving access to a general fitness facility for the surrounding local workforce and nearby residents, where no such facilities exist in the local area. The convenience and utility of the gym is considered to directly complement existing employment uses in Aberdeen Energy Park and the wider employment land of Bridge of Don, therein enhancing the attractiveness of the Aberdeen Energy Park and surrounding business zones for business investment in accordance with ALDP Policy B2 and NPF4 Policies 25 and 26.
- The proposal will help create a more complete 20-minute neighbourhood, where daily fitness needs can be met close to where people live and work in accordance with NPF4 Policy 15. The health benefits the use will provide for the surrounding employment and mixed-use area also aligns with NPF4 Policies 16 and 23 which seek to embed health-enhancing infrastructure within communities to support active lifestyles and reduce health inequalities.
- The proposal will support the reuse and revitalisation of an office building that has had very little or no interest in use as an office despite the owner investing £216,071 in upgrades and the site having been actively marketed for Class 4 uses for several years. Bringing the building back into an active use supports NPF4 Policy 9 principles of encouraging the sustainable reuse of empty buildings and will conserve embodied



energy by avoiding demolition in accordance with NPF4 Policies 1 and 2 and ALDP Policy R6.

- A Town Centre First Assessment has been carried out in the original Planning Statement and supplemented by additional justification in this Appeal Statement of Case. This assessment demonstrates that there are no sequentially preferable sites within, or on the edge of the designated centres in Bridge of Don that are capable of accommodating the development proposed. As such, the proposed location of the gym in the B2 zone does not conflict with NPF4 Policy 27 and ALDP Policies VC3, VC8 and VC9.
- As demonstrated herein, the appeal site would be accessible by sustainable and active modes of travel in accordance with NPF4 Policy 13 and ALDP Policy T2. This is supported by the positive response received from the Roads Development Management Team.
- The proposed gym will not bring about any adverse amenity impacts on the surrounding area. This is supported by the response from Environmental Health, who raised no objections to the proposed use and hours of operation.

6.2 We trust that, from the information set out in this statement, the Local Review Body will be able to agree with the merits of this scheme and allow this appeal under section 43A of the Town and Country Planning (Scotland) Act 1997.

## **Appendix 1 – Wider Site Context Map**





Application Site (Innovation Centre)



Ellon Road



Existing / Future Employment Land



Emerging Housing Development





## Appendix 2 – Town Centre First Review (21<sup>st</sup> May 2025)

Scotstown Road Neighbourhood Centre (6 – 8 Scotstown Road):



No current vacant tenancies. The site only contains convenience shops: barber, ice cream and fish and chip shop.

Scotstown Road Neighbourhood Centre (21 – 27 Scotstown Road):



No current vacant tenancies. The site only contains convenience shops: Co-op, William Hill, Boots pharmacy, and convenience stand. It also contains the Bridge of Don Library, Scotstown Surgery and Bridge of Don Clinic, all of which are occupied.



Braehead Way Neighbourhood Centre:



This comprises predominately convenience stores. There is one vacant tenancy which has an approximate area of 104.89 m<sup>2</sup>. This is less than 10% of the total floor area of the proposed gym and does not meet the spatial, access or parking requirements of the proposal.

Jesmond Drive Centre:







While this centre contains some larger tenancies, there is only one vacant shop. However, this vacant tenancy was being renovated and was not advertised on-site or online as available for let.



## **Appendix 3 – Planning Policy Summary**

### **National Planning Framework 4 (NPF4)**

#### Policy 1: Tackling the Climate and Nature Crises

When considering all development proposals significant weight will be given to the global climate and nature crises.

#### Policy 2: Climate Mitigation and Adaptation

- a) Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible.
- b) Development proposals will be sited and designed to adapt to current and future risks from climate change.
- c) Development proposals to retrofit measures to existing developments that reduce emissions or support adaptation to climate change will be supported.

#### Policy 9: Brownfield, Vacant and Derelict Land and Empty Buildings

- a) 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. In determining whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalised should be taken into account.
- b) Proposals on greenfield sites will not be supported unless the site has been allocated for development, or the proposal is explicitly supported by policies in the LDP.
- c) Where land is known or suspected to be unstable or contaminated, development proposals will demonstrate that the land is, or can be made, safe and suitable for the proposed new use.
- d) Development proposals for the reuse of existing buildings will be supported, taking into account their suitability for conversion to other uses. Given the need to conserve embodied energy, demolition will be regarded as the least preferred option.

#### Policy 13: Sustainable Transport

- a) Proposals to improve, enhance or provide active travel infrastructure, public transport infrastructure or multi-modal hubs will be supported. This includes proposals:
  - i. for electric vehicle charging infrastructure and electric vehicle forecourts, especially where fuelled by renewable energy.
  - ii. which support a mode shift of freight from road to more sustainable modes, including last-mile delivery.
  - iii. that build in resilience to the effects of climate change and where appropriate incorporate blue and green infrastructure and nature rich habitats (such as natural planting or water systems).
- b) Development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they:
  - i. Provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation;
  - ii. Will be accessible by public transport, ideally supporting the use of existing services;
  - iii. Integrate transport modes;
  - iv. Provide low or zero-emission vehicle and cycle charging points in safe and convenient locations, in alignment with building standards;
  - v. Supply safe, secure and convenient cycle parking to meet the needs of users and which is more conveniently located than car parking;
  - vi. Are designed to incorporate safety measures including safe crossings for walking and wheeling and reducing the number and speed of vehicles;

- vii. Have taken into account, at the earliest stage of design, the transport needs of diverse groups including users with protected characteristics to ensure the safety, ease and needs of all users; and
- viii. Adequately mitigate any impact on local public access routes.
- c) Where a development proposal will generate a significant increase in the number of person trips, a transport assessment will be required to be undertaken in accordance with the relevant guidance.
- d) Development proposals for significant travel generating uses will not be supported in locations which would increase reliance on the private car, taking into account the specific characteristics of the area.
- e) Development proposals which are ambitious in terms of low/no car parking will be supported, particularly in urban locations that are well-served by sustainable transport modes and where they do not create barriers to access by disabled people.
- f) Development proposals for significant travel generating uses, or smaller-scale developments where it is important to monitor travel patterns resulting from the development, will only be supported if they are accompanied by a Travel Plan with supporting planning conditions/obligations. Travel plans should set out clear arrangements for delivering against targets, as well as monitoring and evaluation.
- g) Development proposals that have the potential to affect the operation and safety of the Strategic Transport Network will be fully assessed to determine their impact. Where it has been demonstrated that existing infrastructure does not have the capacity to accommodate a development without adverse impacts on safety or unacceptable impacts on operational performance, the cost of the mitigation measures required to ensure the continued safe and effective operation of the network should be met by the developer. While new junctions on trunk roads are not normally acceptable, the case for a new junction will be considered by Transport Scotland where significant economic or regeneration benefits can be demonstrated. New junctions will only be considered if they are designed in accordance with relevant guidance and where there will be no adverse impact on road safety or operational performance.

#### Policy 15: Local Living and 20 Minute Neighbourhoods

- a) Development proposals will contribute to local living including, where relevant, 20 minute neighbourhoods. To establish this, consideration will be given to existing settlement pattern, and the level and quality of interconnectivity of the proposed development with the surrounding area, including local access to:
  - sustainable modes of transport including local public transport and safe, high quality walking, wheeling and cycling networks;
  - employment;
  - shopping;
  - health and social care facilities;
  - childcare, schools and lifelong learning opportunities;
  - playgrounds and informal play opportunities, parks, green streets and spaces, community gardens, opportunities for food growth and allotments, sport and recreation facilities;
  - publicly accessible toilets;
  - affordable and accessible housing options, ability to age in place and housing diversity

#### Policy 23: Health and Safety

- a) Development proposals that will have positive effects on health will be supported. This could include, for example, proposals that incorporate opportunities for exercise, community food growing or allotments.
- b) Development proposals which are likely to have a significant adverse effect on health will not be supported. A Health Impact Assessment may be required.
- c) Development proposals for health and social care facilities and infrastructure will be supported.

- d) Development proposals that are likely to have significant adverse effects on air quality will not be supported. Development proposals will consider opportunities to improve air quality and reduce exposure to poor air quality. An air quality assessment may be required where the nature of the proposal or the air quality in the location suggest significant effects are likely.
- e) 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.
- f) Development proposals will be designed to take into account suicide risk.
- g) Development proposals within the vicinity of a major accident hazard site or major accident hazard pipeline (because of the presence of toxic, highly reactive, explosive or inflammable substances) will consider the associated risks and potential impacts of the proposal and the major accident hazard site/pipeline of being located in proximity to one another.
- h) Applications for hazardous substances consent will consider the likely potential impacts on surrounding populations and the environment.
- i) Any advice from Health and Safety Executive, the Office of Nuclear Regulation or the Scottish Environment Protection Agency that planning permission or hazardous substances consent should be refused, or conditions to be attached to a grant of consent, should not be overridden by the decision maker without the most careful consideration.
- j) Similar considerations apply in respect of development proposals either for or near licensed explosive sites (including military explosive storage sites)

#### Policy 26: Business and Industry

- a) Development proposals for business and industry uses on sites allocated for those uses in the LDP will be supported.
- b) Development proposals for home working, live-work units and micro-businesses will be supported where it is demonstrated that the scale and nature of the proposed business and building will be compatible with the surrounding area and there will be no unacceptable impacts on amenity or neighbouring uses.
- c) Development proposals for business and industry uses will be supported where they are compatible with the primary business function of the area. Other employment uses will be supported where they will not prejudice the primary function of the area and are compatible with the business/industrial character of the area.
- d) Development proposals for business, general industrial and storage and distribution uses outwith areas identified for those uses in the LDP will only be supported where:
  - i. It is demonstrated that there are no suitable alternatives allocated in the LDP or identified in the employment land audit; and
  - ii. The nature and scale of the activity will be compatible with the surrounding area.
- e) Development proposals for business and industry will take into account:
  - i. Impact on surrounding residential amenity; sensitive uses and the natural and historic environment;
  - ii. The need for appropriate site restoration at the end of a period of commercial use.
- f) Major developments for manufacturing or industry will be accompanied by a decarbonisation strategy to demonstrate how greenhouse gas emissions from the process are appropriately abated. The strategy may include carbon capture and storage.

#### Policy 27: City, Town, Local and Commercial Centres

- a) Development proposals that enhance and improve the vitality and viability of city, town and local centres, including proposals that increase the mix of uses, will be supported.
- b) Development proposals will be consistent with the town centre first approach. Proposals for uses which will generate significant footfall, including commercial, leisure, offices, community, sport and cultural facilities, public buildings such as libraries, education and healthcare facilities, and public spaces:

- i. will be supported in existing city, town and local centres, and
- ii. will not be supported outwith those centres unless a town centre first assessment demonstrates that:
  - all centre and edge of centre options have been sequentially assessed and discounted as unsuitable or unavailable;
  - the scale of development cannot reasonably be altered or reduced in scale to allow it to be accommodated in a centre; and
  - the impacts on existing centres have been thoroughly assessed and there will be no significant adverse effect on the vitality and viability of the centres.

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

### Policy B2: Business Zone

In areas that are identified as Business Zones on the Proposals Map, only Class 4 (Business) uses shall be permitted in order to maintain a high quality environment.

Facilities that directly support business uses may be permitted where they enhance the attraction and sustainability of the Business Zone for investment. Such facilities should be aimed at meeting the needs of businesses and employees within the Business Zone rather than the wider area.

The Entertainment Complex Aberdeen (TECA) site at Dyce is reserved for exhibition and conference centre purposes and uses that support and are compatible with TECA, such as office, leisure uses, and food and drink uses. This excludes large scale retail.

### Policy T2: Sustainable Transport

Proportionate to the scale and anticipated impact, new developments must demonstrate that sufficient measures have been taken to minimise traffic generated. New developments must be accessible by a range of transport modes, with an emphasis on active and sustainable transport, and the internal layout of developments must prioritise walking, wheeling, cycling and public transport. Proposals should be designed to allow for public transport penetration which should be available within 400 metres from the centre of the development.

Transport Assessments and Travel Plans will be required where thresholds set out in Aberdeen Planning Guidance are exceeded.

Where sustainable transport links to and from new developments are not in place, developers will be required to provide infrastructure to support such facilities or a suitable contribution towards implementation.

Development of new communities should be accompanied by an increase in local services as well as employment opportunities that reduce the need to travel.

Recognising that there will still be instances in which people will require to travel by car, initiatives such as car sharing, alternative fuel vehicles and Car Clubs will also be supported where appropriate.

Existing access rights, including Core Paths, rights of way and paths within the wider network will be protected and enhanced. Where development proposals impact on the access network, the principle of the access must be maintained at all times by the developer through provision of suitable alternative routes approved by the Council.

Further information is contained in the relevant Aberdeen Planning Guidance which should be read in conjunction with this policy

### Policy T3: Parking

#### *City Centre*

Within the City Centre boundary – as specified in the Proposals Map – the principle of ‘zero parking’ shall be applied with respect to all new development. Limited vehicle parking will only be permitted

when demonstrated as necessary for the servicing/operation of businesses and buildings, and for customer drop off/pick up arrangements. Where possible, such parking should preferably be provided at basement level within buildings and not on ground or street level where this would be at the expense of an active frontage onto a public street, public space or private open space. The needs of disabled people will be considered for all proposals.

#### *Inner and Outer City*

In inner city areas, low or no car development will be supported in suitable locations where there is adequate access to active travel and public transport options. Where this is not possible, development shall be required to comply with the parking standards set out in Aberdeen Planning Guidance: Transport and Accessibility. Low car development is encouraged within conservation areas

#### *Alternative Fuel Vehicle Infrastructure*

Where residential parking is permissible, new developments are required to install appropriate electric vehicle charging infrastructure either in the form of active or passive provision. Details of requirements for all parking facilities at non-residential developments should include the provision of charging stations for electric vehicles.

Ratios and requirements for electrical vehicle charging are set out in Aberdeen Planning Guidance: Transport and Accessibility.

#### *Cycle Parking*

Developments should include covered and secure cycle parking facilities in accordance with the standards set out in Aberdeen Planning Guidance: Transport and Accessibility

#### *New Parking*

Proposals for car parking that are not directly related to new developments will not be supported.

#### Policy VC3: Network of Centres

Proposals for new, or expansion of existing retail, office, hotel, commercial leisure, community, cultural and other significant footfall generating development shall be located in accordance with the hierarchy and sequential approach:

Tier 1: Regional Centre (City Centre including Retail Core) Tier 2: Town Centres Tier 3: District Centres  
Tier 4: Neighbourhood Centres Tier 5: Commercial Centres

Proposals should address a sequential town centre first approach followed by accessible edge of centre sites and then Commercial Centres.

Exceptions to the sequential approach will only be made on sites allocated for these uses in this Plan or where it is demonstrated that activity and locality specific issues make this impracticable.

In all cases, proposals shall not detract significantly from the vitality or viability of any centre.

To support residents, proposals serving a catchment area similar to that of a town centre or district centre may also be located in the city centre. Similarly, proposals serving a catchment area comparable to that of a neighbourhood centre may also be located in any centre that is in the first, second or third tiers.

Proposals for significant footfall generating development on an edge-of centre site will not be supported unless:

- 1) no suitable site for the proposal is available or is likely to become available in a reasonable time in a town centre (including the city centre);
- 2) the proposal is well-connected to the associated centre; and
- 3) the proposal would have been appropriate (in terms of use and scale) had it been able to be located within that centre.

Retail Impact Assessments should be undertaken where a retail development over 2,500 square metres gross floorspace (or which otherwise may have a significant impact on vitality and viability) outwith a defined regional or town centre is proposed which is not in accordance with the Development Plan.

An analysis of impact should be undertaken where a significant footfall generating development over 2,500 square metres gross floorspace outwith a defined regional or town centre is proposed which is not in accordance with the Development Plan.

A restriction may be imposed on the amount of comparison goods floorspace allowed within convenience shopping developments outside the city centre or other town centres.

#### Policy VC8: Town, District, Neighbourhood and Commercial Centres

Town, District, Neighbourhood and Commercial Centres should contribute to providing a range of uses serving local communities and be of a scale which is appropriate to that centre.

Proposals for development, including change of use, will only be acceptable if the proposal:

1. makes a positive contribution to the vitality and viability of the centre;
2. will not undermine the principal function of the centre in which it is located;
3. caters for a catchment appropriate to the centre in which it is located
4. creates or maintains an active street frontage and attractive shop frontage;
5. does not create overprovision and/or clustering of a particular use in the immediate vicinity which would undermine the character and amenity of the centre; and
6. does not conflict with the amenity of the neighbouring area/existing commercial uses

#### Policy VC9: Out of Centre Proposals

All significant footfall generating development appropriate to designated centres, when proposed on a site that is out-of-centre, will be refused planning permission if it does not satisfy all of the following requirements (unless on sites allocated for that use in this Plan):

1. no other suitable site is available or likely to become available in a reasonable time in a location that is acceptable in terms of the sequential approach;
2. there will be no significant adverse effect on the vitality or viability of any existing centres in the network of centres;
3. there is in qualitative or quantitative terms, a proven deficiency in provision of the kind of development that is proposed;
4. it would be easily and safely accessible by active travel and regular, frequent and convenient public transport services which link with the catchment population and would not be heavily dependent solely on access by private car;
5. it would have no significantly adverse effect on travel patterns and air pollution; and
6. there would be no adverse environmental concerns due to the proposal.

#### Policy R5: Waste Management Requirements for New Developments

All new developments should have sufficient space for the storage of general waste, recyclable materials and compostable wastes where appropriate.

Flatted developments will require communal facilities that allow for the separate storage and collection of these materials. Recycling facilities should be provided in all new superstores or large supermarkets and in other developments where appropriate. Details of storage facilities and means of collection must be included as part of a planning application for any development which would generate waste. Further details are set out in Aberdeen Planning Guidance: Waste Management Requirements for New Development.

For proposals where we believe the potential savings on construction or demolition materials for recycling or reuse is likely to be significant, we will ask developers to prepare a Site Waste Management Plan as a condition of planning consent

## Policy R6: Low and Zero Carbon Buildings, and Water Efficiency

### *Low and Zero Carbon Buildings*

All new buildings will be required to demonstrate that a proportion of the carbon emissions reduction standard set by Scottish Building Standards will be met through the installation and operation of low and zero carbon generating technology. The relevant Building Standards and percentage contribution required is set out in Aberdeen Planning Guidance. The Aberdeen Planning Guidance will be kept under review to ensure the proportion of the carbon emissions reduction standard to be met by these technologies will increase over time.

This requirement does not apply to:

1. Alterations and extensions to buildings; or
2. Change of use or conversion of buildings; or
3. Ancillary buildings that are stand-alone having an area less than 50 square metres; or
4. Buildings which will not be heated or cooled, other than by heating provided solely for the purpose of frost protection; or
5. Buildings which have an intended life of less than two years

### *Water Efficiency*

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. The level of efficiency required, and types of efficiencies are detailed in Aberdeen Planning Guidance.

Further guidance on compliance with this policy is contained in Aberdeen Planning Guidance: Resources for New Developments

## Policy WB1: Healthy Developments

Developments are required to provide healthy environments, reduce environmental stresses, facilitate physical activity and promote physical and mental wellbeing.

National and major developments, and those requiring an Environmental Impact Assessment must submit a Health Impact Assessment (HIA) to enhance health benefits and mitigate any identified impacts on the wider determinants of health; this may involve planning obligations.

Further guidance can be found in Aberdeen Planning Guidance: Health Impact Assessments.

## Policy WB3: Noise

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.

There will be a presumption against noise generating developments, as identified by a NIA, being located close to noise sensitive developments, such as existing or proposed housing, while housing and other noise sensitive developments will not normally be permitted close to existing noisy land uses without suitable mitigation measures in place to reduce the impact of noise to an acceptable level.

Development within or near to Noise Management Areas (NMAs) and Quiet Areas (QAs) will not be permitted where this is likely to contribute to a significant increase in exposure to noise or a deterioration of noise conditions in these areas, or where this will reduce the size of, or cause an increase in the noise level within, the QA.

Further information on NIAs, NMAs and QAs, including maps of these areas, can be found in the relevant Aberdeen Planning Guidance which should be read in conjunction with this policy.

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	<b>Strategic Place Planning</b>
	Report of Handling

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

## **DECISION**

Refuse

## **APPLICATION BACKGROUND**

### **Site Description**

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

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

### **Relevant Planning History**

None for the site.

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

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

## **APPLICATION DESCRIPTION**

### **Description of Proposal**

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

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

### **Amendments**

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

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

### **Supporting Documents**

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RZ0P9MBZM5Q00>

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

## **CONSULTATIONS**

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

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

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

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

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

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

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

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

**Bridge of Don Community Council** – No response received.

## **REPRESENTATIONS**

None

## **MATERIAL CONSIDERATIONS**

### **Legislative Requirements**

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

### **Development Plan**

#### **National Planning Framework 4 (NPF4)**

NPF4 is the long-term spatial strategy for Scotland and contains a comprehensive set of national planning policies that form part of the statutory development plan. The relevant provisions of NPF4 that require consideration in terms of this application are –

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 2 (Climate Mitigation and Adaptation)
- Policy 3 (Biodiversity)
- Policy 4 (Natural Places)
- Policy 6 (Forestry, Woodland and Trees)
- Policy 8 (Green Belts)
- Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings)
- Policy 12 (Zero Waste)

- Policy 13 (Sustainable Transport)
- Policy 14 (Design, Quality and Place)
- Policy 15 (Local Living and 20 Minute Neighbourhoods)
- Policy 16 (Quality Homes)
- Policy 18 (Infrastructure First)
- Policy 20 (Blue and Green Infrastructure)
- Policy 22 (Flood Risk and Water Management)
- Policy 23 (Health and Safety)

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

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

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

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

The following ALDP policies are relevant –

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

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

The following APG is relevant –

- Dubford Development Framework 2012 (DDF)
- Noise

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

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

- Creating Places (architecture and place policy statement)

Scotland's policy statement on architecture and place sets out the comprehensive value good design can deliver. Successful places can unlock opportunities, build vibrant communities and contribute to a flourishing economy.

- Designing Places (design policy)

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

- Designing Streets 2010 (design policy)

This is the first policy statement in Scotland for street design and marks a change in the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles.

- Naturescot Developing With Nature Guidance

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

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

### **Other Material Considerations**

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

## **EVALUATION**

### **Principle of Development**

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

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

### **Design / Amenity**

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

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

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

### **Climate Mitigation, Energy and Water Efficiency**

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

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

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

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

### **Ecology Impact**

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

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

### **Tree Impact**

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

### **Flood Risk**

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

risk grounds.

### **Surface Water Drainage**

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

### **Foul Drainage**

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

### **Contamination**

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

### **Pedestrian Access / Connectivity**

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

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



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

### **Vehicle Access / Parking**

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

### **Refuse Storage**

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

### **Amenity / Noise**

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

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

### **Other Technical Matters**

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

### **Affordable Housing / Developer Obligations**

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

### **Economic Impact**

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

### **DECISION**

Refuse

### **REASON FOR DECISION**

#### **01. Ecology Impact**

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

#### **02. Design / Overdevelopment**

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



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100638384-001

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

## Type of Application

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

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

## Description of Proposal

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

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

Is this a temporary permission? \* ☐ Yes ☒ No

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

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

☒ No ☐ Yes – Started ☐ Yes - Completed

## Applicant or Agent Details

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

## Agent Details

Please enter Agent details

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

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

☒ Individual ☐ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

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

## Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

SCOTSTOWN MOOR BASE

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB23 8NN

Please identify/describe the location of the site or sites

Northing

812698

Easting

393509

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

☒ Yes ☐ No

## Pre-Application Discussion Details Cont.

In what format was the feedback given? \*

☒ Meeting ☐ Telephone ☐ Letter ☐ Email

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

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

Title:

Mr

Other title:

First Name:

Robert

Last Name:

Forbes

Correspondence Reference  
Number:

200901/PREAPP

Date (dd/mm/yyyy):

01/10/2020

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

## Site Area

Please state the site area:

0.61

Please state the measurement type used:

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

## Existing Use

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

Workshop and offices

## Access and Parking

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

☐ Yes ☒ No

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

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

☐ Yes ☒ No

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

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

10

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

14

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

## Water Supply and Drainage Arrangements

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

☒ Yes ☐ No

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

☐ Yes – connecting to public drainage network

☒ No – proposing to make private drainage arrangements

☐ Not Applicable – only arrangements for water supply required

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

What private arrangements are you proposing? \*

☐ New/Altered septic tank.

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

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

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

Refer to Fairhurst Drainage Impact Assessment Report.

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

≤ Yes **T** No

Note:-

Please include details of SUDS arrangements on your plans

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

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

**T** Yes

≤ No, using a private water supply

≤ No connection required

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

## Assessment of Flood Risk

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

≤ Yes ≤ No **T** Don't Know

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

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

≤ Yes ≤ No **T** Don't Know

## Trees

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

≤ Yes **T** No

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

## Waste Storage and Collection

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

**T** Yes ≤ No

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

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

## Residential Units Including Conversion

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

**T** Yes ≤ No

How many units do you propose in total? *	<div style="border: 1px solid black; width: 50px; height: 20px; margin: 0 auto; line-height: 20px;">4</div>	Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.
<h2 style="margin: 0;">All Types of Non Housing Development – Proposed New Floorspace</h2>		
Does your proposal alter or create non-residential floorspace? * <span style="float: right;">≤ Yes <input checked="" type="checkbox"/> No</span>		
<h2 style="margin: 0;">Schedule 3 Development</h2>		
Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 * <span style="float: right;">≤ Yes ≤ No <input checked="" type="checkbox"/> Don't Know</span>		
<p>If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.</p> <p>If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.</p>		
<h2 style="margin: 0;">Planning Service Employee/Elected Member Interest</h2>		
Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? * <span style="float: right;">≤ Yes <input checked="" type="checkbox"/> No</span>		
<h2 style="margin: 0;">Certificates and Notices</h2>		
CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013		
One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.		
Are you/the applicant the sole owner of ALL the land? * <span style="float: right;"><input checked="" type="checkbox"/> Yes ≤ No</span>		
Is any of the land part of an agricultural holding? * <span style="float: right;">≤ Yes <input checked="" type="checkbox"/> No</span>		
<h2 style="margin: 0;">Certificate Required</h2>		
The following Land Ownership Certificate is required to complete this section of the proposal:		
Certificate A		



# Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Rachael Walker

On behalf of: Executors John Langler

Date: 07/08/2023

☐ Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

☐ Yes ☐ No ☐ Not applicable to this application

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

☐ Yes ☐ No ☐ Not applicable to this application

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

☐ Yes ☐ No ☐ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

☐ Yes ☐ No ☐ Not applicable to this application

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

☐ Yes ☐ No ☐ Not applicable to this application

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

☐ Yes ☐ No ☐ Not applicable to this application

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

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

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

Provide copies of the following documents if applicable:

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

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

Contamination Report to follow.

## Declare – For Application to Planning Authority

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

Declaration Name: Mrs Rachael Walker

Declaration Date: 07/08/2023

## Payment Details

Pay Direct

Created: 07/08/2023 11:57



## DECISION NOTICE

### The Town and Country Planning (Scotland) Act 1997

### Detailed Planning Permission

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

on behalf of **Executors John Langler**

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

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

#### DETAILS OF ANY VARIATION MADE TO THE APPLICATION

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

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

## REASON FOR DECISION

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

### 01. Ecology Impact

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

### 02. Design / Overdevelopment

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



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

## PLANS AND DRAWINGS

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

Signed on behalf of the planning authority

*Daniel Lewis*

**Daniel Lewis**

Development Management Manager

## IMPORTANT INFORMATION RELATED TO THIS DECISION

### RIGHT OF APPEAL

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

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

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

### **SERVICE OF PURCHASE NOTICE**

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

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# Aberdeen City Council – Development Management Team Consultation Request

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

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

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

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

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

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

## Response

Please select one of the following.

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

## COMMENTS

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

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

#### **Part A**

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

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

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

#### **Part B**

No building(s) on the development site shall be occupied unless

1. any long term monitoring and reporting that may be required by the approved scheme of contamination or remediation plan or that otherwise has been required in writing by the planning authority is being undertaken

and

2. a report specifically relating to the building(s) has been submitted and approved in writing by the planning authority that verifies that remedial works to fully address contamination issues related to the building(s) have been carried out,

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

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

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

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

Responding Officer: Neil Stirling

Date: 01/09/23

Email: [nstirling@aberdeencity.gov.uk](mailto:nstirling@aberdeencity.gov.uk)

Ext: 3211





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# MEMO

Strategic Place Planning

## Commissioning

Business Hub 4, Ground Floor North, Marischal College



To	Development Management, Strategic Place Planning		
From	Jack Penman, Engineer, Roads Development Management		
E-mail	<a href="mailto:JPenman@aberdeencity.gov.uk">JPenman@aberdeencity.gov.uk</a>	Date	21/08/23
		Our Ref.	DPP-230969
		Your Ref.	

### Planning Application No. DPP-230969

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

#### 1. Development Proposal

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

#### 2. Walking and Cycling

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



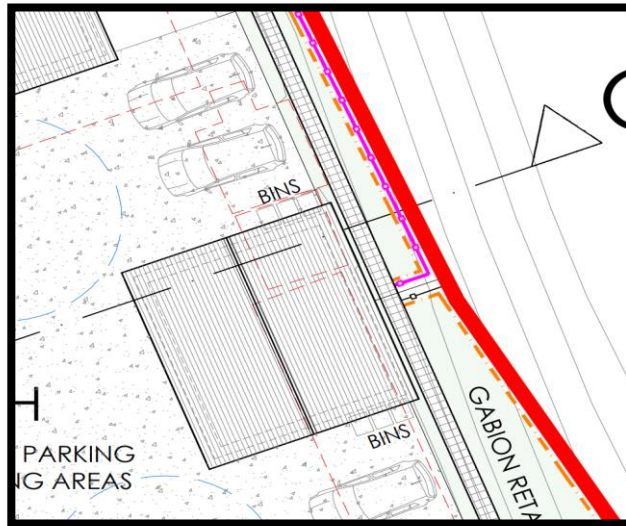
- 2.4. The aforementioned footpaths could also be used to access the site by cyclists should they not involve steps.

### 3. Public Transport

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

### 4. Parking

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



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

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

## 5. Development Vehicular Access / Construction Consent

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

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

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

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

## **6. Internal Layout**

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

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

## **7. Waste Management Plan**

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

## **8. Drainage Impact Assessment**

8.1. I note the applicant has provided a DIA.

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

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

## **9. Conclusion**

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

**Jack Penman**  
**Engineer**

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

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# MEMO

Strategic Place Planning

## Commissioning

Business Hub 4, Ground Floor North, Marischal College



To	Development Management, Strategic Place Planning		
From	Michael Cowie, Engineer, Roads Development Management		
E-mail	<a href="mailto:MiCowie@aberdeencity.gov.uk">MiCowie@aberdeencity.gov.uk</a>	Date	02/07/2024
		Our Ref.	DPP-230969
		Your Ref.	

### Planning Application No. DPP-230969

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

#### 1. Development Proposal

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

#### 2. Walking and Cycling

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

### 3. Public Transport

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

### 4. Parking

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

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

## **5. Development Vehicular Access / Construction Consent**

- 5.1. I note the proposal is to retain the existing vehicular access to the site. As existing this access has a layby section, likely to aid larger industrial vehicles entering the site, it is now proposed to alter this access to remove such lay-by as per previous comments.
- 5.2. This should be designed to ACC standards to include appropriate visibility splays and radii. This will require a Section 56 Roads Construction Consent (RCC).
- 5.3. No water would be permitted to discharge from the site onto the public road. This may require the installation of gullies at the access junction. It is noted the current access seems prone to ponding and is another reason for requesting more suitable junction. Again, this shall form part of the detailed design process of the Section 56 application.

## **6. Internal Layout**

- 6.1. The proposed internal layout and accesses would not be considered for adoption but is confirmed to be of suitable width and design to accommodate vehicles accessing the site. This is further evidenced by the submission of swept path analysis (SPA) for both fire service and refuse vehicles, the former does have some small overhang but as this is unadopted would be acceptable and be worst case scenario.

## **7. Waste Management Plan**

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

## **8. Drainage Impact Assessment**

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

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

## **9. Conclusion**

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

Michael Cowie  
Engineer  
**Roads Development Management**

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

**Application Reference:** 230969/DPP

**Consultation Reference:** DC/ACC/RZFWUQBZ01B00

Please select one of the following

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

#### COMMENTS

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

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

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

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

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

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

The following costs will be charged to the developer:

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

#### **Specific concerns for houses:**

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

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

### General points

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

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

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

Responding Officer: N Taylor

Date: 28/08/2023

Email: [wasteplanning@aberdeencity.gov.uk](mailto:wasteplanning@aberdeencity.gov.uk)

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

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

Friday, 18 August 2023



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

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

Development Operations  
Freephone Number - 0800 3890379  
E-Mail - [DevelopmentOperations@scottishwater.co.uk](mailto:DevelopmentOperations@scottishwater.co.uk)  
[www.scottishwater.co.uk](http://www.scottishwater.co.uk)



Dear Customer,

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

**Please quote our reference in all future correspondence**

### **Audit of Proposal**

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

### **Water Capacity Assessment**

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

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

### **Waste Water Capacity Assessment**

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

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

---

### Please Note

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

### Surface Water

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

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

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

### General notes:

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



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

### **▶ All Proposed Developments**

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

### **▶ Non Domestic/Commercial Property:**

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

### **▶ Trade Effluent Discharge from Non-Domestic Property:**

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

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

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

Yours sincerely,

**Ruth Kerr.**

Development Services Analyst

[PlanningConsultations@scottishwater.co.uk](mailto:PlanningConsultations@scottishwater.co.uk)

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Friday, 05 July 2024



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

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

Development Operations  
Freephone Number - 0800 3890379  
E-Mail - [DevelopmentOperations@scottishwater.co.uk](mailto:DevelopmentOperations@scottishwater.co.uk)  
[www.scottishwater.co.uk](http://www.scottishwater.co.uk)



Dear Customer,

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

**Please quote our reference in all future correspondence**

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Yours sincerely,

**Ruth Kerr.**

Development Services Analyst

[developmentoperations@scottishwater.co.uk](mailto:developmentoperations@scottishwater.co.uk)

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Robert Forbes  
Planning Department  
Aberdeen City Council

Our Ref: 10165  
Your Ref: 230969/DPP

By email only to: [pi@aberdeencity.gov.uk](mailto:pi@aberdeencity.gov.uk)

SEPA Email Contact:  
[planning.north@sepa.org.uk](mailto:planning.north@sepa.org.uk)

24 August 2023

Dear Robert

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

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

**Advice for the planning authority**

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

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

**1. Flood risk**

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



**Chairman**  
Bob Downes

**CEO**  
Nicola Paterson

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

Tel: 03000 99 66 99  
[www.sepa.org.uk](http://www.sepa.org.uk)



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

## 2. Foul drainage

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

## 3. Other planning matters

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

## Advice for the applicant

## 4. Regulatory advice

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

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

Yours sincerely

Simon Watt  
Senior Planning Officer  
Planning Service

Ecopy to: [rforbes@aberdeencity.gov.uk](mailto:rforbes@aberdeencity.gov.uk)

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



Robert Forbes  
Planning Department  
Aberdeen City Council

Our Ref: 10165  
Your Ref: 230969/DPP

By email only to: [pi@aberdeencity.gov.uk](mailto:pi@aberdeencity.gov.uk)

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



**Chairman**  
Bob Downes

**CEO**  
Annie Paterson

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ML1 4WQ

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

## 2. Foul drainage

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

## 3. Other planning matters

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

## Advice for the applicant

## 4. Regulatory advice

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

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

Yours sincerely

Simon Watt  
Senior Planning Officer  
Planning Service

Ecopy to: [rforbes@aberdeencity.gov.uk](mailto:rforbes@aberdeencity.gov.uk)

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

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

### PROPOSAL AND CONSULTEE DETAILS

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

## POLICY AND GUIDANCE

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

## COMMENTS

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

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

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

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

**ACTION POINTS (clear bullet points only)**

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



Good afternoon Robert,

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

## COMMENTS

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

### 1. Noise Impact Assessment Review

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

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

a) as advised in section 6.02 a noise barrier at least a height of 2 metre relative to the carriageway. It should be at least 15kgm<sup>2</sup> surface density and be positioned hard against the ground and free from any gaps or breaks. The location of the barrier should align with that shown in Figure 5.

b) as advised in section 6.07 all plots to have Mechanical Ventilation Heat Recovery Systems (MVHR)

c) as advised in section 6.14 a minimum glazing specification of RW+CTR 34dB the noise criteria applied to all windows of Living, Kitchen, and Dining Area of all plots

d) as advised in section 6.22 a minimum glazing specification of RW+CTR 35dB the noise criteria should be applied to

all bedroom windows on every plot.

### 2. Noise from Construction Works

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

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

I trust this information is of use.

Kind regards

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

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

Aberdeen City Housing Land Audit 2024

Aberdeen City Planning Committee																			
Site Ref A/BD/R/001	Location 24 Ellon Road	Main Developer KW Contractors Ltd	Status Detailed Planning Permission	Type B															
Year Ent.	2023	Total Capacity	6	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+	
		Remaining Capacity	6	Constrained	0	0	0	6	0	0	0	0	0	0	0	0	0	0	
ALDP Code		10 Year Deliverable Supply	6	Constraints															
Site Ref A/BD/R/002	Location Silverburn House, Claymore Drive	Main Developer Cala Homes (North) Ltd	Status Planning Permission in Principle	Type B															
Year Ent.	2023	Total Capacity	53	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+	
		Remaining Capacity	53	Constrained	0	0	0	0	0	27	26	0	0	0	0	0	0	0	
ALDP Code		OP12	10 Year Deliverable Supply	53	Constraints														
Site Ref A/BD/R/003	Location Balgownie Area 4	Main Developer Unknown	Status Allocated	Type G															
Year Ent.	2023	Total Capacity	15	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+	
		Remaining Capacity	15	Constrained	0	0	0	0	0	0	15	0	0	0	0	0	0	0	
ALDP Code		OP11	10 Year Deliverable Supply	15	Constraints														
Bridge of Don Academy																			
		Total Capacity	1450	Post 10 Year Deliverable Supply	0														
		Remaining Capacity	1282	Constrained	840														
		10 Year Deliverable Supply	442																
Site Ref A/OM/R/066	Location East Woodcroft North	Main Developer Aberdeen City Council	Status Allocated	Type G															
Year Ent.	2012	Total Capacity	60	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+	
		Remaining Capacity	60	Constrained	60	0	0	0	0	0	0	0	0	0	0	0	0	0	
ALDP Code		OP8	10 Year Deliverable Supply	0	Constraints Ownership														
Site Ref A/OM/R/067	Location Grandhome	Main Developer Grandhome Trust, CALA, Malcolm Allan, AJC Homes	Status Under Construction	Type G															
Year Ent.	2012	Total Capacity	4700	Post 10 Year Deliverable Supply	3140	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+	
		Remaining Capacity	4300	Constrained	0	0	64	120	100	100	120	120	120	120	120	120	120	3140	
ALDP Code		OP9	10 Year Deliverable Supply	1160	Constraints														
Site Ref A/DY/R/027	Location South of Shielhill Road	Main Developer Chingmere Ltd.	Status Detailed Planning Permission	Type G															
Year Ent.	2020	Total Capacity	99	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+	
		Remaining Capacity	99	Constrained	99	0	0	0	0	0	0	0	0	0	0	0	0	0	
ALDP Code		OP10	10 Year Deliverable Supply	0	Constraints Ownership														
Site Ref A/OM/R/077	Location Leuchlands Road	Main Developer Mrs Ruth Reid	Status Detailed Planning Permission	Type G															
Year Ent.	2023	Total Capacity	7	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+	
		Remaining Capacity	7	Constrained	0	0	0	0	0	0	7	0	0	0	0	0	0	0	
ALDP Code		10 Year Deliverable Supply	7	Constraints															

Aberdeen City Housing Land Audit 2024

Detailed Planning Permission																			
Site Ref A/OM/R/078	Location WTR Site at Dubford	Main Developer Unknown	Status Allocated	Type B															
Year Ent.	2023	Total Capacity	20	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+	
		Remaining Capacity	20	Constrained	0	0	0	0	0	0	10	10	0	0	0	0	0	0	
ALDP Code	OP6	10 Year Deliverable Supply	20	Constraints															
Site Ref A/OM/R/079	Location North Denmore	Main Developer Unknown	Status Allocated	Type G															
Year Ent.	2023	Total Capacity	30	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+	
		Remaining Capacity	30	Constrained	0	0	0	0	0	0	15	15	0	0	0	0	0	0	
ALDP Code	OP4	10 Year Deliverable Supply	30	Constraints															
<u>Oldmachar Academy</u>																			
		Total Capacity		4916	Post 10 Year Deliverable Supply	3140													
		Remaining Capacity		4516	Constrained	159													
		<u>10 Year Deliverable Supply</u>		1217															
Site Ref A/NE/R/057	Location Craibstone South A	Main Developer Cala Homes (North) Ltd	Status Under Construction	Type G															
Year Ent.	2012	Total Capacity	700	Post 10 Year Deliverable Supply	488	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+	
		Remaining Capacity	536	Constrained	0	4	15	16	24	8	0	0	0	0	0	0	0	0	488
ALDP Code	OP20	10 Year Deliverable Supply	48	Constraints															
Site Ref A/NE/R/057b	Location Craibstone South B	Main Developer Cala Homes (North) Ltd	Status Allocated	Type G															
Year Ent.	2014	Total Capacity	300	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+	
		Remaining Capacity	300	Constrained	300	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ALDP Code	OP20	10 Year Deliverable Supply	0	Constraints	Land Use														
Site Ref A/NE/R/058	Location Rowett South	Main Developer University of Aberdeen, Bancon & Barratt Homes	Status Under Construction	Type G															
Year Ent.	2012	Total Capacity	1700	Post 10 Year Deliverable Supply	781	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+	
		Remaining Capacity	1301	Constrained	0	6	46	49	54	56	31	55	55	55	55	55	55	55	781
ALDP Code	OP21	10 Year Deliverable Supply	520	Constraints															
Site Ref A/NE/R/059	Location Greenferns Landward	Main Developer Aberdeen City Council	Status Allocated	Type G															
Year Ent.	2012	Total Capacity	1000	Post 10 Year Deliverable Supply	100	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+	
		Remaining Capacity	1000	Constrained	0	0	0	0	0	0	0	150	150	150	150	150	150	150	100
ALDP Code	OP22	10 Year Deliverable Supply	900	Constraints															
Site Ref A/DY/R/028b	Location 13 - 15 Land at Auchmill Road	Main Developer Cater Homes Ltd	Status Detailed Planning Permission	Type B															
Year Ent.	2022	Total Capacity	17	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+	
		Remaining Capacity	17	Constrained	0	0	0	0	8	9	0	0	0	0	0	0	0	0	0
ALDP Code		10 Year Deliverable Supply	17	Constraints															

## Aberdeen City Housing Land Audit 2024

Site Ref	Location	Main Developer	Status	Type														
A/DY/R/029b	Stoneywood Park	CoCity	Detailed Planning Permission	B														
Year Ent.	2022	Total Capacity	50	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	50	Constrained	50	0	0	0	0	0	0	0	0	0	0	0	0	0
ALDP Code		10 Year Deliverable Supply	0	Constraints	Ownership													
Site Ref	Location	Main Developer	Status	Type														
A/NE/R/062	Davidsons Papermill	Barratt Homes	Under Construction	B														
Year Ent.	2012	Total Capacity	900	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	346	Constrained	0	9	56	51	51	49	53	48	54	40	0	0	0	0
ALDP Code	OP16	10 Year Deliverable Supply	346	Constraints														
Site Ref	Location	Main Developer	Status	Type														
A/BU/R/001	Old Skene Road	Unknown	Allocated	G														
Year Ent.	2023	Total Capacity	14	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	14	Constrained	0	0	0	0	0	7	7	0	0	0	0	0	0	0
ALDP Code	OP26	10 Year Deliverable Supply	14	Constraints														
Site Ref	Location	Main Developer	Status	Type														
A/BU/R/002	Bucksburn Primary School	Unknown	Allocated	B														
Year Ent.	2023	Total Capacity	52	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	52	Constrained	0	0	0	0	0	15	37	0	0	0	0	0	0	0
ALDP Code	OP17	10 Year Deliverable Supply	52	Constraints														
<u>Bucksburn Academy</u>																		
Total Capacity				4733	Post 10 Year Deliverable Supply	1369												
Remaining Capacity				3616	Constrained	350												
<u>10 Year Deliverable Supply</u>				1897														
Site Ref	Location	Main Developer	Status	Type														
A/AC/R/568	Greenferns	Aberdeen City Council	Allocated	G														
Year Ent.	2009	Total Capacity	120	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	120	Constrained	0	0	0	0	0	0	120	0	0	0	0	0	0	0
ALDP Code	OP28	10 Year Deliverable Supply	120	Constraints														
Site Ref	Location	Main Developer	Status	Type														
A/AC/R/605	Greenferns	Aberdeen City Council	Allocated	G														
Year Ent.	2012	Total Capacity	1350	Post 10 Year Deliverable Supply	450	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	1350	Constrained	0	0	0	0	0	0	150	150	150	150	150	150	150	450
ALDP Code	OP33	10 Year Deliverable Supply	900	Constraints														
Site Ref	Location	Main Developer	Status	Type														

A/NO/R/001	Granitehill	Aberdeen City Council	Allocated	B														
Year Ent.	2023	Total Capacity	300	Post 10 Year Deliverable Supply	0	1 Jan '23 - 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	300	Constrained	300	0	0	0	0	0	0	0	0	0	0	0	0	0
ALDP Code	OP66	10 Year Deliverable Supply	0	Constraints	Ownership													
Site Ref A/NO/R/002	Location Haudagain Triangle	Main Developer Unknown	Status Allocated	Type B														
Year Ent.	2023	Total Capacity	300	Post 10 Year Deliverable Supply	150	1 Jan '23 - 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	300	Constrained	0	0	0	0	0	0	0	0	30	30	30	30	30	150
ALDP Code	OP65	10 Year Deliverable Supply	150	Constraints														
<div><u>Northfield Academy</u></div> <div>Total Capacity2070Post 10 Year Deliverable Supply600</div> <div>Remaining Capacity2070Constrained300</div> <div><u>10 Year Deliverable Supply</u>1170</div>																		
Site Ref A/AC/R/565	Location 1 Western Road	Main Developer Caversham Management Ltd	Status Detailed Planning Permission	Type B														
Year Ent.	2009	Total Capacity	22	Post 10 Year Deliverable Supply	0	1 Jan '23 - 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	22	Constrained	22	0	0	0	0	0	0	0	0	0	0	0	0	0
ALDP Code	OP68	10 Year Deliverable Supply	0	Constraints	Ownership													
Site Ref A/AC/R/589	Location Pittodrie Stadium	Main Developer Aberdeen Football Club	Status Allocated	Type B														
Year Ent.	2012	Total Capacity	350	Post 10 Year Deliverable Supply	0	1 Jan '23 - 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	350	Constrained	350	0	0	0	0	0	0	0	0	0	0	0	0	0
ALDP Code	OP87	10 Year Deliverable Supply	0	Constraints	Land Use													
Site Ref A/AC/R/610	Location Woodside	Main Developer CALA Homes (North) Ltd	Status Under Construction	Type G														
Year Ent.	2012	Total Capacity	400	Post 10 Year Deliverable Supply	0	1 Jan '23 - 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	250	Constrained	0	27	68	200	50	0	0	0	0	0	0	0	0	0
ALDP Code	OP25	10 Year Deliverable Supply	250	Constraints														
Site Ref A/AC/R/632	Location 9 Pittodrie Place	Main Developer Grampian Leisure, Mr Paul & John Dawson	Status Detailed Planning Permission	Type B														
Year Ent.	2016	Total Capacity	10	Post 10 Year Deliverable Supply	0	1 Jan '23 - 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	10	Constrained	10	0	0	0	0	0	0	0	0	0	0	0	0	0
ALDP Code		10 Year Deliverable Supply	0	Constraints	Ownership													
Site Ref A/AC/R/656	Location Aberdon Care Home	Main Developer Aberdeen City Council	Status Allocated	Type B														
Year Ent.	2019	Total Capacity	40	Post 10 Year Deliverable Supply	0	1 Jan '23 - 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	40	Constrained	0	0	0	40	0	0	0	0	0	0	0	0	0	0
ALDP Code	OP72	10 Year Deliverable Supply	40	Constraints														
Site Ref A/AC/R/667	Location Tillydrone Primary School	Main Developer Aberdeen City Council	Status Allocated	Type B														

## Aberdeen City Housing Land Audit 2024

Year Ent.	2020	Total Capacity	158	Post 10 Year Deliverable Supply	0	1 Jan '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	158	Constrained	158	0	0	0	0	0	0	0	0	0	0	0	0	0
ALDP Code	OP94	10 Year Deliverable Supply	0	Constraints	Land Use													
Site Ref	Location	Main Developer	Status	Type														
A/AC/R/670	Dunbar Halls of Residence	Unknown	Allocated	B														
Year Ent.	2020	Total Capacity	123	Post 10 Year Deliverable Supply	0	1 Jan '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	123	Constrained	123	31 Mar '23	0	0	0	0	0	0	0	0	0	0	0	0
ALDP Code	OP82	10 Year Deliverable Supply	0	Constraints	Ownership													
Site Ref	Location	Main Developer	Status	Type														
A/AC/R/672	Woodside Congregational Church	Unknown	Allocated	B														
Year Ent.	2020	Total Capacity	5	Post 10 Year Deliverable Supply	0	1 Jan '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	5	Constrained	5	31 Mar '23	0	0	0	0	0	0	0	0	0	0	0	0
ALDP Code	OP101	10 Year Deliverable Supply	0	Constraints	Land Use													
Site Ref	Location	Main Developer	Status	Type														
A/AC/R/673	Froghall Terrace	Claymore Homes	Allocated	B														
Year Ent.	2020	Total Capacity	128	Post 10 Year Deliverable Supply	0	1 Jan '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	128	Constrained	128	31 Mar '23	0	0	0	0	0	0	0	0	0	0	0	0
ALDP Code	OP116	10 Year Deliverable Supply	0	Constraints	Infrastructure													
Site Ref	Location	Main Developer	Status	Type														
A/SM/R/001	152 Don Street	Unknown	Allocated	B														
Year Ent.	2023	Total Capacity	50	Post 10 Year Deliverable Supply	0	1 Jan '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	50	Constrained	50	31 Mar '23	0	0	0	0	0	0	0	0	0	0	0	0
ALDP Code	OP69	10 Year Deliverable Supply	0	Constraints	Ownership													
Site Ref	Location	Main Developer	Status	Type														
A/SM/R/002	Balgownie Machine Centre	Unknown	Allocated	B														
Year Ent.	2023	Total Capacity	15	Post 10 Year Deliverable Supply	0	1 Jan '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	15	Constrained	15	31 Mar '23	0	0	0	0	0	0	0	0	0	0	0	0
ALDP Code	OP73	10 Year Deliverable Supply	0	Constraints	Land Use													
Site Ref	Location	Main Developer	Status	Type														
A/SM/R/003	St Peter's Nursery	Unknown	Allocated	B														
Year Ent.	2023	Total Capacity	7	Post 10 Year Deliverable Supply	0	1 Jan '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	7	Constrained	0	31 Mar '23	0	0	0	0	7	0	0	0	0	0	0	0
ALDP Code	OP92	10 Year Deliverable Supply	7	Constraints														
		St. Machar Academy																
		Total Capacity	1308	Post 10 Year Deliverable Supply	0													
		Remaining Capacity	1158	Constrained	861													
		10 Year Deliverable Supply	297															
Site Ref	Location	Main Developer	Status	Type														
A/PC/R/070	Countesswells	CHAP/Kirkwood/Barratt/SMH	Under Construction	G														



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

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

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

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

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

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

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Year Ent.	2023	Total Capacity	25	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	25	Constrained	25	0	0	0	0	0	0	0	0	0	0	0	0	0
ALDP Code	OP83	10 Year Deliverable Supply	0	Constraints	Ownership													
Site Ref A/H/A/R/007	Location Frederick Street	Main Developer Unknown	Status Allocated	Type B														
Year Ent.	2023	Total Capacity	10	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	10	Constrained	0	0	0	0	0	0	0	0	10	0	0	0	0	0
ALDP Code	OP78	10 Year Deliverable Supply	10	Constraints														
Site Ref A/H/A/R/008	Location 259-263 Union Street	Main Developer Unknown	Status Detailed Planning Permission	Type B														
Year Ent.	2024	Total Capacity	11	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	11	Constrained	0	0	0	11	0	0	0	0	0	0	0	0	0	0
ALDP Code		10 Year Deliverable Supply	11	Constraints														
Site Ref A/H/A/R/009	Location 77-79 Bon Accord Street	Main Developer Cater Group	Status Detailed Planning Permission	Type B														
Year Ent.	2024	Total Capacity	8	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	8	Constrained	0	0	0	8	0	0	0	0	0	0	0	0	0	0
ALDP Code		10 Year Deliverable Supply	8	Constraints														
Site Ref A/H/A/R/010	Location Accommodation Assessment Unit, 165-167 Crown Street	Main Developer Cater Group	Status Detailed Planning Permission	Type B														
Year Ent.	2024	Total Capacity	8	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	8	Constrained	0	0	0	8	0	0	0	0	0	0	0	0	0	0
ALDP Code		10 Year Deliverable Supply	8	Constraints														
<div><div><u>Harlaw Academy</u></div><div>Total Capacity241</div><div>Remaining Capacity241</div><div><u>10 Year Deliverable Supply</u>136</div><div>Post 10 Year Deliverable Supply0</div><div>Constrained105</div></div>																		
Site Ref A/A/C/R/640	Location Kincorth Academy	Main Developer Aberdeen City Council	Status Allocated	Type B														
Year Ent.	2018	Total Capacity	212	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	212	Constrained	0	0	0	70	70	72	0	0	0	0	0	0	0	0
ALDP Code	OP105	10 Year Deliverable Supply	212	Constraints														
Site Ref A/A/C/R/655	Location Craighill Primary School	Main Developer Aberdeen City Council	Status Allocated	Type B														
Year Ent.	2019	Total Capacity	99	Post 10 Year Deliverable Supply	0	1 Jan '23 31 Mar '23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35+
		Remaining Capacity	99	Constrained	0	0	0	99	0	0	0	0	0	0	0	0	0	0
ALDP Code	OP57	10 Year Deliverable Supply	99	Constraints														
Site Ref A/A/C/R/668	Location Torrv Nursery School	Main Developer Aberdeen City Council	Status Allocated	Type B														

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





Aberdeen City Housing Land Audit 2024

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

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

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

## Policy List for 230969/DPP

### Development Plan

#### National Planning Framework 4

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

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 2 (Climate Mitigation and Adaptation)
- Policy 3 (Biodiversity)
- Policy 4 (Natural Places)
- Policy 6 (Forestry, Woodland and Trees)
- Policy 8 (Green Belts)
- Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings)
- Policy 12 (Zero Waste)
- Policy 13 (Sustainable Transport)
- Policy 14 (Design, Quality and Place)
- Policy 15 (Local Living and 20 Minute Neighbourhoods)
- Policy 16 (Quality Homes)
- Policy 18 (Infrastructure First)
- Policy 20 (Blue and Green Infrastructure)
- Policy 22 (Flood Risk and Water Management)
- Policy 23 (Health and Safety)

#### Aberdeen Local Development Plan 2023

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

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

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

The following ALDP policies are relevant –

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

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

### **Aberdeen Planning Guidance**

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

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

Creating Places (architecture and place policy statement)

Designing Places (design policy)

Designing Streets 2010 (design policy)

Naturescot Developing With Nature Guidance

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

- Naturescot Standing Advice for Planning Consultations

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

#### **Other Material Considerations**

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

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100708912-001

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

## Applicant or Agent Details

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

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

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

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

☐ Individual ☒ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

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

## Site Address Details

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

Please identify/describe the location of the site or sites

--	--

Northing	812698	Easting	393509
----------	--------	---------	--------



## Description of Proposal

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

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

## Type of Application

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

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

What does your review relate to? \*

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

## Statement of reasons for seeking review

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

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

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

Please see separate Statement of Reasons.

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

☐ Yes ☒ No

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

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

Please see Appendix One to Statement of Reasons for Review.

## Application Details

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

230969/DPP

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

10/08/2023

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

13/02/2025

## Review Procedure

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

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

☐ Yes ☒ No

## Checklist – Application for Notice of Review

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

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

☒ Yes ☐ No ☐ N/A

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

## **Declare – Notice of Review**

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

Declaration Name: Miss Pippa Robertson

Declaration Date: 05/05/2025

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

in respect of

DECISION TO REFUSE PLANNING APPLICATION REFERENCE 230969/DPP

for

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

at

SCOTSTOWN MOOR BASE  
SHIELHILL ROAD  
ABERDEEN  
AB23 8NN

STATEMENT OF REASONS

## 1 Introduction

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

a Design Statement [Document 8] which explains how the proposed development responds to the application site context, including details of the key features of the proposed layout and house design, and the design benefits of what is proposed;

a Planning Statement [Document 9] which sets out the policy context against which the application requires to be assessed, demonstrating how this complies with all relevant policy requirements, including those of the Fourth National Planning Framework (NPF4) [Document 23], the Aberdeen Local Development Plan 2023 (ALDP) [Document 24], and associated Planning Guidance documents [Documents 25 - 28; and

a Supplementary Statement [Document 20] which responds to points raised by the planning service during its assessment of the application, demonstrating that these do not justify the application’s refusal, and that the application should instead be approved for the reasons given in the Supplementary Statement, read in conjunction with the Planning Statement.

- 1.2 The terms of those Statements are now incorporated herewith.

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

constitutes the sustainable re-use of a brownfield site as supported by Policy 9 (Brownfield, vacant and derelict land and empty buildings) of NPF4;

delivers much needed new homes on an allocated site in accordance with Policy 16 (Quality homes) of NPF4 and Policy LR1 – Land Release Policy of the ALDP;

has been designed to a high standard, demonstrating the 6 qualities of successful placemaking as required by Policy 14 (Design, quality and place) of NPF4 and Policy D1 - Quality Placemaking of the ALDP;

complies with all other relevant Development Plan policies, namely Policies 13 (Sustainable transport), 15 (Local living and 20 minute neighbourhoods), 18 (Infrastructure first), 19 (Heating and cooling), and 22 (Flood risk and water management) of NPF4, and Policies WB1 - Healthy Developments, WB3 - Noise, D2 - Amenity, NE2 - Green & Blue Infrastructure, D4 - Landscape, D5 - Landscape Design, T2 - Sustainable Transport, T3 - Parking, R2 – Degraded and Contaminated Land, R5 - Waste Management Requirements for New Development, R6 - Low and Zero Carbon Buildings and Water Efficiency, NE4 - Our Water Environment, I1 - Infrastructure Delivery and Planning Obligations, and CI1 - Digital infrastructure of the ALDP, together with associated Planning Guidance documents; and

is supported by relevant material planning considerations, most notably the Aberdeen City and Aberdeenshire Housing Land Audit 2024 (HLA) [Document 29], in which the site is identified as having capacity for 20 housing units.

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

the ALDP identifies the main part of the site as an opportunity site for residential development, with all development to be located within this, and the principle of housing provision here is accepted;

while the southern edge of the site extends onto land within the green space network and green belt, no development is proposed on this land;

relevant planning history to be taken into account when assessing the application includes the granting of consent for major residential development within the Dubford Development Framework Area, directly to the east of the application site;

redevelopment of the site offers potential for significant visual and landscape benefit by removing the existing visually incongruous industrial buildings and yard;

the general height and materiality of the proposed buildings is considered to be appropriate; and

there were no objections to the application from any members of the public or from any statutory consultees.

- 1.5 Where the Report of Handling does raise concerns with regards to the proposed development, these are addressed in detail in section 3 below, demonstrating how the application complies with the relevant policy requirements and is supported by other material planning considerations.
- 1.6 It should be noted that, since the application was determined, the site has ceased to be vacant. However, that does not alter the planning merits of the proposed development or how it should be assessed against the relevant Development Policies or other material considerations. And, as the application complies with the Development Plan and is supported by relevant material considerations, and no material considerations indicate otherwise, the Review should be allowed and the application approved.
- 2 Policy context
- 2.1 In considering this Notice of Review, it must be remembered that the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise, with the adopted Development Plan in this case comprising NPF4 and the ALDP.
- 2.2 Taking this into account, full details of relevant provisions of both NPF4 and the ALDP are set out in the Planning Statement, as supplemented by the Supplementary Statement, which together demonstrate why the proposed development should be supported in terms of these. At the same time, consideration has also been given to relevant material considerations, with these supporting approval of the application for the reasons given in those Statements. Thus, it is submitted that the Review should be upheld and the application approved for the reasons given in those Statements.
- 2.3 Importantly in terms of how this application should be assessed, it is necessary to recognise that the existing buildings on the site could be demolished under permitted development rights (i.e. with no need to apply for planning permission to do so), with the potential for badgers to be impacted by any such works. However, if the buildings were demolished under permitted development rights, there would be no means of subjecting such works to planning controls to mitigate that, for example by limiting when works could be carried out, or securing the delivery of benefits such as improved foraging habitats (which would be delivered if this application is approved). In other words, demolition under permitted development rights constitutes a fallback position which could be implemented if this planning application is refused, with case law establishing the need to take the fact that this would be considerably less preferable to what is proposed in terms of the current application into account as a material



consideration (see *Mansell v Tonbridge and Malling BC* ([2017] EWCA Civ 1314) [Document 30]).

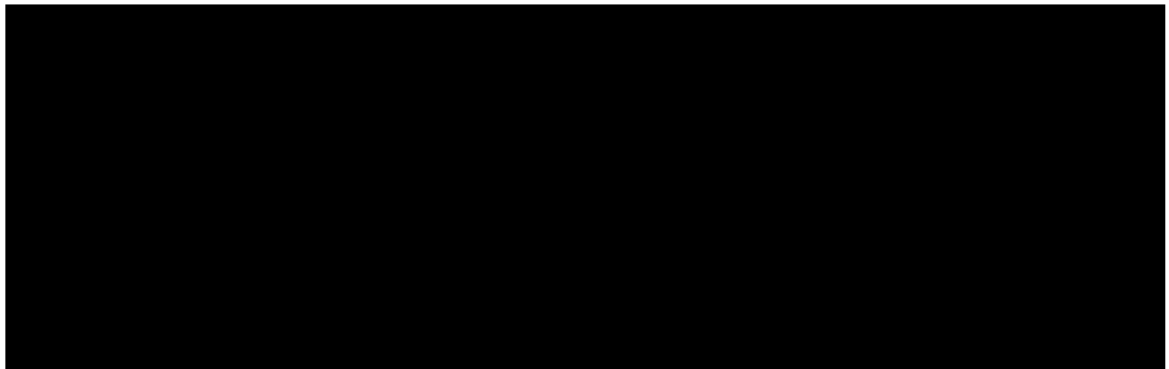
- 2.4 Likewise, it is important to assess the potential visual impact of any proposed boundary treatments against the fallback position of the boundary treatment that would remain in the event of planning permission being refused – this being a double layer of chain link fence topped with barbed wire,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

### 3 Reasons for refusal

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

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

### 3.2



the Report refers to survey competencies set out by the Chartered Institute of Ecology and Environmental Management (CIEEM), with this having been carried out by a CIEEM member;

prior to carrying out a field survey, a desk study was undertaken, applying a standard search radius around the development site of 2km;

while it is recognised that a buffer of 100m around the site is often applied, the area covered by the Ecological Report was informed by the surveyor's professional

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

all identified sett holes are described in the report as “active, as evidenced by the clear freshly excavated sett entrances, the fresh latrine, and paths which are in use”, equating to them being classified as ‘well used’ in the classification used in the Good Practice Guidelines, with the Report thus assessing the highest possible level of use. That being the case, there is no need for any additional monitoring to be carried out to confirm how well used these holes are.

- 3.3 The Report also effectively incorporates a Species Protection Plan (see pages 13 and 14) so a separate species protection plan should not be required. However, if considered necessary, planning permission could be granted subject to a condition requiring a further survey to be carried out and the Species Protection Plan updated if any changes have taken place, with that to be submitted for approval prior to development commencing.
- 3.4 In light of the above, there is no justification for concluding that a suitable survey has not been provided, or for not accepting its conclusion that the proposed mitigation is appropriate, with that mitigation ensuring that the proposed development would not have any adverse impact on the identified protected specie [REDACTED]
- 3.5 It also needs to be remembered that all elements of built development/private garden areas would be located on previously developed land, with no development outwith the previously developed area, and:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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

the proposed development will not result in any ground works or excavations being carried out any closer to the identified sett holes than the existing development is at present (or indeed than demolition under permitted development rights would be), such that there should be no concerns about the extent of groundworks / excavation proposed in general.

- 3.6 Lastly in this context, it is important to remember the generally accepted principle that planning should not seek to replicate other regulatory controls. Thus, whereas the Report of Handling seeks to place weight on an absence of evidence of the necessary licence to carry out works which may affect a protected species having been obtained from NatureScot, this is not something that should have any bearing on the outcome of this application. Indeed, Aberdeen City Council's own Planning Guidance (APG Natural Heritage) [Document 25] expressly states that "Licences are usually only issued after full planning permission has been granted so that there is no conflict with planning". The question now is therefore purely whether the information provided demonstrates that the application complies with relevant policy requirements for the purposes of granting planning permission. And, for the reasons given in this Statement, it is submitted that it does, with the required licence to be sought in order to implement the consent once granted.
- 3.7 Specifically, the Ecological Report makes it clear that the overall ecological value of the site is currently low due to the substantial amount of hardstanding within this, confirms that [REDACTED] will be destroyed, and sets out measures to be implemented during construction to avoid [REDACTED] being disturbed in any way. Taking this into account, along with the points raised above, the proposed development would clearly comply with Policy 4 Natural Places of NPF4 and Policy NE3 – Our Natural Heritage of the ALDP, in that natural heritage assets have been appropriately assessed (in accordance with good practice guidelines), and the proposal will have no detrimental effect on any relevant sites, habitats, ecosystems or species. There is therefore no requirement for the proposed development to deliver social or economic benefits and no reason to apply the precautionary principle. Rather, as also confirmed in the Ecological Report, the proposed development will deliver natural heritage enhancements which should be welcomed and supported, with scope for the

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

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

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

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

as recognised in the Report of Handling for planning application reference P141506 [Document 33] (in terms of which planning permission was granted for the part of the Dubford development directly to the east of the development proposed now), the layout of that development is suburban in nature, with relatively generic housing types, which were considered appropriate in this context; and

the development proposed in terms of this application has been designed to represent a continuation of the development to the east, but with a vernacular approach taken to the design of the proposed houses as set out in the Design Statement, and changes made during the course of the application to further integrate these into the surrounding area as set out in the Supplementary Statement, such that these represent a sensitive transition between the suburban development at Dubford and the wider countryside beyond.

- 3.12 It should also again be noted that all elements of the proposed development would be on previously developed land, all of which is included in the OP6 allocation. And, while the Report of Handling gives the HLA little weight, it is important to recognise that the site is not just identified as having capacity for 20 housing units in the HLA, but also within the ALDP, with OP6 described as a proposal for 20 homes, and a small brownfield opportunity that should look to integrate with the neighbouring development at Dubford (see Table 3 New Housing Allocations for 2030 – 32). In line with which, the proposed development has specifically been designed to integrate with development at Dubford as set out in the Planning and Design Statements. And taking this into account, along with the fact that the proposed development satisfies all relevant policy requirement in respect of access to greenspace (as also set out in the Planning Statement and acknowledged in the Report of Handling), there is no reason for the footprint of the proposed development to be reduced.
- 3.13 Rather, this should be considered a good use of the previously developed area, demonstrating the six qualities of successful places as set out in the Planning Statement, and thus supported by both Policy 14 (Design, Quality and Plance) of NPF and Policy D1 (Quality Placemaking) of the ALDP. In addition to which, the Report of

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

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

#### 4 Conclusion

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

constitutes the sustainable re-use of a brownfield site as supported by Policy 9 (Brownfield, vacant and derelict land and empty buildings) of NPF4;

delivers much needed new homes on an allocated site in accordance with Policy 16 (Quality homes) of NPF4 and Policy LR1 – Land Release Policy of the ALDP;

has been designed to a high standard, demonstrating the 6 qualities of successful placemaking as required by Policy 14 (Design, quality and place) of NPF4 and Policy D1 - Quality Placemaking of the ALDP;

complies with all other relevant Development Plan policies, namely Policies 13 (Sustainable transport), 15 (Local living and 20 minute neighbourhoods), 18 (Infrastructure first), 19 (Heating and cooling), and 22 (Flood risk and water management) of NPF4, and Policies WB1 - Healthy Developments, WB3 - Noise, D2 - Amenity, NE2 - Green & Blue Infrastructure, D4 - Landscape, D5 - Landscape Design, T2 - Sustainable Transport, T3 - Parking, R2 – Degraded and Contaminated Land, R5 - Waste Management Requirements for New Development, R6 - Low and Zero Carbon Buildings and Water Efficiency, NE4 - Our Water Environment, I1 - Infrastructure Delivery and Planning Obligations, and CI1 - Digital infrastructure of the ALDP, together with associated Planning Guidance documents; and

is supported by relevant material planning considerations, most notably the HLA, in which the site is identified as having capacity for 20 housing units.

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

Aurora Planning Limited

28 April 2025

## Appendix One – List of documents

### Application documents

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

### Policy documents

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

### Other documents

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





PLANNING APPLICATION REFERENCE 230969/DPP  
SUPPLEMENTARY STATEMENT

1 Introduction

1.1 In the process of assessing planning application reference 230969/DPP (for the erection of 4 houses and associated infrastructure on the site of the former Walker Technical Resources facility at Scotstown Muir, Shielhill), the planning service has raised potential concerns about its compliance with a number of policy requirements, as communicated by email on 11 September 2023. This Statement responds to each point raised in turn (using the numbering/headings used in the email of 11 September 2023 for ease of reference).

1.2 The Statement is accompanied by:

a revised version of the Proposed Site Plan and Sections (Dwg: P-02 Rev D);  
revised floor plans and elevations (Dwgs: P-03 Rev A, P-04 Rev A, and P-05 Rev A);  
a plan of the wider context of the Scotstown Moor path network (Dwg P-06);  
a Safe Routes to Schools Assessment;  
a Speed Survey Report;  
swept path analysis drawings of (i) a Fire Service vehicle accessing all sections of the site, and (ii) a waste vehicle entering and exiting the site;  
a revised Drainage Assessment (DA);  
an Ecological Report; and  
a Tree Report (including Arboricultural Assessment and Tree Protection Plans).

1.3 These documents have either been specifically requested by the case officer or have been submitted to demonstrate compliance with policy.

1.4 In addition, there are a number of references in this Statement to the Planning and Design Statements originally submitted with the application, and this Statement should be read together with those.

1.5 In light of the responses below, it is considered that all points raised by the planning service have been addressed, and there is no reason for the application to be refused. Rather, for the reasons given below and in the Planning Statement, it is clear that the proposed development complies with the Development Plan as a whole (with the Development Plan comprising the Aberdeen Local Development Plan 2023 (ALDP) and the Fourth National Planning Framework (NPF4)), and the application should thus be approved.



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



- 3 Pedestrian/cycle connectivity and other roads related matters
- 3.1 In the feedback received from the planning service, it is stated that no connectivity to the adopted public path network is proposed. The site layout does though provide links between the proposed development and the Scotia development to the east, and adopted paths within that.
- 3.2 Specifically, the proposed site plan originally submitted with the application showed both:
- a direct link from the south-eastern corner of the site to the existing path within the Scotia development directly to the east of this; and
  - a link from the south-western corner of the site to the Scotstown Moor path network to the south, with this not only providing residents with access to the Moor for recreational purposes, but also providing an alternative walking/cycling route between the proposed development, the Scotia development to the east, and the wider area.
- 3.3 The above notwithstanding, consideration has been given to whether further improvements to connectivity could be delivered, while also responding to other points raised by the planning service (in terms of which, particular consideration has been given to the presence of badger setts which have more recently been identified in the south-eastern part of the site, as set out in more detail below). And, to this end, it is proposed to relocate the eastern footpath link from the south-east corner of the site to the north-east one, as shown on the revised site plan.
- 3.4 Notably, the proposed relocation of the eastern link to the northern part of the site delivers several benefits, including:
- ensuring all residents are equally well served by proposed links to the surrounding path network;
  - minimising the land take needed for the proposed eastern link, and maximising the land within the site which can be used for new planting; and
  - delivering the desired link without impacting on identified badger setts in the south-eastern part of the site.



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

a plan showing the site in the wider context of the Scotstown Moor path network – in terms of which it should be noted that the network of paths which can be accessed from the south-western corner of the site extend across the Moor, with these in turn tying into:

- the more formal paths along the western and southern boundaries of the Dubford development to the east, and
- core paths 14 and 16, which extend into the southern part of the Moor too, thus providing a link to the core path network as well.

a Safe Routes to School Assessment – with regards to which it should be noted that:

- Greenbrae Primary School is within a 20 minute walking distance of the site and can be accessed via the Dubford development to the east (within which there is a 20mph speed limit, 2m wide pavements, and dropped kerbs at all road crossings), with the route from the Dubford development to the school being as per the identified safe route to the school for children from there (which was clearly considered acceptable when that application was approved), and
- Oldmacar Academy is within a 25 minute walking distance of the site and can also be accessed via the Dubford development to the east, with the remainder of the route being as per the identified safe route between the Dubford development and Forehill Primary School except that, rather than continuing all the way along Jesmond Drive, children can turn onto core path 13 part way along this, and use this to access the Academy.

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

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



- 3.8 It should also be noted that the Council's own assessment of the site at the time of deciding to include it in the ALDP highlights that the Perwinnes Moss Core Path leads to the site, with this also adjoining the Scotstown Moor Core Path located further to the south. Thus, the site was considered to score well in terms of the availability of direct footpath connections to community and recreation facilities and resources (see the Development Options Assessment document in the ALDP archive, and the assessment of the site in that), and there is no reason to reach a different conclusion now.
- 3.9 Lastly in this regard, it is recognised that a number of other connectivity/roads related comments are made in the consultee response from the Council's Roads Development Team (alongside parking related comments, which are addressed separately in section 7 below), in respect of which it should be noted that:

while the proposed link from the eastern side of the site would include steps, step free access between the site and surrounding path network is provided via the link in the south-eastern corner of the site, which cyclists can use to access the surrounding core path network, the Dubford development to the east, and the wider area;

whereas the Roads Development Team response refers to the nearest public transport stops being approximately 900m from the site, the nearest bus stop would in fact be significantly closer than this, within the Dubford development to the east, with the proposed houses being a similar distance from this as the northernmost houses in the Dubford development are. And, as the response confirms that it is not unusual for sites on the edge of the city boundary to be more than 900m from public transport, this significantly closer distance should be welcomed and supported;

consideration has been given to the request to redesign the access – however, this should not be necessary as –

- having carried out a speed survey, the 85<sup>th</sup> percentile speed is just 29.6mph for northbound vehicles, and 41.8mph for southbound vehicles, such that it is considered appropriate to provide visibility splays of 2.4m x 90m, and these can be provided without any redesign being carried out, as shown on the Proposed Site Plan & Sections (DWG: P-02 Rev D),
- as set out in the context of points raised in respect of drainage below, no water would discharge from the site onto the public road, with no need to install additional drainage infrastructure in the vicinity of the junction, and



- while the layby is an existing feature, and there should thus be no need for this to be removed, this has been removed from the revised site plan; and

as noted above, the documents submitted with this Statement include swept path analysis drawings of (i) a Fire Service vehicle accessing all sections of the site, and (ii) a waste vehicle entering and exiting the site, with a 250mm buffer between all objects (kerbs etc.) to account for variability in driver ability.

- 3.10 All points relating to pedestrian/cycle connectivity and other roads related matters, as raised both by the Council's Roads Development Management Team and the case officer have thus been addressed in full, with the proposed development complying with all relevant access related policy requirements for the reasons set out in the Planning Statement, as read in conjunction with the above.

#### 4 Foul drainage connectivity

- 4.1 As noted above, this Statement is accompanied by a revised DA, which addresses points raised in this respect. Specifically, the revised DA no longer proposes the use of a private foul drainage system, with the proposed development to now connect to the existing foul sewer within the Dubford development instead (and there thus also being no potential pollution risk associated with this).

- 4.2 In addition, whereas the response from the planning service refers to the use of existing surface water ditches to the west of the site, it should be noted that these do not form part of the foul drainage proposals, and so are not relevant in this context (with the use of these for surface water addressed separately in the context of points raised in respect of SUDS below).

#### 5 Flood risk

- 5.1 In response to points raised in respect of the need to address flood risk, section 7 of the DA confirms that:

the SEPA flood maps show that the site is not at risk of flooding from adjacent watercourses or overland flows; and

all surface water discharges, including the attenuation, will be managed within the site and limited to agreed discharge rates, with this including the 1 in 200 year rainfall event plus climate change.



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

## 6 SUDS

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

there is only limited green infrastructure on the site at present (this being predominantly hard standing), and no blue infrastructure, such that integrating with existing infrastructure is not an option;

taking into account the fact that the site is predominantly hard standing at present, the proposed development strongly aligns with paragraph c) iii of Policy 22 in that it would significantly reduce the area of impermeable surface across the site as a whole;

in doing this, the proposed site layout incorporates significantly more green infrastructure than the site does at present, with this designed to integrate the site into the surrounding context through the planting of a combination shortgrass lawns and meadow grass areas, both of which would increase natural drainage, and represent nature-positive drainage solutions; and

the proposed below ground engineered solution is then only required for proposed areas from which there would still be surface water run off (albeit this would be less than that associated with the site at present, given that the area of impermeable surface would be reduced as highlighted above), and integrates into the proposed green infrastructure by maximising the extent of land above ground that can be used for garden and green open space to integrate the site into the surrounding context, as also set out above.





6.2 It should also be noted that Policy 22 of NPF4 needs to be read alongside Policy NE4 Our Water Environment of the ALDP, which only requires SUDS to be retrofitted into redevelopment opportunities when appropriate to do so – i.e. there is no outright requirement for SUDS to be provided at all, and the fact that the proposed development incorporates any form of SUDS should be welcomed and supported.

6.3 The above notwithstanding, the revised proposed site plan incorporates a number of changes to further increase the use natural drainage across the site, and to provide further information in this respect, including:

reducing the extent of hard standing required for the new internal circulation areas, allowing for more green infrastructure to be provided in its place;

confirming how much of internal circulation areas would need to be tarred and how much would be free draining gravel surface (the latter being all but the first 5m); and

incorporating additional natural drainage in the form of green roofs on flat roof areas.

6.4 It should also be noted that, with regards to the proposed discharge of surface water to ditches to the west of the site, this would be via the existing discharge point as set out in the DA, with no new development involved in this respect. However, whereas the majority of the site is currently impermeable, with this draining directly to the existing water environment via the existing drains/watercourses as set out in the DA, the proposed development would reduce the extent of impermeable hardstanding as set out above, thus also reducing the run-off from this, with the run-off that would be to discharge at a restricted rate, via a combination of porous paving (on the access road/driveways) and stone filter trenches, as also set out in the DA.

6.5 Taking the above into account, the proposed site layout represents a significant improvement on the status quo in natural drainage terms, with all new drainage infrastructure contained within the site, and the proposed SUDS arrangements designed to be appropriate to the site (including green infrastructure proposed for this), in accordance with Policy 22 of NPF4 and Policy NE4 of the ALDP.

## 7 Parking

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





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

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

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

parking in front of the garages for plots 1 and 2 has been relocated to reduce the extent of hardstanding in this area, with this replaced by additional soft landscaping; and

the extent of hardstanding in front of the house on plot 4 has also been reduced, with additional soft landscaping introduced here as well.

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

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

all parking bays would meet ACC standards in terms of being 2.5m x 5m in size, and the garages all satisfy the requirement of having internal dimensions of no less than 5.7m x 2.7m;

access to the shared garages would be from the south-west elevation, and would thus not be impeded by the bin store location;

EV infrastructure will be provided in accordance with building standards requirements, and it is proposed that planning permission is granted subject to a condition requiring final details of that provision to be submitted prior to development commencing.



## 8 Ecological impact

8.1 As noted above, the documents submitted with this Statement include an Ecological Report by Astell Associates, the terms of which confirm that the overall ecological value of the site is currently low due to the substantial amount of hardstanding within this. [REDACTED] have been identified in the dense gorse scrubland in the south-east corner of the site, the layout shown on the revised proposed site plan ensures that these would not be affected by the proposed development, while the Report sets out a number of measures to be implemented during construction to avoid [REDACTED] being disturbed by this in any way.

8.2 With these measures in place, the proposed development would comply with Policy NE3 – Our Natural Heritage of the ALDP and Policy 4 Natural Places of NPF4, in that a full assessment of natural heritage assets has been carried out; and the proposal will have no detrimental effect on any relevant sites, habitats, ecosystems or species.

8.3 Indeed, the Ecological Report confirms that proposed enhancements to biodiversity will improve the foraging value of the area for [REDACTED] which should be welcomed and supported, with the proposed biodiversity enhancements also meaning that the application complies with Policy 3 Biodiversity and Policy 1 Tackling the climate and nature crises of NPF4.

## 9 Tree impact

9.1 As also noted above, the documents submitted with this Statement include a Tree Report, the terms of which confirm that:

all identified trees on the site are young specimens growing within the escallonia hedgerow along the western edge of the site, with only 8 of these having a diameter of larger than 12cm;

of the 8 trees with a diameter of larger than 12cm, 3 were in poor condition, leaving only 5 in a good condition;

all of the trees with a diameter of less than 12cm (12 in total), these were either dead (6 trees) or poor quality (6 trees); and

none of the trees surveyed were identified as having bat roosting potential.



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

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

Policy NE5 allowing tree removal when replacement planting delivers an overall net gain, and encouraging proposals which increase tree cover, both of which this proposal does; and

Policy 6 only precluding the loss of ancient or veteran trees and areas of woodland, and there being nothing in the Policy which would preclude the removal of the trees such as those proposed to be removed in this case, particularly when both the quantity and quality of living trees on the site would be increased as a result of the development, as highlighted above.

## 10 Design/layout

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

as recognised in the Report of Handling for planning application reference P141506 (in terms of which planning permission was granted for that part of the Dubford development directly to the east of the development proposed in this case), the layout of the Dubford development is suburban in nature, with relatively generic housing types, which were considered appropriate in this context; and

the development proposed in terms of this application has been designed to represent a continuation of the development to the east, but with a vernacular approach taken to the design of the proposed houses, as set out in the Design Statement, such that these represent a sensitive transition between the suburban development at Dubford and the wider countryside beyond.



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



## 11 Amenity

11.1 With regards to amenity, the main concerns raised are predicated on the proposed noise barrier not being considered appropriate. But, on the basis that this should be considered appropriate for the reasons set out above, there should be no need for any further changes to be made to the layout in this respect.

11.2 In addition, the feedback received suggested that:

sloped areas to the south and east should be excluded from private gardens – with this shown on the revised proposed site plan as noted above; and

path links should be integrated within more extensive landscaped public open space – in terms of which, it should be noted that the path in the south-western part of the site is an existing feature, but the setting of this would be improved by the enhanced biodiversity area adjacent to this, while the path at the northern end of the site has been specifically located where it would both be convenient for residents to use and would not affect badger setts to the south, both of which are important in terms of the amenity value of the development as a whole.

11.3 Taking the above into account, the proposed layout provides an appropriate design solution in terms of:

visual amenity generally - for the reasons given in the originally submitted Planning and Design Statements, and also above; and

the amenity that residents of the proposed houses would enjoy – in particular in terms of there being an appropriate acoustic environment provided, as confirmed by the Noise Impact Assessment submitted with the application, and conveniently located path links to the surrounding area.

## 12 Levels/sections

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

sections have been included with the revised proposed site plan, showing that only limited cut and fill is required; and

in response to specific queries raised about the useable extent of the garden of plot 3, the total garden area (excluding driveway) is 484m<sup>2</sup> and all on level at +52.5 AOD, with sloping land to the south of this being outwith the garden.



### 13 Construction impact

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

### 14 Public open space provision

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

### 15 Renewables/water efficiency

- 15.1 With regards to the details of proposed renewables/water efficiency measures to be provided, the applicant would be happy for this to be conditioned, as is also standard practice. In the meantime, though:

the revised plans submitted with this Statement shows solar panels located on roofs where these would generally have a southerly or westerly orientation for optimum solar gains, along with the addition of water butts on all plots;

the incorporation of green roofs on flat roof areas reduces water run-off and provides natural water capture/efficient re-use for watering of those; and

the applicant would be happy for further measures such as rainwater butts to be identified and implemented through the submission and approval of a detailed scheme of proposed renewables/water efficiency measures in due course.

### 16 Conclusion

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

Aurora Planning Limited  
15 June 2024



Signed (authorised Officer(s)):

PHASE 3, DUBFORD, BRIDGE OF DON

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

For: Scotia Homes Limited

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

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

#### **DESCRIPTION**

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

#### **PRE-APPLICATION CONSULTATION**

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

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

## **RELEVANT HISTORY**

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

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

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

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

## **PROPOSAL**

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

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



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

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

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

### **Supporting Documents**

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

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

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

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

### **CONSULTATIONS**

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

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

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

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

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

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

**Community Council** – No response received;

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

## **REPRESENTATIONS**

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

## **PLANNING POLICY**

### **National Policy and Guidance**

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

### **Aberdeen City and Shire Strategic Development Plan (ASSDP)**

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

### **Aberdeen Local Development Plan 2012 (ALDP)**

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

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

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

### **Proposed Aberdeen Local Development Plan**

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

### **Supplementary Guidance**

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

### **EVALUATION**

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

#### Principle of Development

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

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

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

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

#### Dubford Development Framework (DDF)

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

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

#### Flood Risk

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

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

#### Landscape Setting

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

#### Nature Conservation Impact

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

#### Transport / Roads

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

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

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

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

#### Developer Obligations

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

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

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

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

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

#### Proposed Aberdeen Local Development Plan

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

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

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

#### Conclusion

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

#### **RECOMMENDATION**

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

#### **REASONS FOR RECOMMENDATION**

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

#### **CONDITIONS**

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

2. a report specifically relating to the buildings has been submitted and approved in writing by the planning authority that verifies that remedial works to fully address contamination issues related to the buildings have been carried out as detailed in the Remediation Strategy (Proposed Residential Development, March 2014, Fairhurst). The final building on the application site shall not be occupied unless a report has been submitted and approved in writing by the planning authority that verifies that the remedial works have been carried out

in full accordance with the remediation plan.

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

#### INFORMATIVES

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

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

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

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

Waste Aware Team

Kittybrewster Office

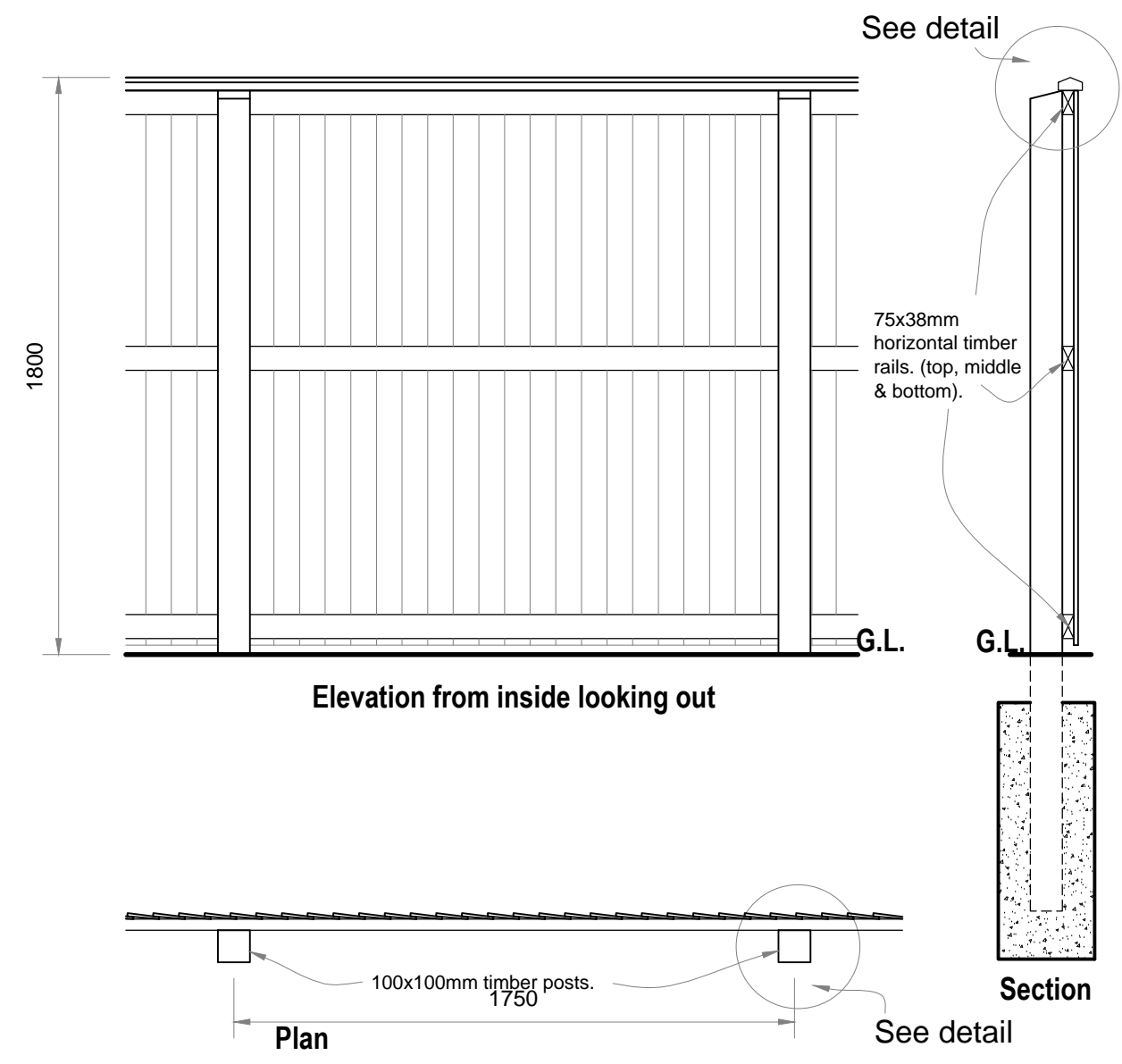
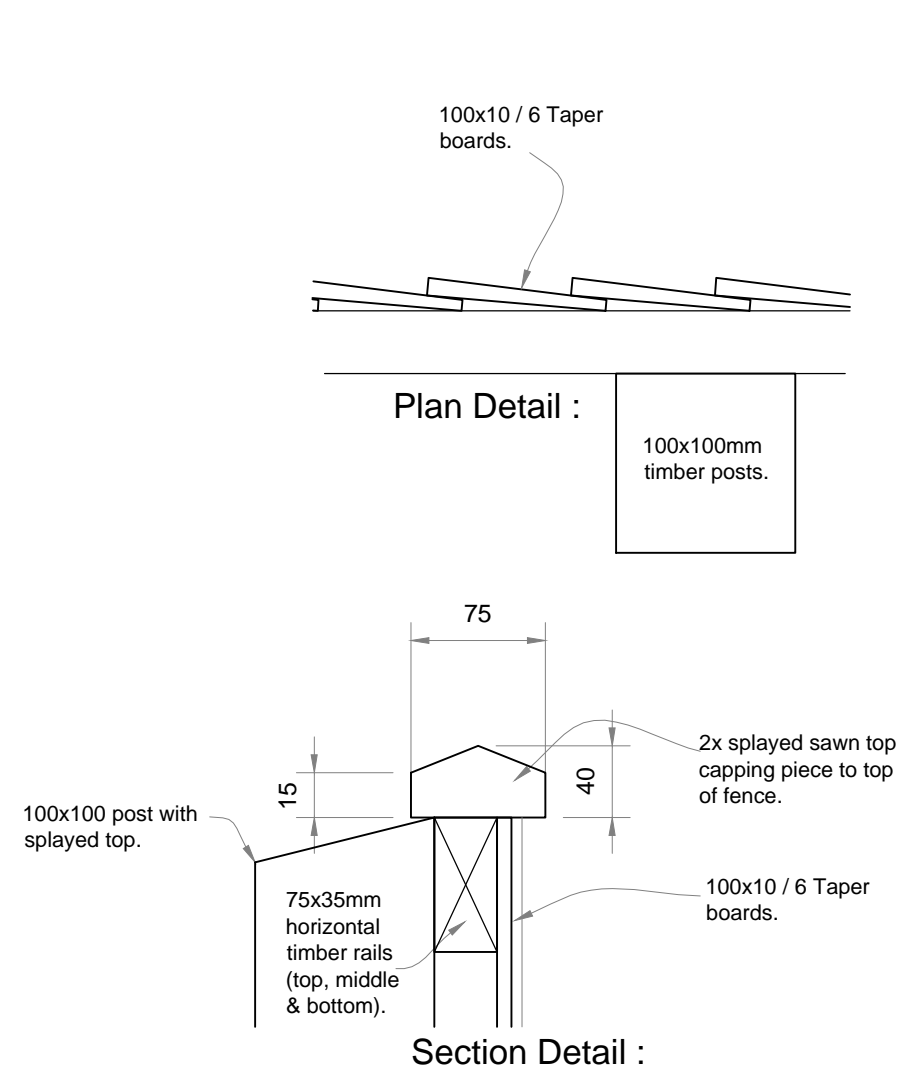
38 Powis Terrace

Aberdeen

AB25 3RF tel: 08456 08 09 19 Email: [WasteAware@aberdeencity.gov.uk](mailto:WasteAware@aberdeencity.gov.uk)

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 <b>SCOTIA</b>	Scotia Homes Limited Balmacassie, Ellon, Aberdeenshire, AB41 8QR Tel: 01358 722441 Fax: 01358 723499 Email: info@scotia-homes.co.uk www.scotia-homes.co.uk	Project Title:		Proposed Residential Development At Dubford, Bridge Of Don, Aberdeen	
		Project Number:		513	
		Issued For:			
		Drawing Title:		Fence Type C Details	
Disclaimer: Do not scale from this drawing. All contractors must work only to figured dimensions shown all of which are to be checked on site. Copyright of this drawing subsists with Scotia Homes Ltd.	Drawn By:		s.d.	Drawing No:	A_S(2-)052
	Date:		March 2014		
	Scale:		1:20	at A3	Rev:



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

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Neutral Citation Number: [2017] EWCA Civ 1314

Case No: C1/2016/4488

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

Royal Courts of Justice  
Strand, London, WC2A 2LL

Date: 8 September 2017

**Before:**

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

-----  
**Between:**

**Michael Mansell**

**Appellant**

**- and -**

**Tonbridge and Malling Borough Council**

**Respondent**

**- and -**

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

**Interested**  
**Parties**

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

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

**The interested parties did not appear and were not represented**

Hearing date: 4 July 2017  
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**Judgment Approved by the court  
for handing down  
(subject to editorial corrections)**



## Lord Justice Lindblom:

### *Introduction*

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

### *The issues in the appeal*

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

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

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

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

“Q. Permitted development

Development consisting of –

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

Q.1 Development not permitted

Development is not permitted by Class Q if –

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23. The judge accepted the submission of Mr Juan Lopez for the council that the committee did not have to ignore fallback development that included elements for which planning permission would be required and had not yet been granted. He noted that “[the] building could be converted, so as to provide dwelling houses limited in floor space to 450m<sup>2</sup> by the construction of internal walls without using the whole of the internal space of the barn” (paragraph 40). And he went on to say (in paragraph 41):

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

38. Paragraph 14 of the NPPF states:

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

...

For decision-taking this means:

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

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

“ ...

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

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

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

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

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

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

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

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

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

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

and in paragraph 6.7:

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

### *Conclusion*

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

### **Lord Justice Hickinbottom**

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

## The Chancellor of the High Court

62. I too agree with Lord Justice Lindblom's judgment, but would add a few words from a more general perspective. In the course of the argument, one could have been forgiven for thinking that the contention that the presumption in favour of sustainable development in the NPPF had been misapplied in the planning officer's report turned on a minute legalistic dissection of that report. It cannot be over-emphasised that such an approach is wrong and inappropriate. As has so often been said, planning decisions are to be made by the members of the Planning Committee advised by planning officers. In making their decisions, they must exercise their own planning judgment and the courts must give them space to undertake that process.
63. Appeals should not, in future, be mounted on the basis of a legalistic analysis of the different formulations adopted in a planning officer's report. An appeal will only succeed, as Lindblom L.J. has said, if there is some distinct and material defect in the report. Such reports are not, and should not be, written for lawyers, but for councillors who are well-versed in local affairs and local factors. Planning committees approach such reports utilising that local knowledge and much common-sense. They should be allowed to make their judgments freely and fairly without undue interference by courts or judges who have picked apart the planning officer's advice on which they relied.
64. It is also appropriate to reiterate what Lindblom L.J. said at paragraph 35 of the *East Staffordshire* case to the effect that planning decision-makers have to exercise planning judgment as much when the presumption in favour of sustainable development is applicable as they do when it is not. The presumption may be rebutted when it is applicable, and planning permission may be granted where it is not. In each case, the decision-makers must use their judgment to decide where the planning balance lies based on material considerations. It is not for the court to second guess that planning judgment once it is exercised, unless as I have said it is based on a distinct and material defect in the report.
65. I agree that this appeal should be dismissed.



## Appeal Decision Notice

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Decision by Sarah Foster, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-270-2294
- Site address: Old Mill, Dores, Inverness IV2 6TR
- Appeal by Mr Graham-Read against the decision by The Highland Council
- Application for planning permission in principle 21/01593/PIP dated 31 March 2021 refused by notice dated 9 October 2023
- The development proposed: Demolition of Old Mill dwelling house and creation of 3 house plots
- Application drawings: PL001- Location Plan, PL004 Rev E – Indicative Plots Layout, PL005 Rev D – Visibility Splay Plan, PL006 Rev E- Site Sections, PL007 Rev C – Indicative Plots Layout with THC's Road Dept Proposals, PL014 Rev B - Housing in the Development Area.
- Date of site visit by Reporter: 22 February 2024

Date of appeal decision: 7 March 2024

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### Decision

I allow the appeal and grant planning permission in principle subject to the eight conditions listed at the end of the decision notice. Attention is drawn to the two advisory notes at the end of the notice.

### Reasoning

1. I am required to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise. In this case, the development plan for the area consists of National Planning Framework 4 (NPF4), the Highland Wide Local Development Plan (HWLDP) 2012, and the Inner Moray Firth Local Development Plan (IMFLDP) 2015.
2. There is no dispute among the parties that the principle of housing use on this land is established and acceptable, and I agree that this is the case. On that basis, I consider that, having regard to the development plan, the main issue in this appeal is whether the proposals represent overdevelopment and would consequently have an adverse impact on the character and appearance of the area.
3. Of most significance to this appeal, Policy 14 of NPF4 requires new development to improve the quality of the area and be consistent with the six qualities of successful places. HWLDP policy 28 sets out the criteria for assessing sustainable design which includes demonstrating sensitive and high-quality design in keeping with local character. The policy also requires that all development should conserve and enhance character, use resources efficiently, minimise the environmental impact of development, and enhance the viability of Highland communities.

4. IMFLDP sets out the development strategy for Dores, including the protection of the village setting, particularly the iconic Loch Ness vista. It also allocates two sites on the edge of the village for residential development but does not preclude further development from taking place elsewhere in the settlement.
5. The site is located on the north eastern shore of Loch Ness. It takes its access directly off the B852. The land is currently occupied by a single storey dwelling, known as The Old Mill, which is of traditional construction but limited architectural interest. It sits in a large, domestic curtilage containing a variety of incidental domestic outbuildings and structures. I saw on my site visit that, as the B852 is at a higher level than the site, the existing dwelling is barely visible from the public realm with only its roof slopes and front gable glimpsed above the existing boundary hedge.
6. The neighbouring properties on the shores of the Loch are similarly single or 1.5 storey buildings in large plots. The majority are oriented to face east, with ridge lines running north to south, but there are gabled projections on some buildings running west to east.
7. To the east of the appeal site, the built character is substantially different with largely 1.5 and two-storey, twentieth century, semi-detached or detached dwellings on higher ground set closer to the road. The dwellings on the eastern side of the road sit within smaller plots and are largely oriented with ridge lines running north to south.
8. The appeal proposals would subdivide a large, single domestic curtilage into three development plots. The character of the immediate vicinity of the appeal site is mixed, including detached dwellings in large plots and smaller dwellings in more modest plots. Both sides of the road are viewed together from most publicly accessible vantage points. The three resulting development plots would not appear out of character in this context. Whilst there would undoubtedly be change to the existing character of the site, I do not consider that this level of additional development would represent overdevelopment or be harmful to amenity given the size of the site and the limited aesthetic value of the existing dwelling and its array of outbuildings.
9. The more intensive use of the site represents an efficient use of land, inevitably minimising environmental impact elsewhere by directing development to a brownfield site within the settlement boundary. The additional two units would provide dwellings with the potential to bring residents to the village and thereby enhance the viability of the Dores community in accordance with HWLDP policy 28.
10. As each new development plot would be of a generous size, there is the potential to ensure that significant gaps are retained between the buildings, allowing views through to Loch Ness from the public realm consistent with the IMFLDP's requirement to retain the iconic Loch Ness vista. The ultimate size and orientation of the new houses should respect this relationship and can be controlled by the planning authority through the approval of matters specified by conditions.
11. As this application is for permission in principle, there is no requirement for information to have been submitted in relation to the height of the proposed dwellings nor their final design and orientation. In this respect, and having due regard to the need to protect vistas of Loch Ness and retain local distinctiveness, it would be appropriate to limit the heights of the dwellings so that they would not substantially exceed the ridge height of the existing house (as measured above ordnance datum or 'AOD'), and to ensure that materials, massing and fenestration are in keeping with the local building tradition. This can

be ensured by conditions to ensure compliance with NPF4 policy 14 and HWLDP policy 28 in terms of quality of design.

12. Issues relating to flood risk and loss of trees were demonstrated during the planning application period to be capable of being satisfactorily resolved and can also be controlled by condition.

13. Therefore, for the reasons stated, the proposals comply with NPF4 policy 14, HWLDP policy 28, and the strategy for Dores contained within the IMFLDP.

### **Other Matters**

14. The Inner Moray Firth Local Development Plan 2 (IMFLDP 2) 2023 is at an advanced stage and so is capable of being given some weight in the decision-making process as a material consideration, although not as part of the development plan. The emerging IMFLDP 2 supports a 'modest level of development in Dores' including residential development allocations at the two sites in the village also identified in the IMFLDP 2015 but, again, without precluding development elsewhere in the settlement. There is, therefore, no conflict with this emerging policy.

15. Third party representations have raised concerns about the potential loss of on-street parking provision as the result of the two new vehicular points proposed onto the B852. There are no parking restrictions along this stretch of road and on-street parking is not directly protected by development plan policy. The Roads Authority have also raised the potential for the southern-most access to conflict with planned road improvements. As the submitted plans are indicative, it is not necessarily the case that three separate accesses will ultimately be developed as shown. A condition could be added requiring vehicular access details to be agreed.

16. The committee report suggested that a financial contribution towards the Dores Village Improvement Scheme should be made by the appellant, as requested by the Roads Authority. Policy 31 of the HWLDP allows such contributions to be sought where the request is fair and reasonable, and the contribution proportionate to the scale and nature of the development proposed. In this case, the proposals will generate some additional car movements due to the additional dwellings created. However, on my site visit, it was clear to me that any existing traffic problems in Dores are not due to pressure from existing residential uses in the village and are instead seasonal and tourism generated.

17. It would not seem fair or reasonable for the appellant to contribute towards an agreed road improvement scheme simply because of the scheme's planned proximity to the appeal site, rather than an objective assessment of the impact the development is likely to have on the operation of the road network and road safety more generally. Accordingly, I do not believe that a contribution towards the Dores Village Improvement Scheme is necessary in this case.

18. The first reason for refusal refers to privacy issues. However, as this application is for permission in principle, there is no evidence that there would be any threat in this respect, and that such concerns could not be successfully overcome at the detailed design stage.

19. Overall, I find that, subject to conditions, the proposals will not be harmful to the character or appearance of the local area and nor are they likely to have any consequential, adverse impact on the residential amenity of neighbouring occupants.

## Overall Conclusions

20. I therefore conclude, for the reasons set out above, that the proposed development accords overall with the relevant provisions of the development plan and that there are no material considerations which would still justify refusing to grant planning permission.

21. I have considered the council's proposed conditions and largely accept them as reasonable. I have, however, added a general condition requiring submission of details requiring further approval. I have also modified condition 3 to refer to the height of development AOD rather than in relation to the existing building for the avoidance of doubt. I have added to this condition at 3(vii) a requirement to specify the final treatment of the western elevation of any necessary building platforms to ensure no adverse visual impact on views from Loch Ness or its western shore. I have removed the requirement for the dwellings to be rectangular as this seems overly restrictive in terms of responding appropriately to local context and ensuring clear vistas are retained to Loch Ness. I have also modified condition 4 which required only two off-street parking spaces. I consider this to be an error and it should instead refer to two spaces per plot. Condition 7 has been reworded to relate to access points more holistically and not just in relation to plot 3.

*Sarah Foster*

Reporter

## Conditions

1. An application or applications for the approval of matters specified in conditions attached to this planning permission in principle must be made no later than whichever is the latest of the following:

- i. The expiration of three years from the date on this decision notice;
- ii. The expiration of six months from the date on which an earlier application for the requisite approval was refused; or
- iii. The expiration of six months from the date on which an appeal against such refusal was dismissed.

The development to which this planning permission in principle relates must commence no later than two years from the date of the requisite approval of any matters specified in conditions (or, in the case of approval of different matters on different dates, from the date of the requisite approval for the last such matter being obtained), whichever is the later. If development has not commenced within this period, then this planning permission in principle shall lapse.

Reason: In accordance with Section 5 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. Plans and particulars of the matters listed below shall be submitted for consideration by the planning authority. No work shall begin until the written approval of the authority has been given, and the development shall be carried out in accordance with that approval:

- a) Siting
- b) Scale
- c) Means of access
- d) Appearance
- e) Landscaping



Reason: To ensure that the matters referred to are given full consideration

3. Any details pursuant to Condition 1 and 2 above shall show a development featuring the following elements:

- i. walls finished predominantly in a white/off-white wet-dash render/smooth coursed cement render/natural stone;
- ii. a roof covering of natural slate;
- iii. single storey or 1½ storeys in height. The ridge height should not exceed 24.4m OED.
- iv. windows with a strong vertical emphasis;
- v. a roof symmetrically pitched of not less than 40°; and
- vi. traditional gable ends.
- vii. An elevational treatment for the western elevation of any raised building platform or platforms that is sympathetic to the character and appearance of the local area.

Reason: To ensure that the development has no adverse impact on the character and appearance of the area in accordance with NPF4 policy 14 and the HWLDP policy 28.

4. No development shall commence until full details of all surface water drainage provision within the application site (which should accord with the principles of Sustainable Urban Drainage Systems (SUDS) and be designed to the standards outlined in Sewers for Scotland Fourth Edition, or any superseding guidance prevailing at the time) have been submitted to, and approved in writing by, the Planning Authority. Thereafter, only the approved details shall be implemented and all surface water drainage provision shall be completed prior to the first occupation of any of the development.

Reason: To ensure that surface water drainage is provided timeously and complies with the principles of SUDS; in order to protect the water environment.

5. Prior to the first occupation of the development hereby approved, 2 car parking spaces per plot shall be provided within the application site. Thereafter, all car parking spaces shall be maintained for this use in perpetuity.

Reason: In order to ensure that the level of off-street parking is adequate.

6. No development shall commence until drawings (including cross-sections through the site) are submitted to demonstrate to the satisfaction of the Planning Authority, in consultation with SEPA, that;

- (i) all built development is located 18m AOD (as shown on drawing PL007 Rev C)
- (ii) There is no landraising below 18m AOD
- (iii) The finished floor levels of the houses shall be set at a minimum of 19.1m AOD

Reason: To ensure against flood risk and that development does not intrude into the functional flood plain.

7. No development shall commence until details of a scheme of hard and soft landscaping works have been submitted to, and approved in writing by, the Planning Authority. Details of the scheme shall include:

(i) All earthworks and existing and finished ground levels in relation to an identified fixed datum point;

(ii) A plan showing existing landscaping features and vegetation to be retained;

(iii) The location and design, including materials, of any existing or proposed walls, fences and gates;

(iv) All soft landscaping and planting works, including plans and schedules showing the location, species and size of each individual tree and/or shrub and planting densities; and

(v) A programme for preparation, completion and subsequent on-going maintenance and protection of all landscaping works. Landscaping works shall be carried out in accordance with the approved scheme. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of development, unless otherwise stated in the approved scheme. Any trees or plants which within a period of five years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species.

Reason: In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.

8. No development shall commence until the precise locations of vehicular access points onto the B852 have been agreed in writing with the Planning Authority in consultation with the Roads Authority. The agreed access points must thereafter be provided as agreed and retained for the lifetime of the development.

Reason: To ensure access points do not conflict with the Dores Village Improvement Scheme in the interests of road safety and in accordance with NPF4 policy 13.

### **Advisory notes**

**1. Notice of the start of development:** The person carrying out the development must give advance notice in writing to the planning authority of the date when it is intended to start. Failure to do so is a breach of planning control. It could result in the planning authority taking enforcement action. (See sections 27A and 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).)

**2. Notice of the completion of the development:** As soon as possible after it is finished, the person who completed the development must write to the planning authority to confirm the position. (See section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended).)

	<h2>Strategic Place Planning</h2> <p>Report of Handling by Development Management Manager</p>
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<b>Site Address:</b>	The Mount, The Bush, Aberdeen AB14 0UA
<b>Application Description:</b>	Change of use of amenity land to domestic garden ground and erection of fence (partly retrospective)
<b>Application Ref:</b>	240753/DPP
<b>Application Type:</b>	Detailed Planning Permission
<b>Application Date:</b>	24 June 2024
<b>Applicant:</b>	Mr and Mrs J Strachan
<b>Ward:</b>	Lower Deeside
<b>Community Council:</b>	Culter

## **DECISION**

Refuse

## **APPLICATION BACKGROUND**

### **Site Description**

The application site comprises a c.300sqm area of open space to the northeast of a semi-detached dwellinghouse known as 'The Mount' in Peterculter. The site has been the subject of an unauthorised change of use to garden ground associated with this dwelling. An unauthorised fence has also partially been erected around the area, alongside a pergola structure and paving, which do not have planning permission. Prior to the unauthorised change of use, the site formed part of an area of a large area of open space which surrounds the site to the west, north and east and is mature woodland. The trees on the site are protected by a Tree Preservation Order and historic maps dating from 1866 indicate that the area has continuously been woodland, pre-dating much of the development of Peterculter.

### **Relevant Planning History**

Detailed Planning Permission (Ref: 210681/DPP) granted the erection of a single storey extension to the rear of the dwellinghouse in 2021.

Consent to Carry Out Works to Protected Trees 220757/TPO retrospectively granted consent to cut down one tree due to storm damage and to prune the branches of four other trees to encourage overall health/growth. The trees are within the application site boundary, including the tree that was removed.

Consent to Carry Out Works to Protected Trees 161332/TPO granted consent to works to 24 protected trees, including the removal of six trees, and crowing and pruning others. Many of these trees are within the application site boundary.

## **APPLICATION DESCRIPTION**

### **Description of Proposal**

Planning permission is sought partially retrospectively for the change of use of the application site from amenity land to domestic garden ground and for the erection of a fence to enclose the area. The fencing is c.2m in height. It projects approximately 11.5m beyond the established curtilage boundary to the north of the site (and that of the adjacent property) and there are c.21m, c.5.5m and c.11.5m long sections of fence, enclosing the area that extends to approximately 300 sqm .

The existing pergola and paving on the application site, which do not have planning permission, are not included in this application.

### **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=SFA9SPBZGU500>

- Planning Statement
- Supplementary Planning Statement

## **CONSULTATIONS**

**ACC - Roads Development Management Team** – No objection as it would not impact or impede visibility along The Bush.

**Police Scotland** – No response received.

**Culter Community Council** – No response received.

## **REPRESENTATIONS**

None.

## **MATERIAL CONSIDERATIONS**

### **Legislative Requirements**

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that where making any determination under the planning acts, regard is to be had to the provisions of the Development Plan; and, that any determination shall be made in accordance with the plan, so far as material to the application, unless material considerations indicate otherwise.

## Development Plan

### National Planning Framework 4

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 14 (Design, Quality and Place)
- Policy 16 (Quality Homes)

### Aberdeen Local Development Plan 2023 (ALDP)

- Policy D1 (Quality Placemaking)
- Policy D2 (Amenity)
- Policy H1 (Residential Areas)
- Policy NE2 (Green and Blue Infrastructure)
- Policy NE5 (Trees and Woodland)

## Aberdeen Planning Guidance

- The Householder Development Guide

## EVALUATION

### Principle of Development

One of the overarching spatial principles of NPF4, 'Local Living', sets out that improving community health and wellbeing can be achieved by ensuring people can easily access greenspace. The Qualities of Successful Places referred to in Policy 14 (Design, Quality and Place) of NPF4 seeks development to be designed for healthy and active lifestyles, through access to nature and greenspace. Paragraph 6.21 of the ALDP states:

*'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. Well managed access can also assist land management and contribute to an appreciation of the environment and natural heritage.'*

Policy NE2 (Green and Blue Infrastructure) of the ALDP states that we will protect, support and enhance the city's urban green space and that development proposals that do not achieve this will not be supported.

The application site lies within a residential area, as zoned on the Proposals Map of the Aberdeen Local Development Plan 2023 (ALDP). The proposal is for the change of use of open space to expand an area of existing residential curtilage and for the erection of a domestic fence to enclose the residential curtilage. Applicable to the development, Policy H1 (Residential Areas) of the ALDP

states that within existing residential areas, proposals for new householder development will be approved in principle if it:

1. *does not constitute over-development; and*
2. *does not have an adverse impact to residential amenity and the character and appearance of an area; and*
3. *does not result in the loss of open space.*

As such, there is a presumption in both national and local planning policy in retaining and improving open space. The proposal to remove an area of open space conflicts with the aims of Policies H1 (Residential Areas) and NE2 (Green and Blue Infrastructure) of the ALDP.

The Householder Development Guide Aberdeen Planning Guidance does, however, allow some circumstances where changes of use from amenity space to garden space may be acceptable, where the space is a small incidental area of ground that makes little contribution to the appearance of the neighbourhood or where they are small corners of space that can be logically incorporated into garden ground by continuing existing fence lines. This is considered in the evaluation.

### **Loss of Woodland and Impact on Biodiversity**

To assess the contribution of the space to the area, the Open Space Audit 2010 is of relevance. The site is identified on the Open Space Audit 2010 as being part of 'The Bush', forming part of the open space provision and amenity space serving the area, as well as forming a linking space between the areas of the wider green space network. The area scored highly in the Open Space Audit, particularly in terms of biodiversity and its placemaking values. Whilst the audit was undertaken several years ago, prior to the unauthorised change of use there have been no material changes to the space in the time since and the area was of significant biodiversity and place value. The site was likely of some informal recreational value, albeit there were no paths in the site and thus access to the space would likely have been limited.

Policy 6 (Forestry, Woodland and Trees) of NPF4 states that development proposals will not be supported where they result in adverse impacts on native woodlands of high biodiversity value. Policy NE5 (Trees and Woodland) of the ALDP states that development should not result in the loss of woodlands. Policy 3 (Biodiversity) of NPF4 states that development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them

Historic maps dating from 1866 indicate that the site and the wider open space had been woodland, pre-dating much of the wider development of Peterculter. Whilst not within the defined Green Space Network itself, the site comprised mature natural habitat and provided linkages to the wider Green Space Network to the north, west and southwest of the site. Whilst there is insufficient evidence to definitively state that no trees have been removed, the change of use of the space has resulted in the removal of dense vegetation and shrubs, and a lawn has been laid. Furthermore, the grant of planning permission would afford the proposed residential curtilage with 'Permitted Development Rights' by way of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992. This could result in the built development of the site, unless these were specifically removed by condition (although it is unlikely that such a condition would meet the required tests to apply conditions as it would apply to only part of a residential curtilage).

Whilst neither a detailed ecological appraisal or an arboricultural assessment has been submitted with the application, the proposal results in the loss of natural open space, which previously comprised an area that contributed to biodiversity. Whilst there are some trees on the site which remain (and these are protected by a Tree Preservation Order, as has been recognised in the

Supplementary Planning Statement), the loss of the space, removal of much of the vegetation from the site which are not protected by the Tree Preservation Order, and permitted development rights which would resultantly be afforded would adversely affect biodiversity.

It is recognised that the Supplementary Planning Statement refers to proposed use as a garden area providing the opportunity to enhance biodiversity through considered planting of flowering and berry bearing species. Whilst this is welcomed, it is considered that a planning condition requiring such measures would place an unreasonable restriction on the use of a private residential curtilage and is thus unlikely to be enforceable. There would be a risk that such plants may be removed in the future, particularly as the curtilage would be afforded domestic permitted development rights whereby it could be developed. As such, there are no identified mitigation measures that would overcome the detrimental impact to biodiversity. As open space and woodland, the site would remain undeveloped in perpetuity, being able to return to natural woodland and the adverse impact on biodiversity from the unauthorised works would be reversed.

As such, in conflict with the Householder Development Guide Aberdeen Planning Guidance, the change of use results in the loss of part of an area of open space and woodland that contributes significantly to the biodiversity of the area. The proposal thus conflicts with Policies 3 and 6 of NPF4, as well as NE5 of the ALDP.

### **Landscape Character and Visual Amenity**

In determining whether the proposed development would adversely affect the character and appearance of the 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 Householder Development Aberdeen Planning Guidance states that such proposals should not result in an irregular boundary layout that would be out of keeping with the otherwise uniform character of the area. Whilst the area is not of a 'uniform character' and the established residential curtilage of the application property and the adjacent property, Westview, is uniquely surrounded by wooded space, the proposal results in an irregular boundary layout whereby it would extend irregularly c.11.5m beyond the northern boundary line of the curtilage Westview, into the open space, irregularly narrowing the area of woodland. Given the unconventional layout of the site, the change of use would not, as expected by this guidance, be logically incorporated into the garden ground by continuing existing fence lines. The irregular layout is thus inconsistent with the established pattern of development and the character of the area, in conflict with Policies 14 of NPF4 and H1 and D1 of the ALDP.

Policy 16 (Quality Homes), paragraph (g) of National Planning Framework 4 (NPF4) states that householder development proposals will be supported where they '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'.

In terms of visual impact, the site is not readily visible from public vantage points because it is screened by the mature trees and vegetation surrounding the site, as well as the dwellinghouse itself. The change of use would not detract from the visual amenity of the area by any significant degree. Whilst the vegetation that has been removed contributes to the local landscape character and biodiversity, their removal does not have a significant impact on the visual amenity. The fence would be of domestic design, materials and height that is appropriate as rear curtilage boundary treatment.

## Tackling the Climate and Nature Crises

Policy 1 (Tackling the Climate and Nature Crises) of NPF4 requires significant weight to be given to the global climate and nature crises in the consideration of all development proposals. Policy 2 (Climate Mitigation and Adaptation) of NPF4 requires development proposals to be designed and sited to minimise life-cycle greenhouse gas emissions as far as possible, and to adapt to current and future risks from climate change

Whilst the development is of a small scale, the proposal would have an adverse impact on biodiversity and no mitigation is proposed. There are furthermore no material considerations in assessing this development proposal whereby it could be considered to be placing significant weight on the global climate and nature crises, given the change of use results in the permanent loss of an area of mature woodland and open space which contributes to biodiversity. As such, proportionate to the scale of the development, the proposal conflicts with the aims of policies 1, 2, and 3 of NPF4.

## Precedent

The proposal conflicts with the Householder Development Guide Aberdeen Planning Guidance in that it comprises a proposal that would *'fragment or, if replicated, be likely to incrementally erode larger areas of public open space or landscaping'*. Given there are no examples of any similar proposals having been granted in the area, approval of this planning application could set a precedent for the incremental erosion of this open space as a result of similar proposals in the area. Over time the cumulative impact of the loss of areas of ground could lead to the gradual erosion of the open space, woodland, biodiversity and the character and amenity of the surrounding area, which would not be in the public interest, and exacerbating the matters set out above.

The Householder Development Guide Aberdeen Planning Guidance states that *'the proposal should not worsen or create a deficiency in recreational public open space in the area. The less amenity space there is in an area the more value is likely to be placed on the existing amenity space.'*

Whilst the change of use of this individual space does not create a deficiency in recreational public open space in the area, the precedent for similar proposals and possibility of piecemeal reduction of the open space would worsen the overall provision of informal recreational open space in the area, which would be to the detriment of public amenity. Given there are residential curtilages bounding the space in the area, approval of this change of use could set a precedent for the incremental erosion of this open space from similar proposals in the area. Over time the cumulative impact of the loss of areas of ground could lead to the gradual erosion of the open space and damage to the biodiversity and the character and amenity of the surrounding area, which would not be in the public interest.

## Residential Amenity – Presence of Fence

Policy 16 states that householder development proposals will be supported where they do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking. Notwithstanding the conflicts with the loss of the open space, the physical presence of the fence is not of height nor of a location whereby it impacts the residential amenity afforded to neighbouring dwellings by way of overlooking or overshadowing, in accordance with Policy 16 of NPF4, as well as Policies D1 and D2 of the ALDP and the Householder Development Guide Aberdeen Planning Guidance. The impact on residential amenity from the presence of the fence therefore does not constitute a reason to refuse planning permission.

## Overdevelopment



With respect to the requirement of Policy H1 of the ALDP for proposals to '*not constitute over-development*', guidance on what constitutes this is set out within 'General Principles 4 and 5' in the Householder Development Guide. It generally relates to the proportion of garden ground built upon by new buildings and extensions. Whilst the proposal would thus not constitute over-development, the grant of planning permission would afford the proposed residential curtilage with 'Permitted Development Rights' by way of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, which could result in new buildings being built without the need for express planning permission on what has been long-established woodland.

### **Other Matters Raised in the Supporting Statement**

The constrained size of the original garden relative to the size of the dwellinghouse has been raised in the Supporting Statement as justification for the change of use, as the proposal would increase the size of private garden ground serving the property. The location plan indicates that approximately 25% of the rear curtilage was previously developed upon (albeit it is noted that the location and site plans are not accurate as the extension shown on the plan appears to outline the conservatory that existed prior to the extension approved by Detailed Planning Permission 210681/DPP, which has since been replaced). The Supporting Statement also refers to the rear garden having extended no more than 2m beyond the built footprint of the house, which does not correspond with the submitted plans. Based on the information submitted, it is not considered that the garden ground was previously over-developed and this does not justify the loss of open space and habitat that has resulted.

Supporting information states that the change of use and enclosure of the space with a fence has also been undertaken because there had been issues with anti-social behaviour. No evidence of this behaviour has been submitted with the application. Nevertheless, it must be highlighted that the misuse of land and crime having taken place is not a material planning consideration in assessing the loss of open space. It does not constitute sufficient justification for the loss of open space and does not justify the prevention of responsible access and recreational use for the wider public. These are matters that would properly be addressed by the police and through crime prevention measures.

### **DECISION**

Refuse

### **REASON FOR DECISION**

The change of use of this land to domestic garden ground and the erection of fencing results in the enclosure and loss of an area of open space and mature woodland habitat of local biodiversity value and that contributes to the character of the surrounding area. The proposal thus conflicts with Policy 6 (Forestry, Woodland and Trees) of National Planning Framework 4 (NPF4) and Policies H1 (Residential Areas) and NE2 (Green and Blue Infrastructure) of the Aberdeen Local Development Plan 2023 (ALDP). The siting of the fence and resultant irregular boundary layout is inconsistent with the established pattern of development and adversely affects the character of the area, in conflict with Policies 14 (Design, Quality and Place) and 16 (Quality Homes) of NPF4, and Policy D1 (Quality Placemaking) of the ALDP and the Householder Development Guide Aberdeen Planning Guidance.

Commensurate with the scale of the proposal, the development does not place significant weight in positively addressing the global climate and nature crises, which is contrary to Policies 1 (Tackling the Climate and Nature Crises, 2 (Climate Mitigation, and Adaptation) and 3 Biodiversity of NPF4.

Notwithstanding every application is assessed on its merits, in conflict with the Householder Development Guide Aberdeen Planning Guidance, the proposal could give rise to the setting of a precedent that would make it difficult to resist similar proposals in the future which cumulatively could result in the gradual erosion of and fragmentation of open space and habitat. Such an approach would exacerbate the adverse impacts and cumulatively be significantly detrimental to the biodiversity, character and amenity of the area



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Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100675686-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Type of Application

What is this application for? Please select one of the following: \*

- ☒ Application for planning permission (including changes of use and surface mineral working).
- ☐ Application for planning permission in principle.
- ☐ Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- ☐ Application for Approval of Matters specified in conditions.

## Description of Proposal

Please describe the proposal including any change of use: \* (Max 500 characters)

Change of use of land to form extended garden ground, The Mount, The Bush, Peterculter

Is this a temporary permission? \*

☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place?

☒ Yes ☐ No

(Answer 'No' if there is no change of use.) \*

Has the work already been started and/or completed? \*

☐ No ☒ Yes – Started ☐ Yes - Completed

Please state date of completion, or if not completed, the start date (dd/mm/yyyy): \*

14/01/2024

Please explain why work has taken place in advance of making this application: \* (Max 500 characters)

The applicant was unaware that planning permission was required

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

Company/Organisation:	Ness Planning		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Ness	Building Name:	Westfield
Last Name: *	Planning	Building Number:	
Telephone Number: *	07827716786	Address 1 (Street): *	Brae of Cantray
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Croy
Fax Number:		Country: *	United Kingdom
		Postcode: *	IV2 5PW
Email Address: *	info@nessplanning.co.uk		
Is the applicant an individual or an organisation/corporate entity? *			
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organisation/Corporate entity			

## Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	per Ness Planning
First Name: *	and Mrs J	Building Number:	
Last Name: *	Strachan	Address 1 (Street): *	Westfield
Company/Organisation		Address 2:	Brae of Cantray
Telephone Number: *		Town/City: *	Croy
Extension Number:		Country: *	United Kingdom
Mobile Number:		Postcode: *	IV2 5PW
Fax Number:			
Email Address: *	info@nessplanning.co.uk		

## Site Address Details

Planning Authority:

Aberdeen City Council

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

The Mount, The Bush, Peterculter change of use of land to garden ground

Northing

801073

Easting

383736

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

☒ Yes ☐ No

## Pre-Application Discussion Details Cont.

In what format was the feedback given? \*

☒ Meeting ☐ Telephone ☐ Letter ☐ Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) \* (max 500 characters)

advised planning permission is required for the change of use to garden ground

Title:

Other title:

First Name:

Last Name:

Correspondence Reference  
Number:

Enforcement Officer

Date (dd/mm/yyyy):

07/05/2023

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

## Site Area

Please state the site area:

330.00

Please state the measurement type used:

☐

Hectares (ha)

☒

Square Metres (sq.m)

## Existing Use

Please describe the current or most recent use: \* (Max 500 characters)

Scrub Woodland area

## Access and Parking

Are you proposing a new altered vehicle access to or from a public road? \*

☐

Yes

☒

No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? \*

☐

Yes

☒

No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

0

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? \*

0

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

## Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? \*

☐

Yes

☒

No

Do your proposals make provision for sustainable drainage of surface water?? \*  
(e.g. SUDS arrangements) \*

☐

Yes

☒

No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? \*

☐

Yes

☐

No, using a private water supply

☒

No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

## Assessment of Flood Risk

Is the site within an area of known risk of flooding? \*

☐ Yes ☒ No ☐ Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? \*

☐ Yes ☒ No ☐ Don't Know

## Trees

Are there any trees on or adjacent to the application site? \*

☒ Yes ☐ No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

## Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? \*

☐ Yes ☒ No

If Yes or No, please provide further details: \* (Max 500 characters)

N/A change of use only

## Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? \*

☐ Yes ☒ No

## All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? \*

☐ Yes ☒ No

## Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013? \*

☐ Yes ☒ No ☐ Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*

☐ Yes ☒ No

## Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? \*

☒ Yes ☐ No

Is any of the land part of an agricultural holding? \*

☐ Yes ☒ No

## Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

## Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Ness Planning

On behalf of: Mr and Mrs J Strachan

Date: 18/06/2024

☒ Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? \*

☐ Yes ☐ No ☒ Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? \*

☐ Yes ☐ No ☒ Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? \*

☐ Yes ☐ No ☒ Not applicable to this application



Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? \*

☐ Yes ☐ No ☒ Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? \*

☐ Yes ☐ No ☒ Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? \*

☐ Yes ☐ No ☒ Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- ☐ Site Layout Plan or Block plan.
- ☐ Elevations.
- ☐ Floor plans.
- ☐ Cross sections.
- ☐ Roof plan.
- ☐ Master Plan/Framework Plan.
- ☐ Landscape plan.
- ☐ Photographs and/or photomontages.
- ☐ Other.

If Other, please specify: \* (Max 500 characters)

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. \*

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. \*

☐ Yes ☒ N/A

A Flood Risk Assessment. \*

☐ Yes ☒ N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). \*

☐ Yes ☒ N/A

Drainage/SUDS layout. \*

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. \*

☐ Yes ☒ N/A

Habitat Survey. \*

☐ Yes ☒ N/A

A Processing Agreement. \*

☐ Yes ☒ N/A

Other Statements (please specify). (Max 500 characters)

## Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Ness Planning

Declaration Date: 18/06/2024

## Payment Details

Pay Direct

Created: 18/06/2024 16:00



## DECISION NOTICE

### The Town and Country Planning (Scotland) Act 1997

### Detailed Planning Permission

Ness Planning  
Westfield  
Brae Of Cantray  
Croy  
IV2 5PW

on behalf of **Mr and Mrs J Strachan**

Aberdeen City Council in exercise of its powers under the above mentioned Act hereby **refuses planning permission** for the development specified below and shown in the plans and drawings listed.

<b>Application Reference Number</b>	240753/DPP
<b>Address of Development</b>	The Mount The Bush Aberdeen AB14 0UA
<b>Description of Development</b>	Change of use of amenity land to domestic garden ground and erection of fence (partly retrospective)
<b>Date of Decision</b>	14 March 2025

#### DETAILS OF ANY VARIATION MADE TO THE APPLICATION

None.

## REASON FOR DECISION

The reasons on which the Council has based this decision are as follows –

The change of use of this land to domestic garden ground and the erection of fencing results in the enclosure and loss of an area of open space and mature woodland habitat of local biodiversity value and that contributes to the character of the surrounding area. The proposal thus conflicts with Policy 6 (Forestry, Woodland and Trees) of National Planning Framework 4 (NPF4) and Policies H1 (Residential Areas) and NE2 (Green and Blue Infrastructure) of the Aberdeen Local Development Plan 2023 (ALDP). The siting of the fence and resultant irregular boundary layout is inconsistent with the established pattern of development and adversely affects the character of the area, in conflict with Policies 14 (Design, Quality and Place) and 16 (Quality Homes) of NPF4, and Policy D1 (Quality Placemaking) of the ALDP and the Householder Development Guide Aberdeen Planning Guidance.

Commensurate with the scale of the proposal, the development does not place significant weight in positively addressing the global climate and nature crises, which is contrary to Policies 1 (Tackling the Climate and Nature Crises, 2 (Climate Mitigation, and Adaptation) and 3 Biodiversity of NPF4.

Notwithstanding every application is assessed on its merits, in conflict with the Householder Development Guide Aberdeen Planning Guidance, the proposal could give rise to the setting of a precedent that would make it difficult to resist similar proposals in the future which cumulatively could result in the gradual erosion of and fragmentation of open space and habitat. Such an approach would exacerbate the adverse impacts and cumulatively be significantly detrimental to the biodiversity, character and amenity of the area.



A full evaluation and account of the processing of the application is contained in the report of handling, which is available by entering the application reference number at <https://publicaccess.aberdeencity.gov.uk/>.

## PLANS AND DRAWINGS

240753/1	Location Plan
240753/2	Site Plan
240753/3	Proposed fence details
240753/4	Amended fence details

Signed on behalf of the planning authority

**Daniel Lewis**  
Development Management Manager

## **IMPORTANT INFORMATION RELATED TO THIS DECISION**

### **RIGHT OF APPEAL**

If the applicant is aggrieved by the decision of the planning authority –

- a) to refuse planning permission;
- b) to refuse approval, consent or agreement required by a condition imposed on a grant of planning permission;
- c) to grant planning permission or any approval, consent or agreement subject to conditions,

the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. A review request must be made using the 'Notice of Review' form available from <https://www.eplanning.scot/>.

### **SERVICE OF PURCHASE NOTICE**

If permission to develop land is refused and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development that would be permitted, the owners of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

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# **Consultee Comments for Planning Application 240753/DPP**

## **Application Summary**

Application Number: 240753/DPP

Address: The Mount The Bush Aberdeen AB14 0UA

Proposal: Change of use of amenity land to domestic garden ground and erection of fence (partly retrospective)

Case Officer: Roy Brown

## **Consultee Details**

Name: Mr Michael Cowie

Address: Aberdeen City Council, Marischal College, Broad Street, Aberdeen AB10 1AB

Email: Not Available

On Behalf Of: ACC - Roads Development Management Team

## **Comments**

It is noted this application for change of use of amenity land to domestic garden ground and erection of fence (partly retrospective) at The Mount, The Bush, Aberdeen AB14 0UA.

It is confirmed that from a 'Roads' perspective there is no concerns with this proposal as it doesn't impact or impede any visibility along The Bush given that the property and garden is remote from this section of road.

Therefore, it is confirmed that Roads Development Management have no objections to this application.

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## Policy List for 240753/DPP

### Development Plan

#### National Planning Framework 4

National Planning Framework 4 (NPF4) is the long-term spatial strategy for Scotland and contains a comprehensive set of national planning policies that form part of the statutory development plan.

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 2 (Climate Mitigation and Adaptation)
- Policy 3 (Biodiversity)
- Policy 6 (Forestry, Woodland and Trees)
- Policy 14 (Design, Quality and Place)
- Policy 16 (Quality Homes)

#### Aberdeen Local Development Plan 2023

- Policy D1 (Quality Placemaking)
- Policy D2 (Amenity)
- Policy H1 (Residential Areas)
- Policy NE2 (Green and Blue Infrastructure)
- Policy NE5 (Trees and Woodland)

#### Aberdeen Planning Guidance

- Householder Development Guide

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Marischal College Planning & Sustainable Development Business Hub 4, Ground Floor North Broad Street Aberdeen AB10 1AB Tel: 01224 523 470 Fax: 01224 636 181 Email: pi@aberdeencity.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100714765-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

Company/Organisation:	Ness Planning		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Ness	Building Name:	Westfield
Last Name: *	Planning	Building Number:	
Telephone Number: *	07827716786	Address 1 (Street): *	Brae of Cantray
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Croy
Fax Number:		Country: *	United Kingdom
		Postcode: *	IV2 5PW
Email Address: *	info@nessplanning.co.uk		

Is the applicant an individual or an organisation/corporate entity? \*

☒ Individual ☐ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	per agent
First Name: *	and Mrs	Building Number:	
Last Name: *	Strachan	Address 1 (Street): *	Westfield
Company/Organisation		Address 2:	Brae of Cantray
Telephone Number: *		Town/City: *	Croy
Extension Number:		Country: *	United Kingdom
Mobile Number:		Postcode: *	IV2 5PW
Fax Number:			
Email Address: *	info@nessplanning.co.uk		

## Site Address Details

Planning Authority:	Aberdeen City Council
Full postal address of the site (including postcode where available):	
Address 1:	THE MOUNT
Address 2:	THE BUSH
Address 3:	ABERDEEN
Address 4:	
Address 5:	
Town/City/Settlement:	PETERCULTER
Post Code:	AB14 0UA

Please identify/describe the location of the site or sites

--	--

Northings	801079	Easting	383716
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## Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: \*  
(Max 500 characters)

Change of use of land to form garden ground and erection of boundary fence, The Mount. The Bush Peterculter

## Type of Application

What type of application did you submit to the planning authority? \*

- ☒ Application for planning permission (including householder application but excluding application to work minerals).
- ☐ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? \*

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

## Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: \* (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please refer to separate statement and associated documents

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? \*

☐ Yes ☒ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: \* (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: \* (Max 500 characters)

Planning policy extracts photographs Appeal statement

## Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

24/00753/DPP

What date was the application submitted to the planning authority? \*

18/06/2024

What date was the decision issued by the planning authority? \*

14/03/2025

## Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. \*

☒ Yes ☐ No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? \*

☒ Yes ☐ No

Is it possible for the site to be accessed safely and without barriers to entry? \*

☒ Yes ☐ No

## Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. \*

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? \*

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? \*

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? \*

☒ Yes ☐ No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review \*

☒ Yes ☐ No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

## **Declare – Notice of Review**

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Ness Planning

Declaration Date: 02/06/2025

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**REQUEST FOR PLANNING REVIEW  
REFUSAL OF PLANNING PERMISSION 240753/DPP  
CHANGE OF USE OF LAND TO GARDEN GROUND AND ERECTION OF FENCE  
THE MOUNT, THE BUSH, PETERCULTER, ABERDEEN**

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## **Introduction**

This report sets out the grounds of appeal against the refusal of planning permission for the change of use of small area of undeveloped private land to extend garden ground together with the repositioning of an existing garden fence. The site is located at The Bush, Peterculter and relates to the link detached property known as The Mount.

The Review Statement sets out the material planning considerations and addresses the Reasons for Refusal, which, it is contended, demonstrate that the proposal is acceptable, and planning permission should be granted.

The planning application was submitted on 18 June 2024 and the decision notice is dated 14 March 2025. The request for a Review is submitted within the statutory 3-month period.

## **Background**

It is important to establish the planning background to the proposal and the reasons why the applicants, Mr and Mrs Strachan, had sought to secure an additional area of garden ground to the rear of their property.

The site comprises a link-detached 1.5 storey house. It has been the family home for the applicants. The rear of the property adjoins an area of rough ground and woodland. For years it has been under the ownership of Peterculter Estates, who, as the photographs demonstrate, have neither maintained nor tended the area for the entirety of the time the applicants have lived in the house (some 29 years).

Recently, they had the opportunity to purchase a small section of the land, an area that is conterminous with their existing site boundary. The land was purchased, and Mr and Mrs Strachan now own the land. The land involved is a 15 m wide strip of the woodland area to the north and east of the existing boundary, but the application site is considerably less at only 12 metres wide, primarily to the north of the existing boundary (approximately a third of the land purchased).

The existing site plan and photographs indicate the restricted and limited area of back garden that the Strachan's have. This means that there is barely 2 metres between the rear of the house and the plot boundary. The rear boundary is defined by a 1.8m high timber fence.

The applicants recently gained planning permission for a replacement single storey extension to the rear. It is situated on the same footprint as the conservatory it replaces. The photographs indicate that the rear elevation of the extension is very close to the fence leaving little room to manoeuvre around the rear of the site. In addition, as the red line site boundary indicates, the east and north corner of the house is also at the outer limits of the site boundary.

It was for these reasons that the applicants sought to extend their garden and at least have an area between the house and boundary fence that enabled movement between the areas.

It is also worth explaining that when the application was submitted for the replacement extension, it also included an extended rear garden area. This was shown on Drawing Rev B (Production 9). At no time during the assessment by the case officer was any issue raised with the extended site area. The applicants and their agent had no reason to assume there was a concern. It transpires that on the day of the issue of the planning permission, a revised drawing, Rev C was requested, and it was this plan that was subsequently approved. The applicants were not made aware of this significant, last minute, alteration to their site boundary. Moreover, given that the case officer had at no time raised the extended garden area as a problem, despite requests for clarification, it has never been explained to the applicants what the issue was and why a revised drawings was required.

It should also be noted that the requisite building warrant was applied for. This was issued in September 2021. The site plan approved by the Building Control officers was Rev B (Production 9). The situation is such that the applicants have an approved Site Plan Rev B for their building works and a last minute amended Rev C version approved under planning permission.

It is easy to understand that the applicants were unaware of the last-minute change and had acted entirely in good faith when they proceeded to erect the replacement fence and create a garden area. It was only in 2022, following a visit by the planning inspector, that the discrepancy between what had been approved at planning and building warrant was advised to the Strachan's. The purpose of the visit was to confirm whether or not an application involving the removal of a damaged tree was required.

For the avoidance of any doubt, none of the trees within the extended garden area has been felled. The garden area has retained the trees, it is only the scrub and young, immature seedlings that have been cleared. This is evident from the attached photographs. One TPO tree was previously removed as it was damaged in the 2020 storms and was in a dangerous condition. Following the visit by the planning inspector, a retrospective application for the felling of the tree was submitted and approved.

The applicants are fully aware of their duty to maintain and retain the tree cover, area aware of the TPO status of the trees within their ownership, and have no intention of felling any of the trees.

In summary, the planning case officer altered the site boundary area on the day the permission was issued. At no time during the assessment was any issue raised with the extended garden area, the applicants had been totally upfront in seeking an extended garden area and, with the lack of any contact with the planners, were unaware of the last-minute change to the site boundary. The fact the building warrant approved the extended area reaffirmed their assumption that the boundary changes had been approved. As is normal, the actual build was based on the more technical building warrant drawings. (Production 9)



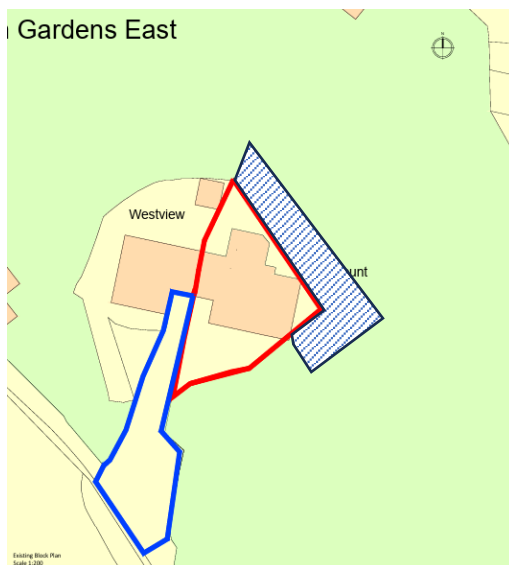
*Existing rear boundary with extension roof of the original conservatory clearly visible. The area reserved for a rear garden is very limited and provides no real amenity or meaningful private space.*

*Yellow line denotes the approximate position of the new fence and land area of the extended garden. Note extent of woodland area beyond the proposed new boundary*

The area of land that was purchased, as can be seen from the photographs, comprises rough land interspersed with trees. It separates the applicants house from the properties to the east on Dalmaik Crescent. No one has maintained the land.

The applicants seek to relocate their rear fence by extending into the land they now own by a maximum of some 12 metres. This will provide them with a useable garden space, provide privacy and amenity and will not undermine the integrity of the remaining land which, it is understood, remains in the ownership of Peterculter Estate.

The area involved is a roughly rectangular area that extends from the east gable, wraps around the rear elevation and extends the mutual historical boundary to the east by some 12 metres. The total area is set out on Figure 1.



**Figure 1**

*Existing site ownership boundary: note the very limited rear garden area and location of the rear boundary which is hard up against the gable walls and rear extension.*

*Hatched area denotes approximate extended garden area involved*

This is all that the applicants seek: to replace their existing boundary fence and enclose an area of land to provide a meaningful area of private rear garden ground.



*Existing rear garden, with original conservatory, demonstrating the very limited area and restricted private garden space.*

*Note scrub land to the other side of the fence in which the applicants seek to extend their garden area*

*Yellow line is the approximate extent of the new boundary, note the woodland beyond which is unaffected*

The historical reason for the limited rear garden is not known but that is not a reason to justify a refusal when the existing situation is less than satisfactory and significantly limits the applicants' enjoyment of their property.

It is also worth noting that the applicants have only removed undergrowth, retaining the existing trees. This can be verified by a comparison between the photograph showing the original site boundary and the proposed extended area where, it is evident, the existing silver birch remains on site and has not been impacted by the extended garden area. The two photographic packs included as Production 8 clearly show the undergrowth that has been removed which is of no particular value.



*Area of extended garden ground.  
Existing trees retained.*



It is against this background that the appeal is made. All Mr and Mrs Strachan seek is to create a rear garden area for their enjoyment, wellbeing and amenity and extend a boundary. Current planning standards would be unlikely to support a proposal where it resulted in such a limited area for private amenity space as presently exists. The narrow rear garden is not conducive to providing useable amenity space. This proposal seeks only to secure a useable and private garden space. There is no intention to remove the woodland, to encroach further or to prevent access by the public through the remaining land. In any event, there is no evidence of informal footpaths through the remaining land.

For reference, the wider area extends well beyond the proposed garden area and fence. This land is unaffected by the proposal. It maintains an area of scrub woodland that separates the site from the surrounding area. The limited area required to form the extended garden area has no effect on any neighbouring property.

### **Reason for Refusal**

The application to extend the rear garden ground was subsequently refused planning permission for the following reasons:

*The change of use of this land to domestic garden ground and the erection of fencing results in the enclosure and loss of an area of open space and mature woodland habitat of local biodiversity value and that contributes to the character of the surrounding area.*

*The proposal thus conflicts with Policy 6 (Forestry, Woodland and Trees) of National Planning Framework 4 (NPF4) and Policies H1 (Residential Areas) and NE2 (Green and Blue Infrastructure) of the Aberdeen Local Development Plan 2023 (ALDP).*

*The siting of the fence and resultant irregular boundary layout is inconsistent with the established pattern of development and adversely affects the character of the area, in conflict with Policies 14 (Design, Quality and Place) and 16 (Quality Homes) of NPF4, and Policy D1 (Quality Placemaking) of the ALDP and the Householder Development Guide Aberdeen Planning Guidance.*

*Commensurate with the scale of the proposal, the development does not place significant weight in positively addressing the global climate and nature crises, which is contrary to Policies 1 (Tackling the Climate and Nature Crises, 2 (Climate Mitigation, and Adaptation) and 3 Biodiversity of NPF4.*

*Notwithstanding every application is assessed on its merits, in conflict with the Householder Development Guide Aberdeen Planning Guidance, the proposal could give rise to the setting of a precedent that would make it difficult to resist similar proposals in the future which cumulatively could result in the gradual erosion of and fragmentation of open space and habitat. Such an approach would exacerbate the adverse impacts and cumulatively be significantly detrimental to the biodiversity, character and amenity of the area*

### **Comments on Reasons for Refusal**

The following section addresses the reasons for refusal.

- 1 *The change of use of this land to domestic garden ground and the erection of fencing results in the enclosure and loss of an area of open space and mature woodland habitat of local biodiversity value and that contributes to the character of the surrounding area.*

Firstly, the adopted Aberdeen Local Development Plan (ADLP) defines the site as Residential. It is **NOT** allocated as amenity space or open space. It is within an area designated as Residential.



*Red arrow denotes site area within H1 designation*



*Hatched area defines approximate area of proposed garden ground extension relative to the remaining woodland area (coloured green)*

The area of land take involved is approximately 12 metres wide. The photographs show the existing condition of land involved. It is an area of unmaintained woodland with largely impenetrable undergrowth. The extended garden area does not result in any loss of woodland. None of the trees are affected by the proposal, the majority of which are located outwith the proposed garden area. The trees are, in any event, protected by a TPO: there is no risk to their continued wellbeing and integrity, they are not affected by the proposal. The existing trees included within the proposed garden area are retained as is evident from the photographs.

The local biodiversity value of the site is not adversely affected by the scale of land involved. The wider area is unaffected. The applicants will plant out the garden with new plants that will enhance the biodiversity by introducing new species with an emphasis on berry bearing and flowering species. This will enhance the range of species and habitats available for insects, birds and wildlife. The land is not lost to a built development but will remain as open garden ground. The biodiversity value of a well-stocked garden, particularly for insects, bees, birds etc is well understood and supported.

The proposal does not result in an unacceptable loss of an area of undeveloped land which is, in any event, designated as residential within the adopted ALDP.



*Figure 2 - Mature trees (circled) in the background are not affected and remain outwith the proposed new boundary..*

- 2      *The proposal thus conflicts with Policy 6 (Forestry, Woodland and Trees) of National Planning Framework 4 (NPF4) and Policies H1 (Residential Areas) and NE2 (Green and Blue Infrastructure) of the Aberdeen Local Development Plan 2023 (ALDP).*

Policy 6 of NPF4 seeks to protect existing woodland areas. A review of Figure 2 illustrates that the woodland area is unaffected by the proposal. Its value as a woodland area is protected (as it is with the TPO). The applicant has retained the existing trees in the extended garden. There is no fragmentation of the woodland habitat, the garden area retains the trees and the applicants will plant out appropriate species that enhance and diversify the existing scrub it replaces.

NPF4 Policy 6 does not prohibit development within a woodland area only that there should be no resultant adverse effect. Policy 6 is principally concerned with removal of large areas of existing woodland not small areas of scrub as in this case. This is not an area of ancient woodland, and the proposal has no impact on the integrity of the wider area as a woodland. As has been demonstrated, existing trees will be retained and will, in any event, need permission for removal under the TPO regulations. The planning authority has all the safeguards it requires.

ALDP Policy H1 Residential is based on 3 criteria:

- Does not constitute overdevelopment



- Does not have an adverse impact on residential amenity or the character of the area
- Does not result in loss of open space

The proposal does not result in overdevelopment. There is no adverse impact on residential amenity or the character of the area. As Figure 3 demonstrates, the remaining area is unchanged and provides a visual screen between existing houses. No objections were received from local residents to suggest concerns with impact on residential amenity. The scale of the loss of the open area is minimal when compared to what remains. The site is not defined as open space but H1 Residential. The area involved does not result in an unacceptable incursion into an area of predominantly scrub given the balance of benefits it delivers for the well-being of the applicants.

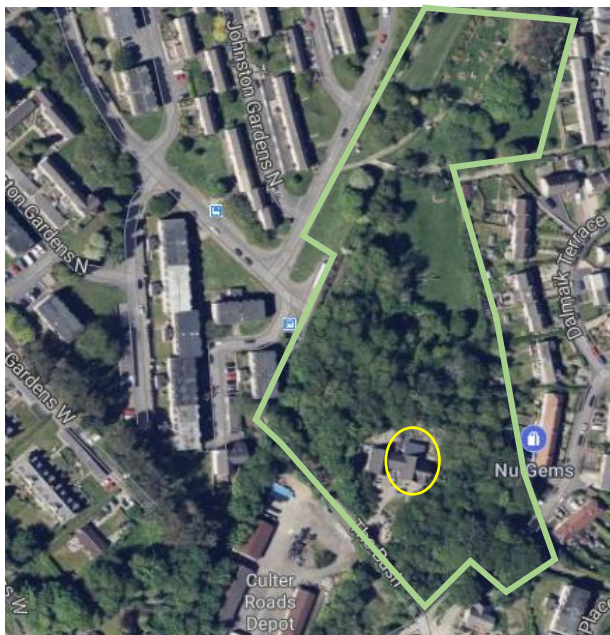


Figure 3

Aerial View of the existing house site (yellow) and remaining area that is unaffected by the proposal with existing TPO trees also unaffected by the proposal (outlined in green)

- 3 *The siting of the fence and resultant irregular boundary layout is inconsistent with the established pattern of development and adversely affects the character of the area, in conflict with Policies 14 (Design, Quality and Place) and 16 (Quality Homes) of NPF4, and Policy D1 (Quality Placemaking) of the ALDP and the Householder Development Guide Aberdeen Planning Guidance.*

The proposed fence is a permitted development. The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 at Part 2 – Sundry Minor Operations – advises that a fence up to 2 metres in height can be erected provided it is a minimum of 20 metres from a road. The distance to Dalmaik Crescent far exceeds 20 metres as it does to The Bush. The fence can therefore be erected and is not unlawful. It is a permitted development. The shape of the boundary is irrelevant. It is permitted development.

There is no conflict with NPF4 Policy 14 or Policy 16 as the fence is a permitted development.

There is no conflict with Policy D1 of the ALDP as the erection of a fence in this location is permitted development. The fence can remain in situ whatever the outcome of the review.

- 4 *Commensurate with the scale of the proposal, the development does not place significant weight in positively addressing the global climate and nature crises, which is contrary to Policies 1*



*(Tackling the Climate and Nature Crises, 2 (Climate Mitigation, and Adaptation) and 3 Biodiversity of NPF4.*

The proposal involves using an area of undeveloped land for garden ground. The reason for refusal gives no basis for the assertion that it fails to address the global climate and nature crises. A piece of undeveloped land is to be used as garden ground. It is not being built on or lost in terms of its biodiversity value or contribution to nature. NPF4 Policy 2 seeks to ensure that emissions from new development are minimised as far as possible. This has no relevance to the scope of development proposed.

There is no conflict with NPF4 Policies 1 and 2 and Biodiversity will be enhanced through careful planting of a variety of species that will enrich the current plant cover and introduce enhanced biodiversity, particularly with berry bearing and flowering species providing habitats for birds, insects etc.

There is no conflict with NPF4 Policy 3 Biodiversity.

- 5 *Notwithstanding every application is assessed on its merits, in conflict with the Householder Development Guide Aberdeen Planning Guidance, the proposal could give rise to the setting of a precedent that would make it difficult to resist similar proposals in the future which cumulatively could result in the gradual erosion of and fragmentation of open space and habitat. Such an approach would exacerbate the adverse impacts and cumulatively be significantly detrimental to the biodiversity, character and amenity of the area*

This reason for refusal is unsubstantiated and without justification. The Householder Development Guide is not concerned with precedent. There is no conflict with the Guide.

Paragraph 2.12 refers specifically to a change of use from amenity space to garden ground. Noting that this is not designated as Amenity Ground, it is nevertheless relevant to address the Guidance. At paragraph 2.12 the Guidance recognises that it 'may be acceptable to include within garden ground secluded areas that are not visible from footpaths or roads and that do not make a contribution to the wider visual amenity of the area.' Production 7

As the attached Photo Packs (Production 8) clearly demonstrate, the incorporation of the area of ground involved to provide an extended garden area does not have any adverse impact on the contribution made by the space to the wider area or to the visual amenity. It is also not visible from footpaths or roads. The proposal accords with the relaxation provided by the Guidance in enabling the change of use of amenity land to form garden ground. There is no conflict with the overarching objectives of the Guidance and the proposal is entirely in compliance with the terms set out in paragraph 2.12 which specifically allows for the change of use of land to garden ground in certain circumstances.

As the Review Body will be fully aware, each application must be assessed on its individual merits, with due regard to material planning considerations. The fact that the applicant is entitled to erect a fence on his land as a permitted development and maintain the land he owns, is a material planning consideration and means that the land in his ownership can be defined by a boundary fence and maintained. He cannot remove the trees as they are protected by a TPO. He can maintain the land in a neat and tidy condition.

The use of precedent as a reason for refusal is not appropriate given that any similar proposals will fall to be assessed considering the relevant material planning considerations. The fact that one applicant has

gained permissions for a development does not, as the Courts have ruled on frequent occasions, infer that all similar proposals must be granted permission. To assume this is to undermine the very basis of the purpose and robustness of the planning system.

### **Policy Considerations**

NPF4 Policy 14 supports development that is consistent with the six qualities of successful places, with a specific emphasis on health and wellbeing and creating safe and pleasant places. There can be no denying that the existing rear garden with its restricted area of amenity ground fails to deliver on these specific criteria. The existing garden is restricted and offers only limited amenity and private space. The extended area, owned by the applicants, provides a safe and pleasant place that enhances wellbeing and health. It should be supported based on the overarching objectives of NPF4 in seeking to encourage a healthier lifestyle and access to safe and pleasant places.

The ALDP, at Policy D2 seeks to ensure that the provision of amenity 'is adequate in relation to daylight, sunlight, noise, air quality and immediate outlook'. This proposal entirely accords with that objective, particularly when compared to the existing poor quality rear garden area.

Chapter 5 – Health and Wellbeing - of the ALDP is relevant. It confirms that 'health and wellbeing are key components of creating successful, sustainable places'. Policy WB1 seeks to ensure that developments provide healthy environments and promote physical and mental wellbeing. Having an area of private space as garden ground meets this overarching objective. To deny the applicants an improved rear garden area when the existing space is lacking and limited in scope, appears to ignore the Council's stated objective of delivering opportunities for improved health and wellbeing.

The Council's Householder Guidance at paragraph 2.12 provides scope to support the change of use land to garden ground when, as here, there is no adverse impact on the character of the area.

### **Summary**

This request for Review is based on several material factors:

- the land is owned by the applicant
- the erection of the fence is permitted development
- no trees have been removed because of the proposed extended garden area
- all trees within the area are protected by a TPO
- the areas involved is very limited in the context of the wider woodland area and remaining land unaffected by the proposal
- the direct benefits to the applicant in securing a rear garden that provides amenity, and privacy must be balanced against the direct impact
- The direct impact of a small section of land to form garden ground (not for a built development) is limited and will not adversely affect the integrity or the contribution the woodland cover provides to the area.
- No other houses are impacted by the development proposed and no residents have objected
- The character of the area is not affected by the proposal given the extent of the remaining area retained
- There are no policy reasons to refuse the development proposed

- There is policy support both within the ALDP and NPF4 for a development of the scale proposed

The proposal involves the change of use of a small section of unmaintained land. The existing footpaths are unaffected by the proposal. No trees can or will be removed. The TPO provides the planning authority with the certainty of ensuring the longterm protection of the trees no matter under whose ownership they are.

The Review Body is respectfully requested to consider this Review on the balance of the positive benefits it delivers for the applicants against the small area of land that will become garden ground. As owners of the land, the applicants are entitled to maintain it and enclose it. The only issue here is whether it should be laid out more formally as garden ground. This is not designated public open space, it is not a park, and the planning authority has not sought, at any time, to recognise it as anything other than an area of undeveloped land within a designated residential area.

The proposal is a reasonable use of private land and will not erode the value of the wider area as an area of undeveloped woodland. The integrity of the woodland is not impacted.

The balance in favour of supporting the proposal is the benefit it delivers to the applicants who have had limited rear garden space due to a historical planning decision. No new development would be approved with such a limited rear garden area. It is not unreasonable for the applicants to seek an improved amenity area and address the shortcomings in their present situation.

For all these reasons and on the basis that the ALDP and NPF4 and Householder Guidance each lend support for the benefits this proposal will deliver for the applicants, the Review Body is respectfully requested to allow the appeal.

**LIST OF PRODUCTIONS**

1. Application form \*
2. Decision Notice dated 14 March 2025\*
3. Refused drawings\*
4. ALDP Extract Policy WB1
5. ALDP Extract Policy D1
6. ALDP Extract Policy H1
7. ACC Householder Guidance – extract paragraph 2.1
8. Photographs
9. Plans – planning and building control

\*denotes documents not provided as they are held on the planning casefile

## PRODUCTION 4

### ALDP EXTRACT POLICY WB1- HEALTHY DEVELOPMENTS

#### Policy WB1 – Healthy Developments

Developments are required to provide healthy environments, reduce environmental stresses, facilitate physical activity and promote physical and mental wellbeing.

National and major developments, and those requiring an Environmental Impact Assessment must submit a Health Impact Assessment (HIA) to enhance health benefits and mitigate any identified impacts on the wider determinants of health; this may involve planning obligations.

Further guidance can be found in Aberdeen Planning Guidance: Health Impact Assessments.

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## PRODUCTION 5

### ALDP EXTRACT POLICY D1 QUALITY PLACEMAKING

#### Policy D1 – Quality Placemaking

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.

Proposals are required to ensure:

- quality architecture, craftsmanship and materials;
- a well considered layout, including biodiverse open space, high quality public realm and landscape design;
- a range of sustainable transportation opportunities ensuring connectivity commensurate with the scale and character of the development.

Successful places will sustain and enhance the social, economic, environmental, wellbeing and cultural attractiveness of the city. Proposals will be considered against the following six essential qualities.

- distinctive
- welcoming
- safe and pleasant
- easy to move around
- adaptable
- resource efficient

A design strategy will be required to be submitted that demonstrates how a development meets these qualities. The design, scope and content will be proportionate to the scale and/or importance of the proposal.

Aberdeen Planning Guidance: Aberdeen Placemaking Process provides guidance where the production of planning briefs, development frameworks and masterplans are required.

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## PRODUCTION 6

### ALDP EXTRACT – POLICY H1

#### Policy H1 – Residential Areas

Within existing residential areas (H1 on the Proposals Map) and within new residential developments, proposals for new residential and householder development will be approved in principle if it:

1. does not constitute over-development; and
2. does not have an adverse impact to residential amenity and the character and appearance of an area; and
3. does not result in the loss of open space.

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.

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## PRODUCTION 7

### Extract: Aberdeen Planning Guidance 2023: Householder Design Guide

#### 2.12 Change of Use from Amenity Space to Garden Ground

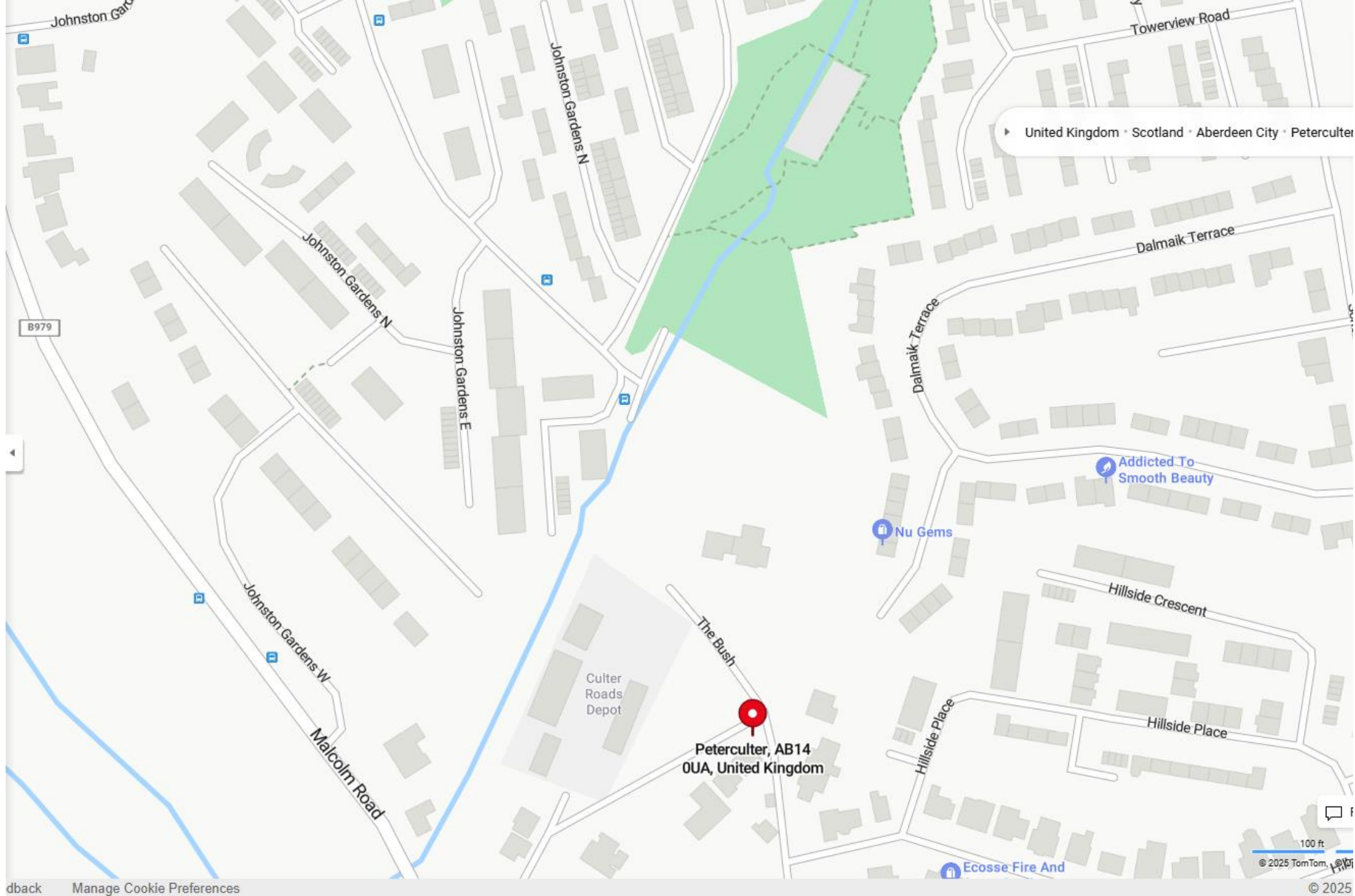
Planning permission will always be required for the change of use of amenity space to private garden ground.

- In most circumstances amenity ground will make a contribution towards the character and sense of place of an area. However, sometimes small incidental areas of ground make little contribution to the appearance of the neighbourhood. For instance it may be acceptable to include within garden ground secluded areas that are not visible from footpaths or roads and that do not make a contribution to the wider visual amenity of the area. Similarly, it may be acceptable to include small corners of space that can be logically incorporated into garden ground by continuing existing fence lines;
- The proposal should not fragment or, if replicated, be likely to incrementally erode larger areas of public open space or landscaping;
- The proposal should not worsen or create a deficiency in recreational public open space in the area. The less amenity space there is in an area the more value is likely to be placed on the existing amenity space. The Open Space Audit identifies areas of the city where there is a deficiency and should this be the case there will be a presumption against the granting of planning permission;
- The proposal should not result in any loss of visual amenity including incorporating established landscaping features such as mature trees or trees that make a significant contribution to the area. It is unlikely the Council would support the incorporation and likely loss of such features, however in circumstances where it is acceptable replacement planting to compensate will normally be required;
- The proposal should not result in an irregular boundary layout that would be out of keeping with the otherwise uniform character of the area;
- The proposal should not result in the narrowing of footpath corridors or lead to a loss of important views along such footpaths, making them less inviting or safe to use;
- The proposal should not prejudice road or pedestrian safety. Areas of amenity space often function as visibility splays for roads and junctions;

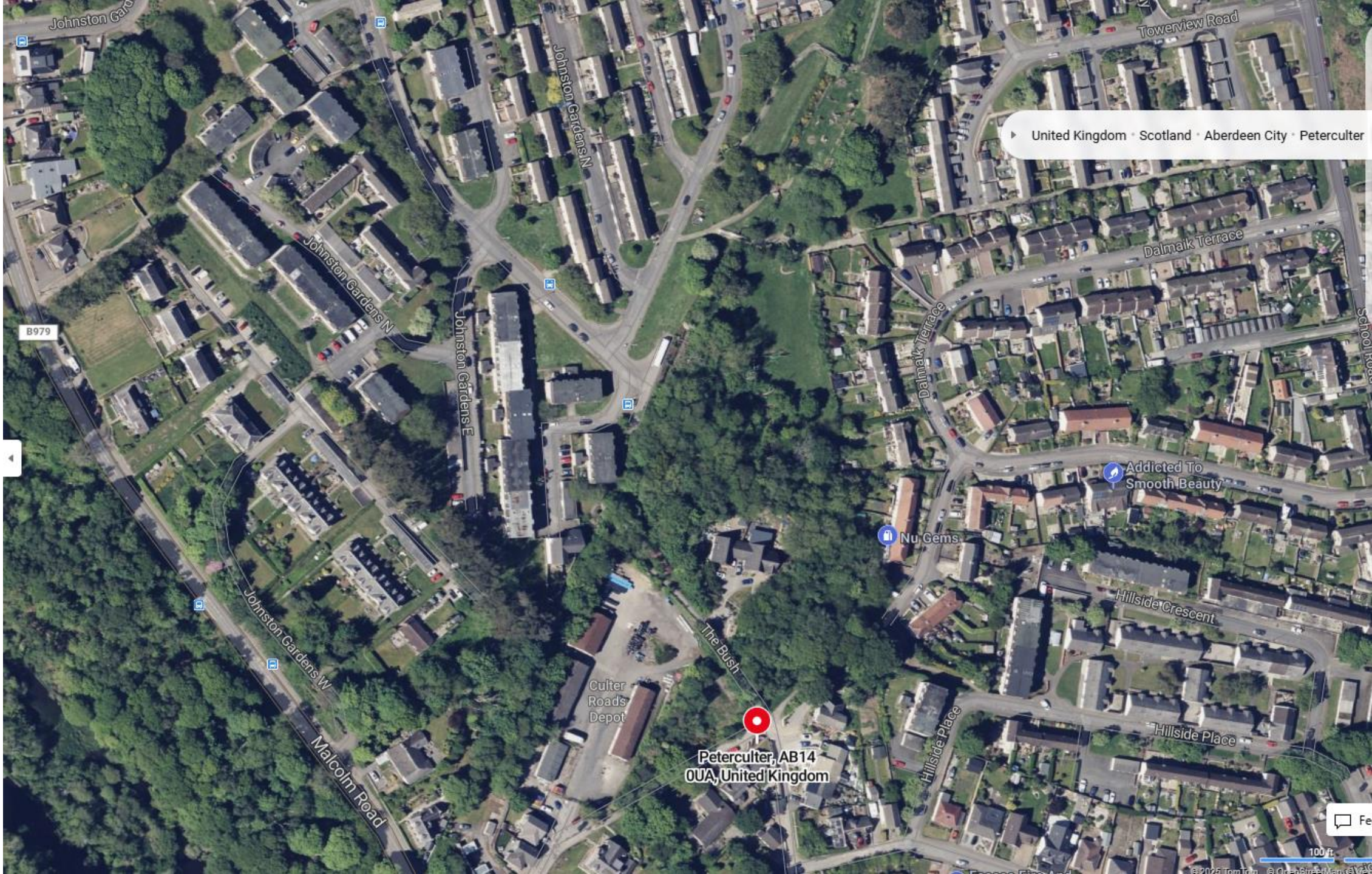
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# **PHOTO PACK 1**

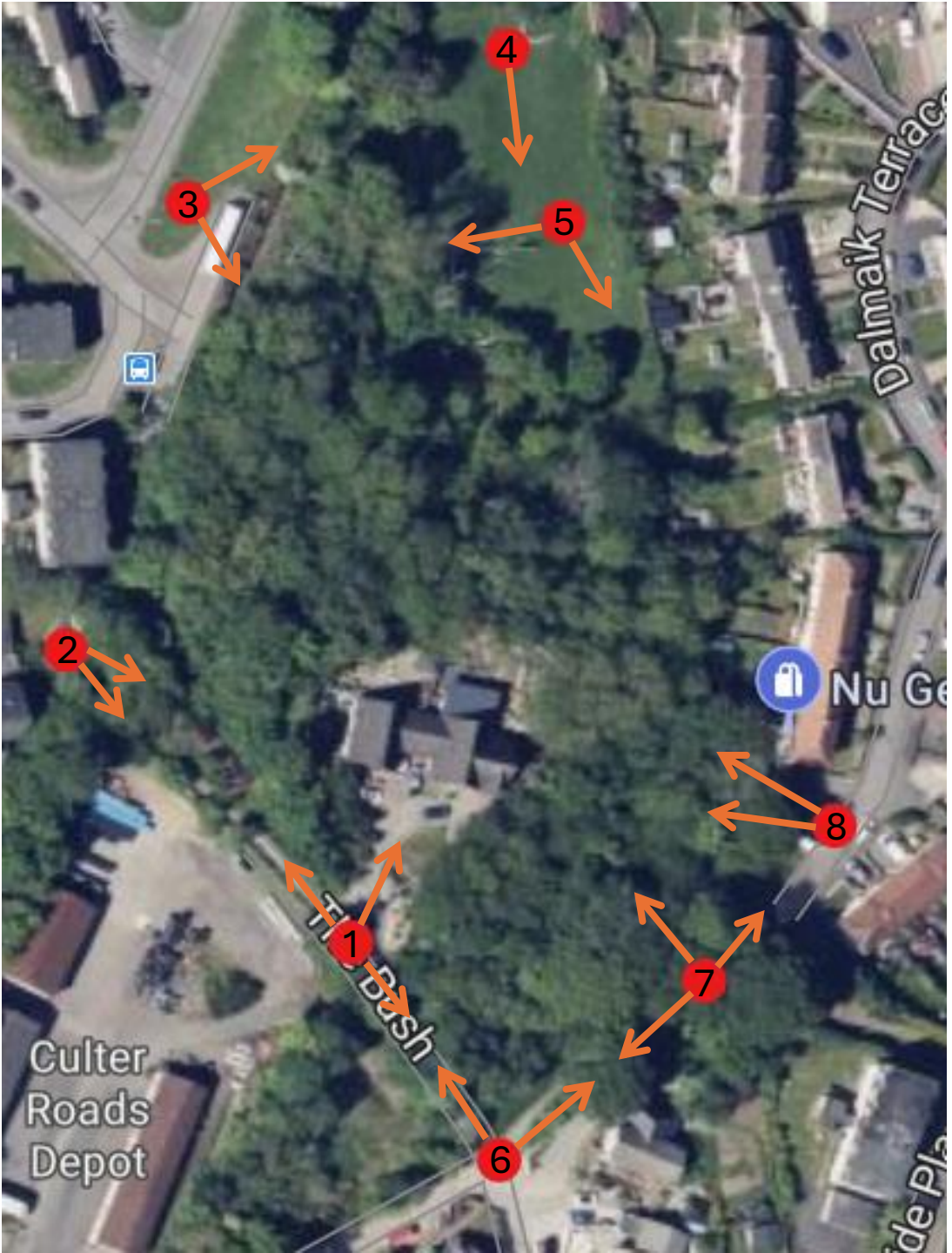
**Photos Taken From Locations on the Periphery of WOODLAND**









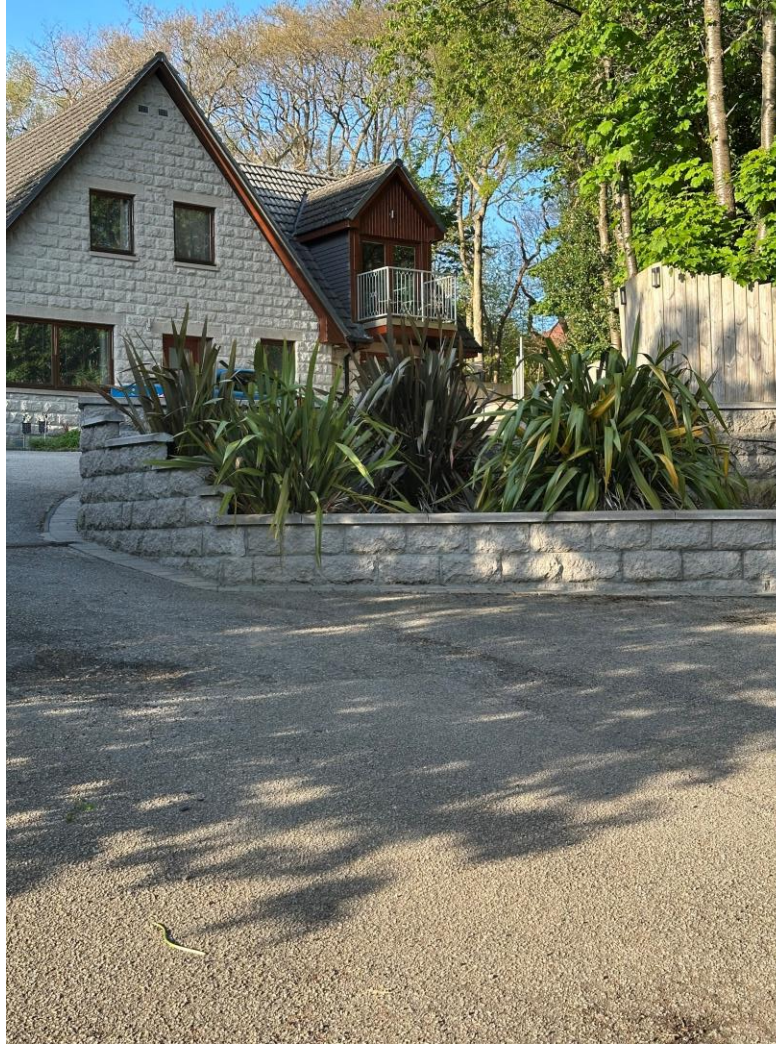




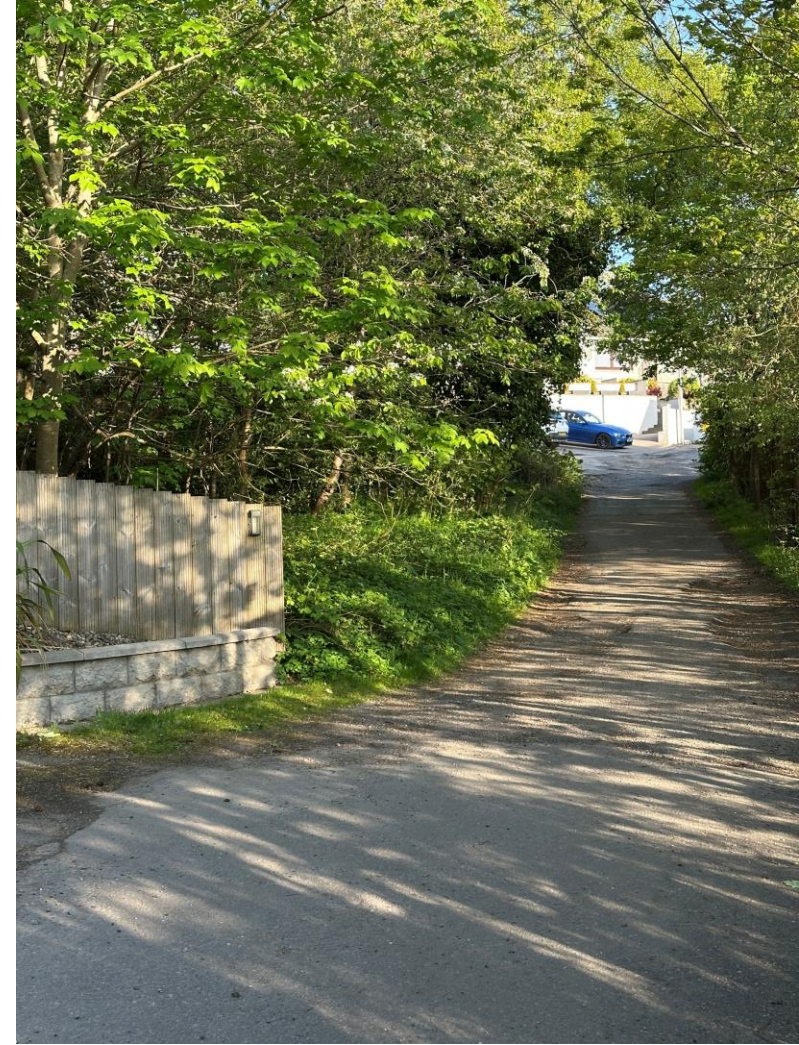


Looking Down Path  
(Towards Location 2)

Path To Johnston Gardens  
Note: Front of Old Shed Used By S. Walker



Looking Up Driveway  
(Front of House)



Looking Up Access Road  
(Towards Location 6)

## Picture Location No. 1

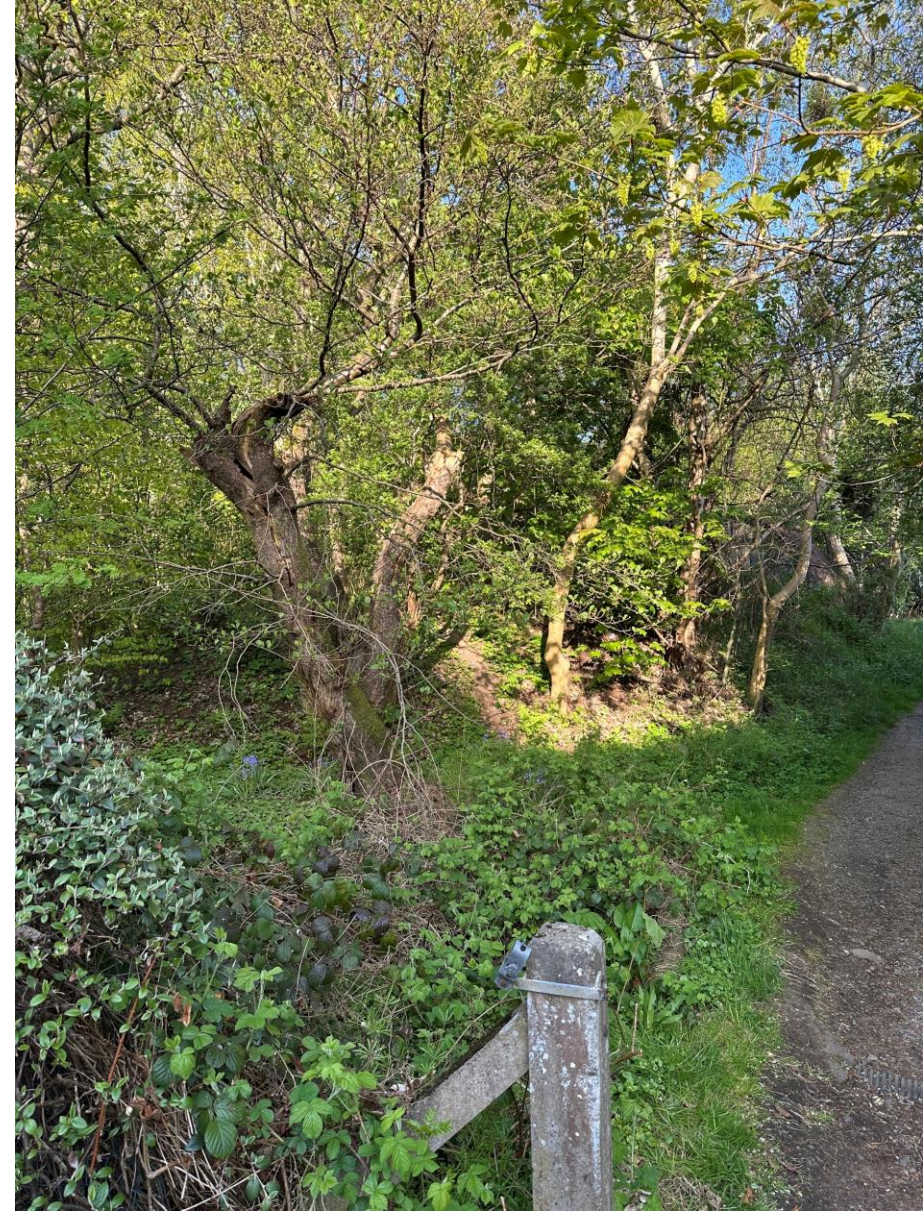




### Looking Into Woods

Note: Rear Of Old Shed Used By S. Walker

## **Picture Location No. 2**



### Looking Up Path To Right (Towards Location 1)

Note: Fence Post – Wire Fence runs South To  
North on Entire West Side Of Woodland





Looking Towards North End Of Woodland

Taken from No. 19 Bus Terminus

Note: Old Dead Fallen Trees

Note: Wire Fence referred to Location 2 Photo Set

**Picture Location No. 3**



Looking Into Woods In Direction Of House

Taken From No. 19 Bus Terminus

Note: Wire Fence referred to Location 2 Photo Set

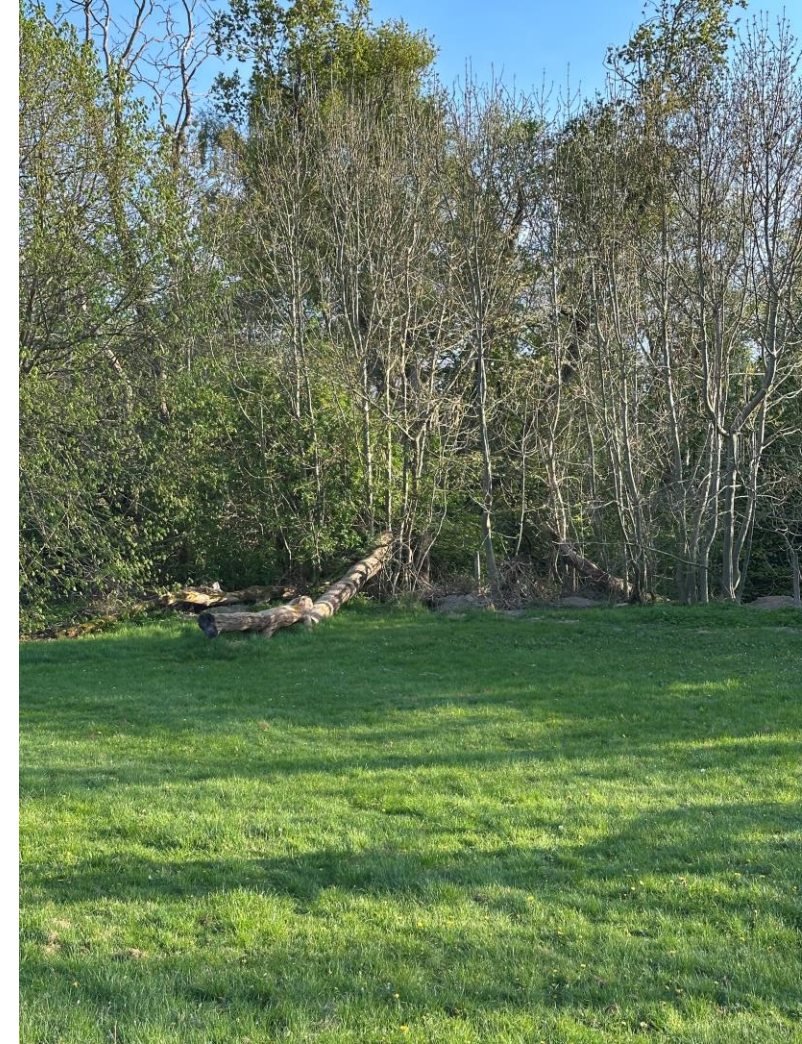




LOCATION No. 5  
North Face of Woodland  
(In Direction of Location 8)



LOCATION No. 4  
Looking South Towards North  
Edge Of WoodLand  
(This is GREEN Amenity Land)



LOCATION No. 5  
North Face of Woodland  
(In direction of Bus Terminus)  
Note: Old Dead Fallen Trees

**Picture Location No.s 4 & 5**

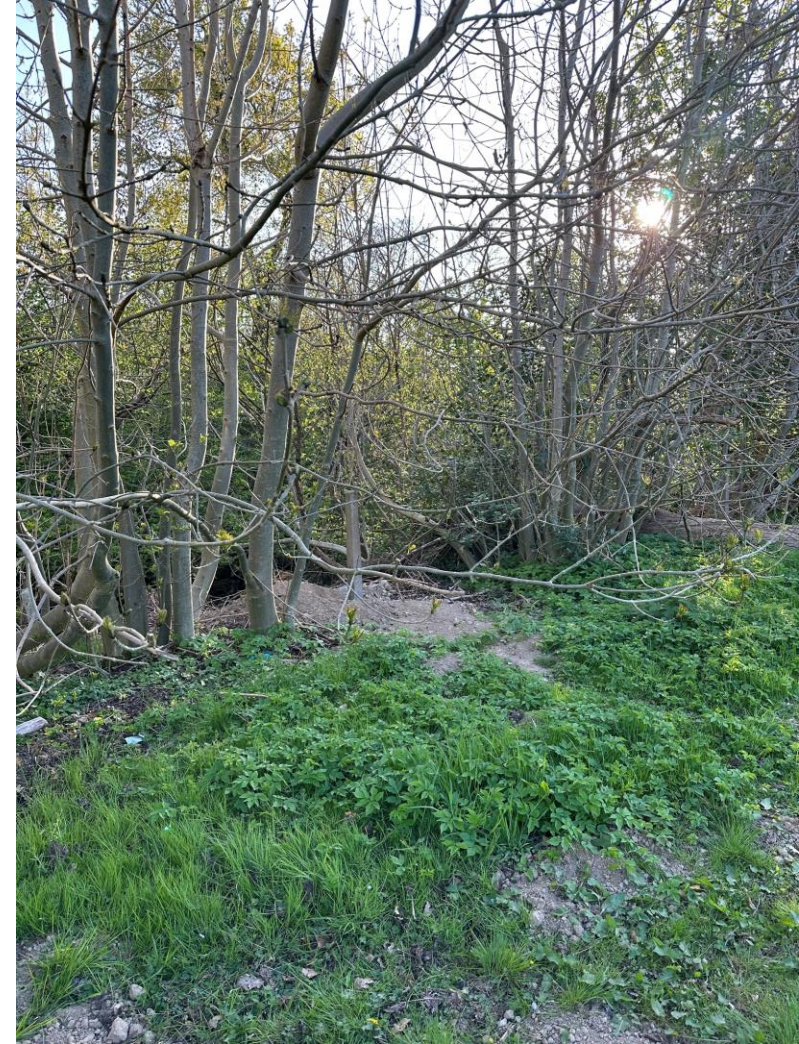




Fallen Trees / Old Fence  
Posts – Fence Gone  
(In Direction of Location 8)



Fallen Trees / Old Fence  
Posts – Fence Gone  
(In Direction of House)



Fallen Trees / Old Fence  
Posts – Fence Gone  
(In Direction of Bus Terminus)

## **“Local” To Picture Location No. 5**

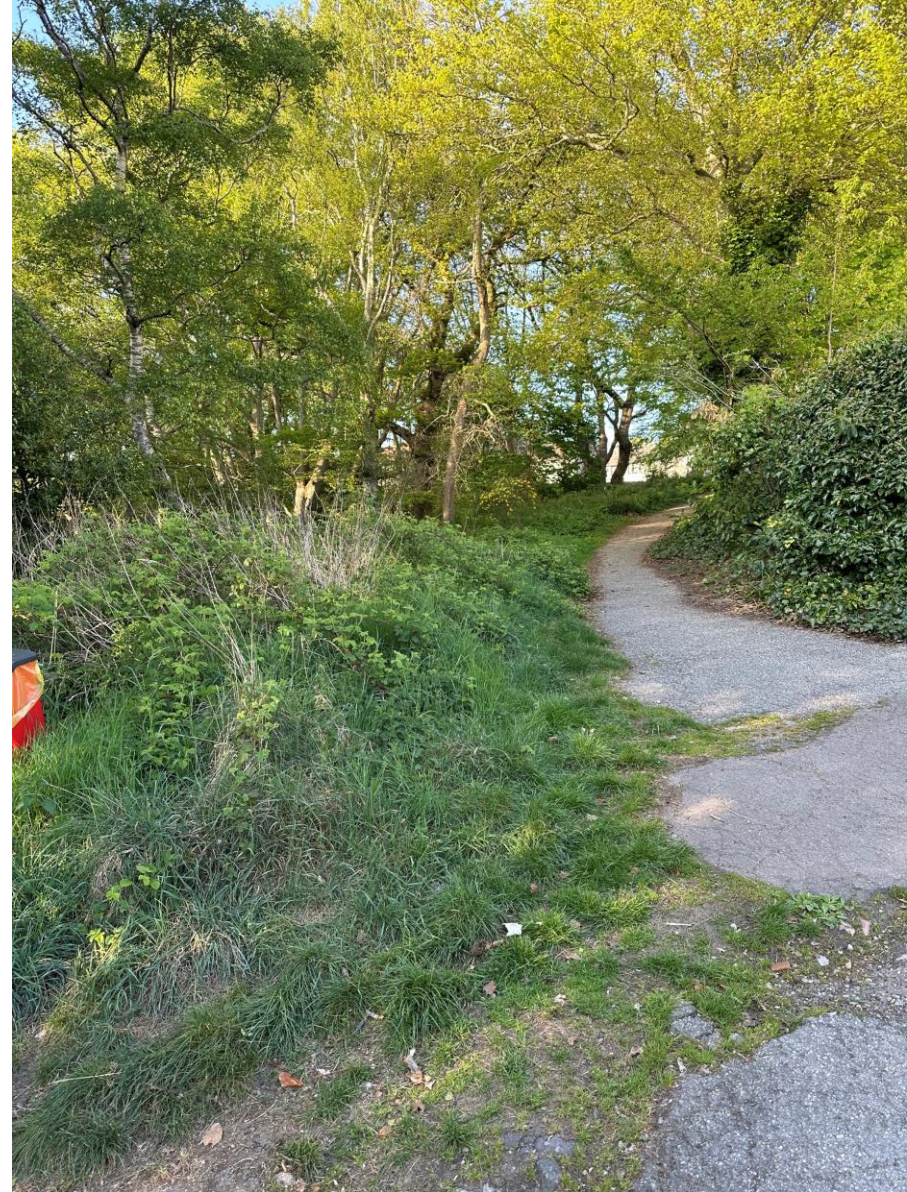
(Border of **GREEN** Amenity Land To Woodland )





Looking Down Access Road  
(Towards Location 1)

## Picture Location No. 6

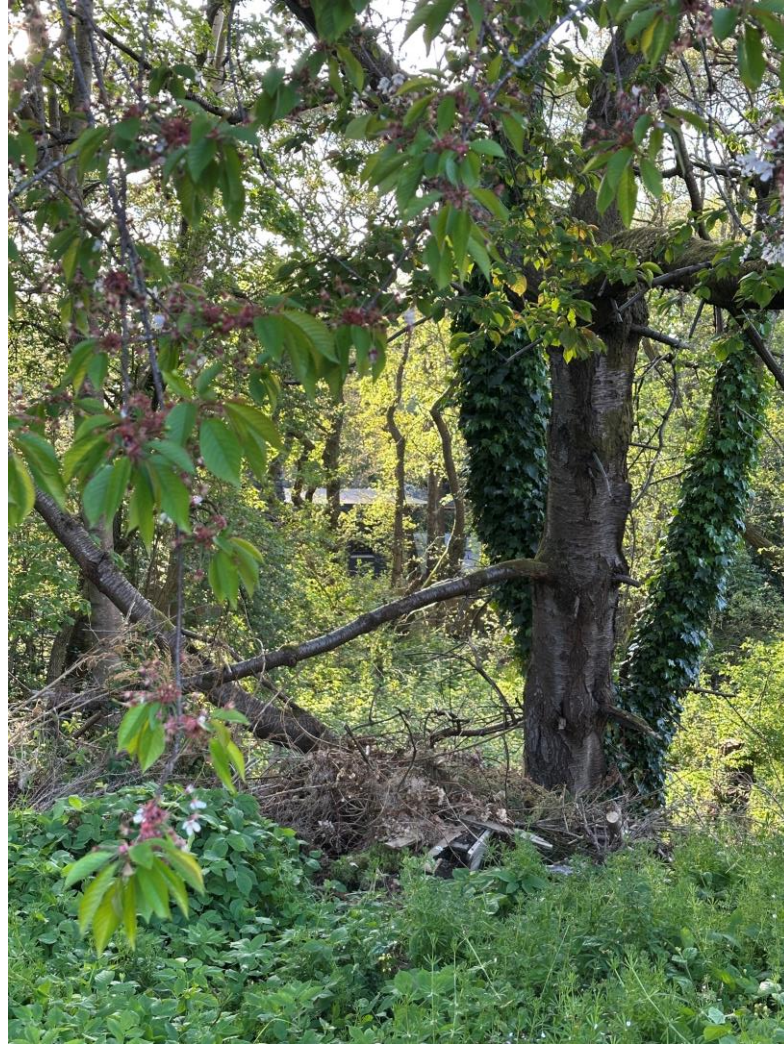


Looking Up Access Path  
(Towards Location 7 & 8)  
Path From The Bush To Dalmaik Crescent / Terrace

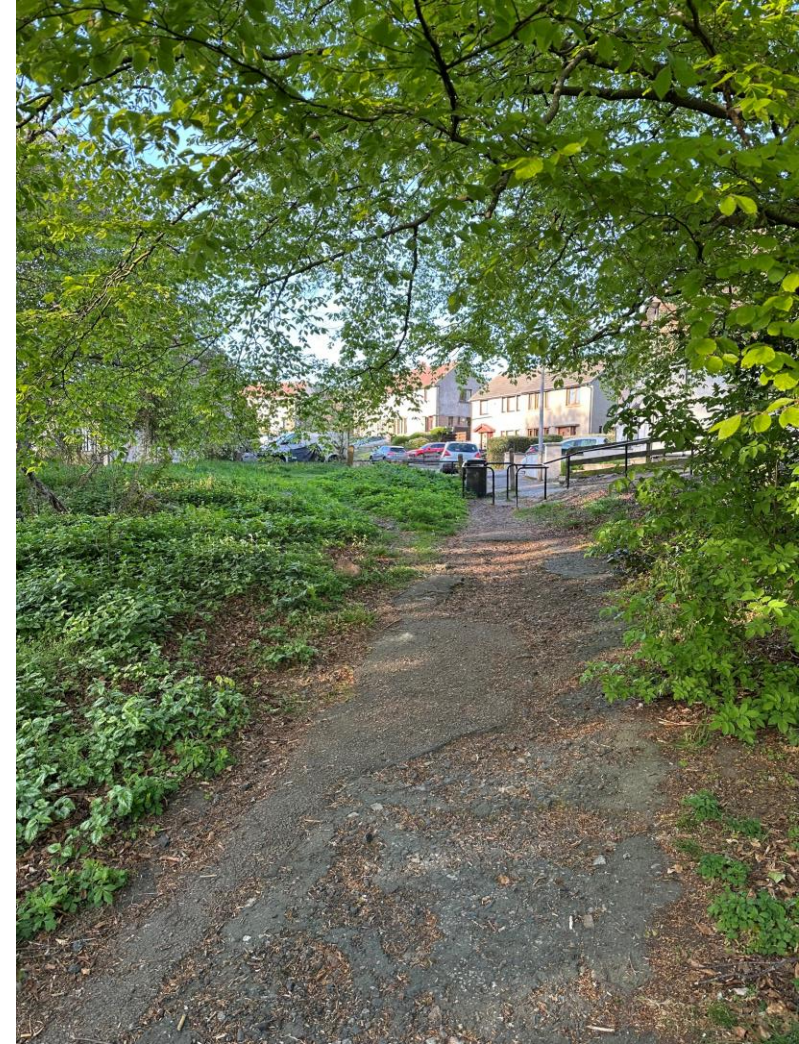




Looking Down Path From  
Dalmaik Crescent / Terrace  
To The Bush  
(Towards Location 6)



Looking In Direction of House  
Note: House Barely Visible In Spring, Let Alone Summer



Looking Up Path To  
Dalmaik Crescent / Terrace  
From The Bush  
(Towards Location 8)

## Picture Location No. 7



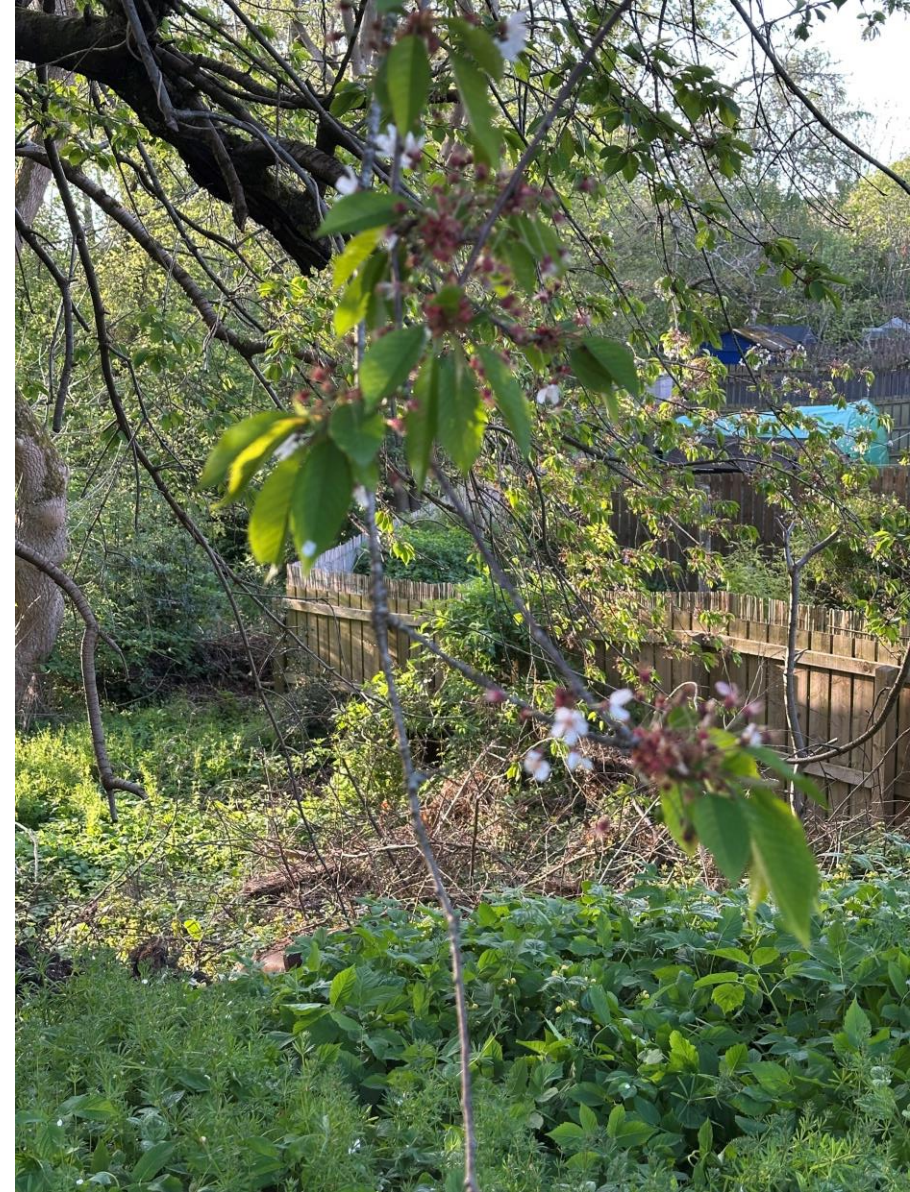


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### Looking In Direction of House

Note: House Barely Visible In Spring, Let Alone Summer

## **Picture Location No. 8**



### Looking Along Edge of 1st Dalmaik Crescent House

Note: Other Than Neighbour, This House Closest To Our Property  
Note: Six Foot Perimeter Wooden Fence, typical of all Houses in Area !  
 At Top of Path To Dalmaik Crescent / Terrace

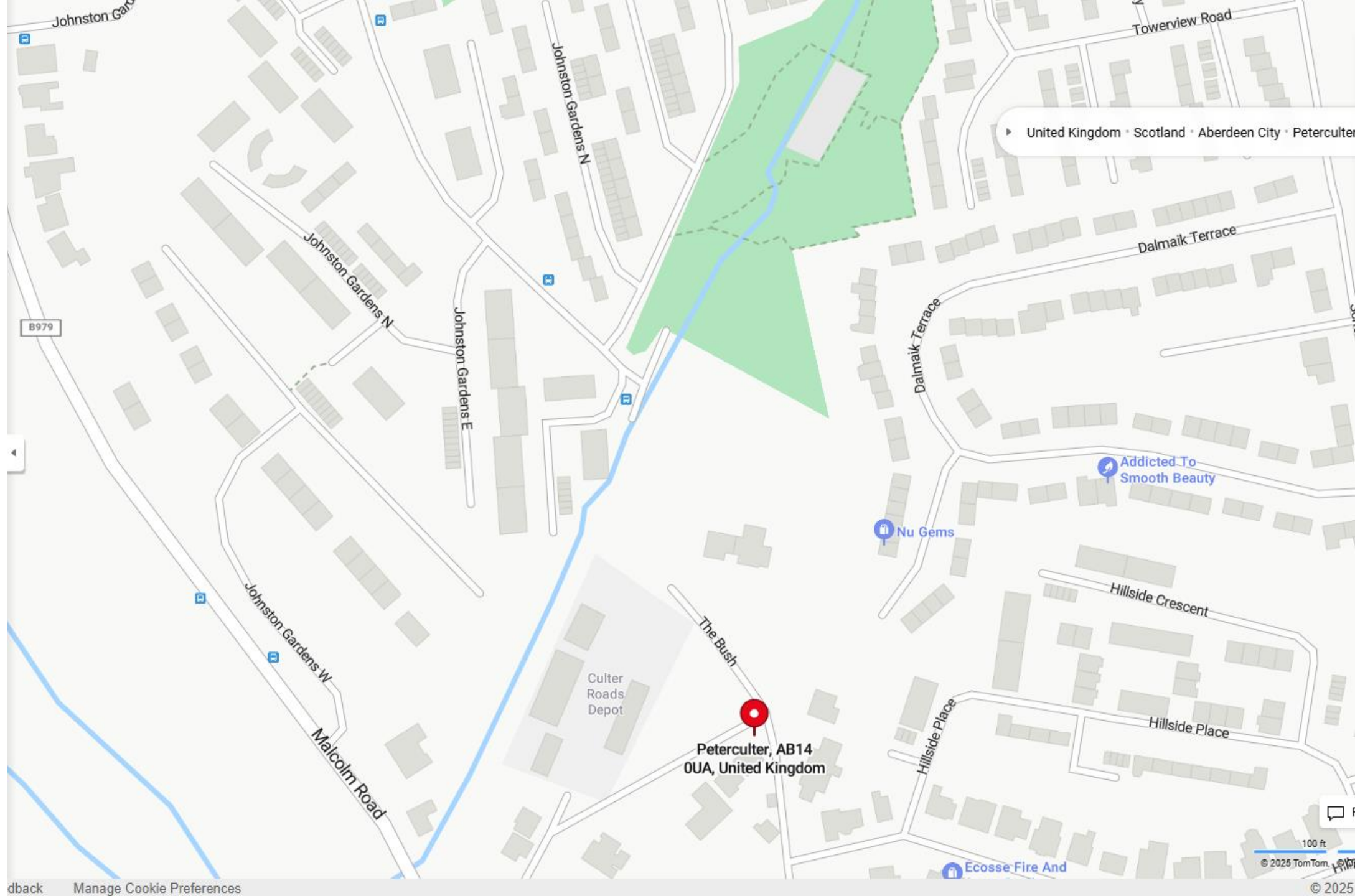


# PHOTO PACK 2

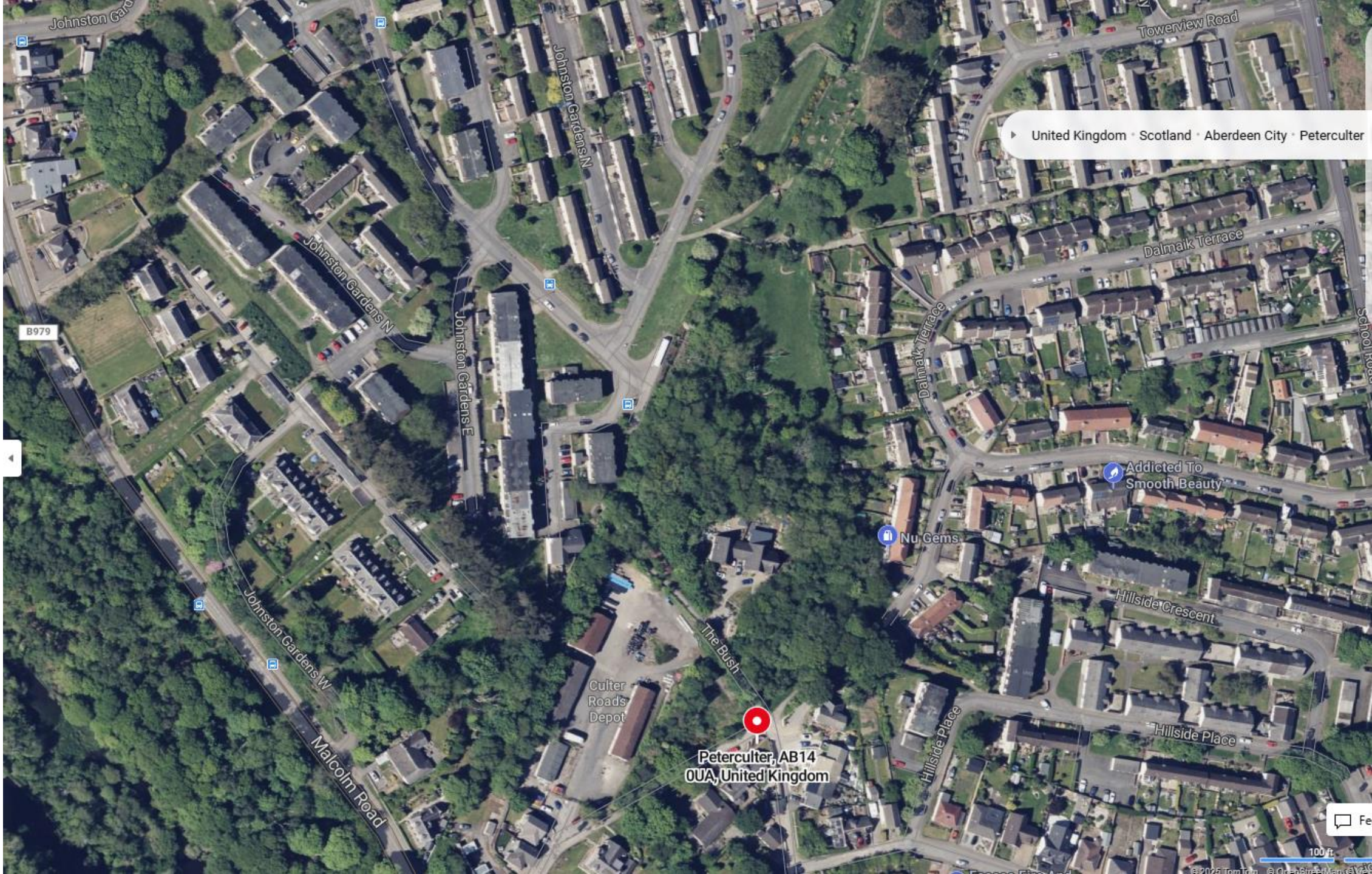
**Photos Taken From Locations Within the  
WOODLAND & Within Applicants Property Boundary**

**NOTE:**

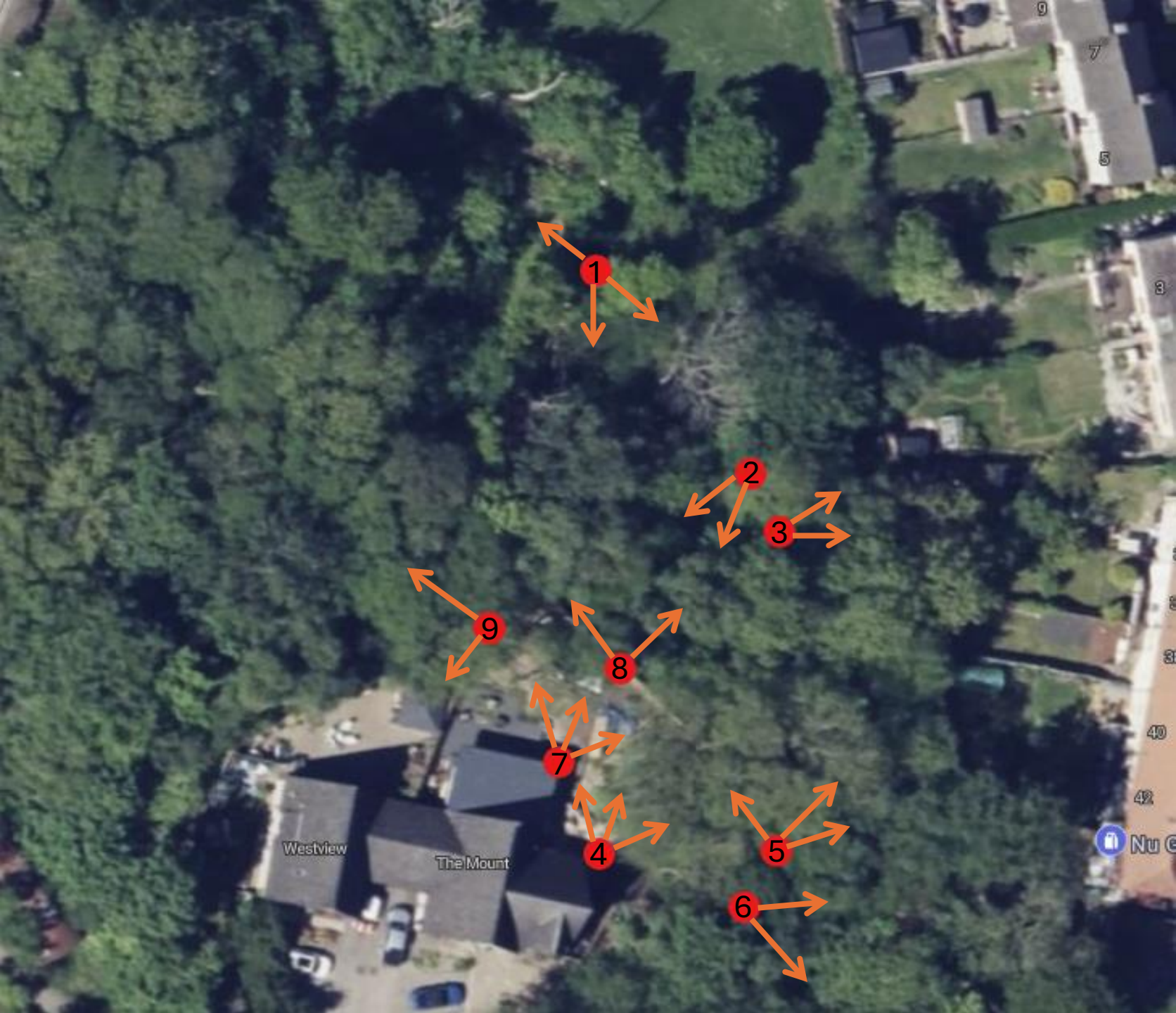
**WOODLAND surrounding applicants' property boundary is privately owned by Stuart Walker (local resident), and like the applicants' land, is not “amenity” Land.**















Within WOODLAND  
Looking Towards Dalmaik Terrace  
East(ish)



Within WOODLAND  
Looking Towards House  
(Old Derelict Shed)



Within WOODLAND  
Looking Towards Johnston Gardens  
West(ish)

**Picture Location No. 1**





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Within WOODLAND  
Looking Towards House

Note: Wooden Boundary Fence In keeping With Other  
Property In The Area – “Only” Partially visible “if” within woods

## Picture Location No. 2



Within WOODLAND  
Looking Towards House

Note: Wooden Boundary Fence In keeping With Other  
Property In The Area – “Only” Partially visible “if” within woods





Within WOODLAND Looking  
East(ish) Towards Rear of  
Dalmaik Houses

Note: Garden Boundary 2m Wooden Fence

### Note:

These 2 photographs were taken April 2025 and are indicative of the level of wild growth / tree cover in spring.

The next slide is a photograph taken in the summer of 2024.



Within WOODLAND Looking  
East(ish) Towards Rear of  
Dalmaik Houses

Note: Garden Boundary 2m Wooden Fence

## Picture Location No. 3





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Looking from Garden Towards Rear  
of Dalmaik Houses (Spring 2024)  
(Included for Location & Perspective of growth)

Photograph to right taken in  
the summer of 2024.

This shows the level of wild  
growth / tree cover in the  
summer - 2m tall fence barely  
visible. This is typical of the  
whole WOODLAND area.

There is no “Amenity”  
associated with the unkept  
& wild WOODLAND.



Picture “Associated” to Location No. 3





Within Garden Looking  
Towards West Extent of Fence

Note: Existing Trees Remain and are a  
feature of the Garden



Within Garden Looking  
Towards Centre of Fence

Note: Existing Trees Remain and are a  
feature of the Garden



Within Garden Looking  
Towards East Extent of Fence

Note: Existing Trees Remain and are a  
feature of the Garden

**The area to the east of the building (centre and left photo's) is under the existing tree cover and receives little/no sunlight in spring, summer and Autumn. In general this area can also be boggy. We propose to plant a mix of plants and shrubs that thrive in moist shady conditions to enhance biodiversity and appearance in this area.**

## Picture Location No. 4

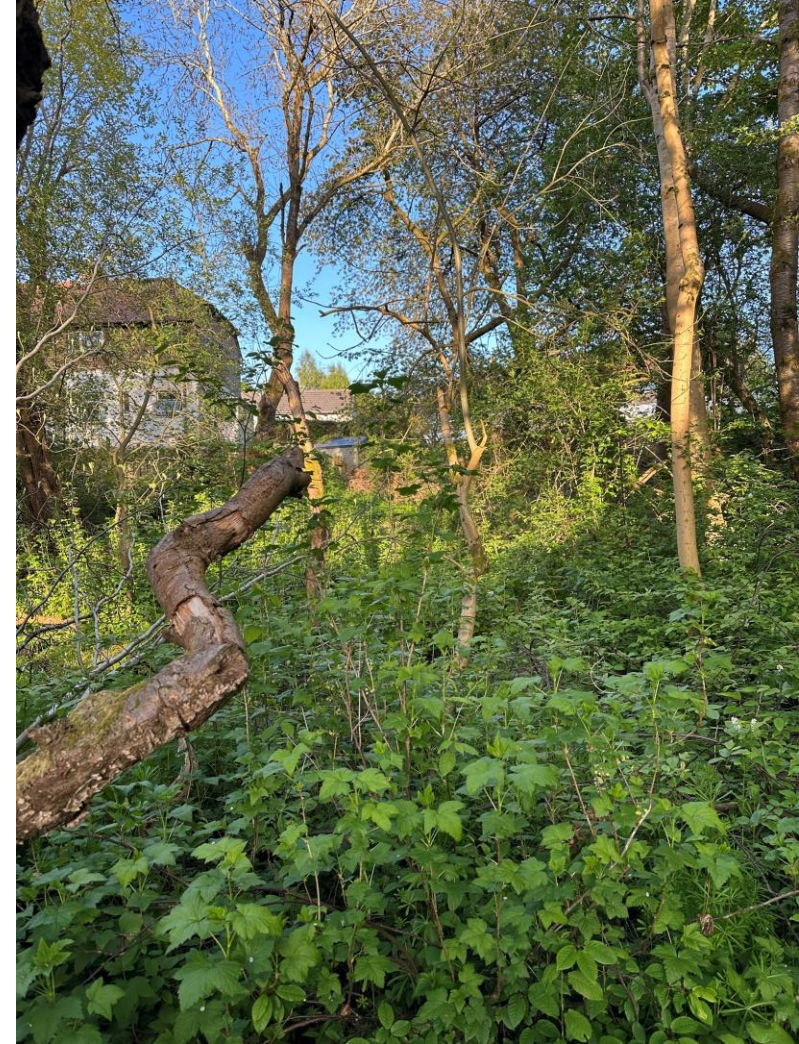




At East Extent of Garden  
Looking West(ish) Along The  
Back of the Fence



At East Extent of Garden  
Looking Towards The Rear of  
the Dalmaik Houses



At East Extent of Garden  
Looking Towards The Rear of  
the Dalmaik Houses

**Picture Location No. 5**





At East Extent of Garden Looking East(ish) Towards the Rear & First of the Houses at Dalmaik



### Location Plan

(Ref. Slide 3 For Perspective)

Green Dot Denotes House That Can Be Seen Distant in Photograph  
(Note: It too has a 2m Wooden Boundary Fence)

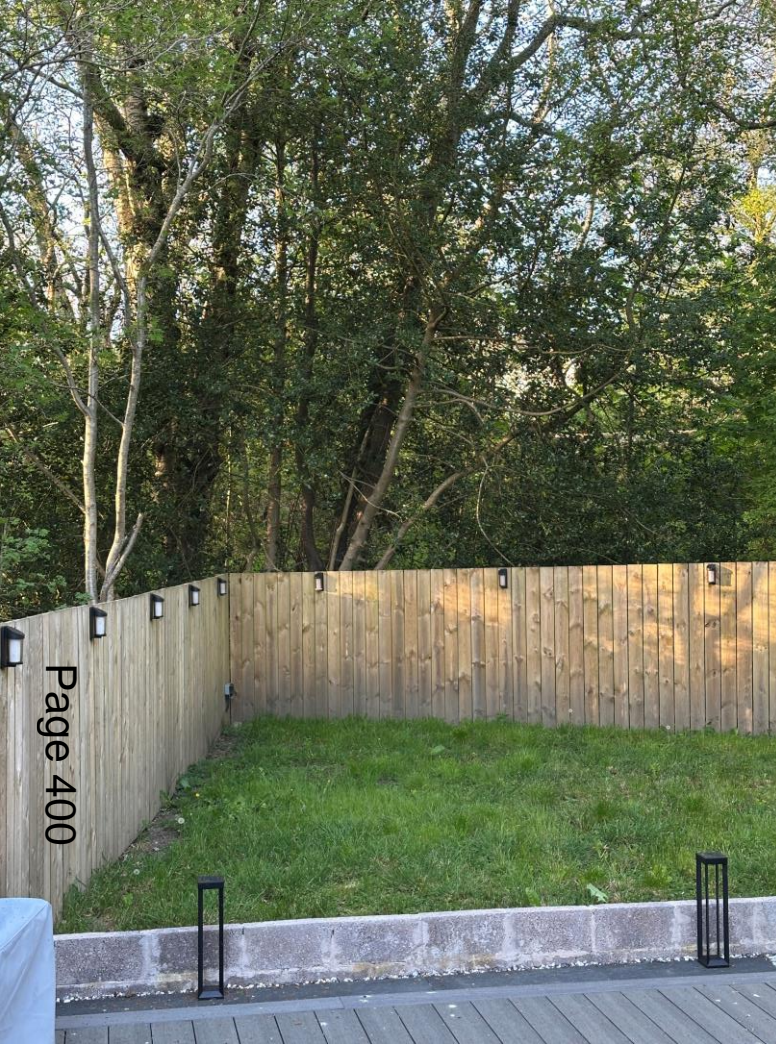
## **Picture Location No. 6**



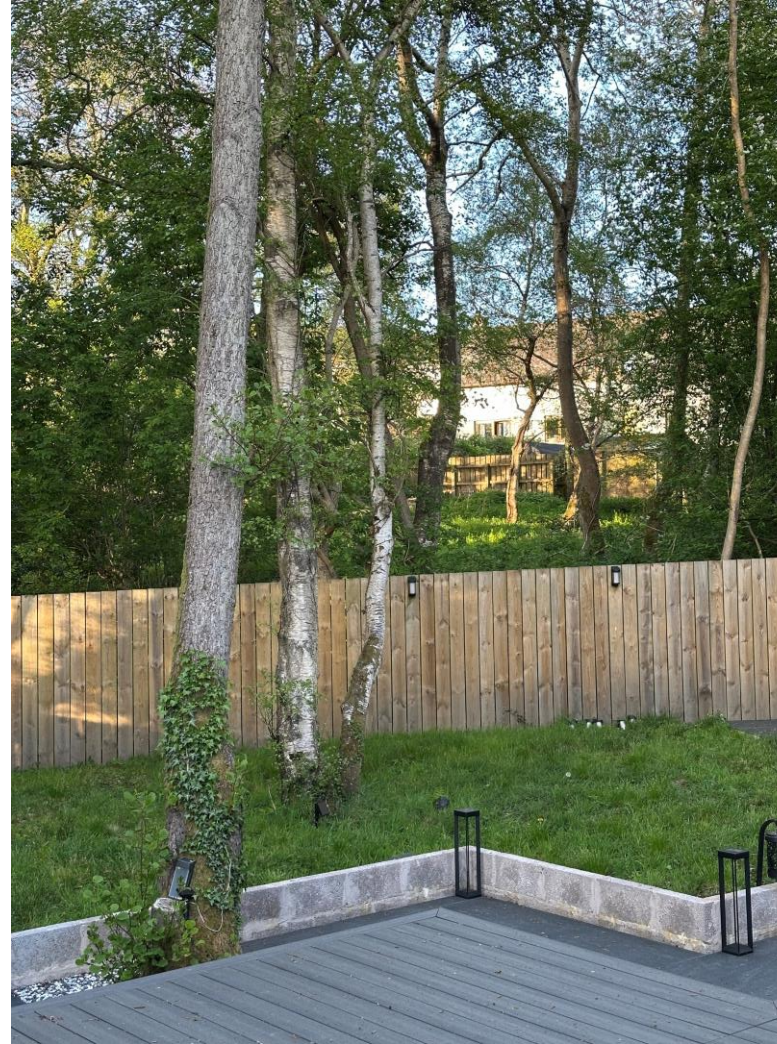
At East Extent of Garden Looking East(ish) Towards the South East Corner of the WOODLAND

(See Location Plan)



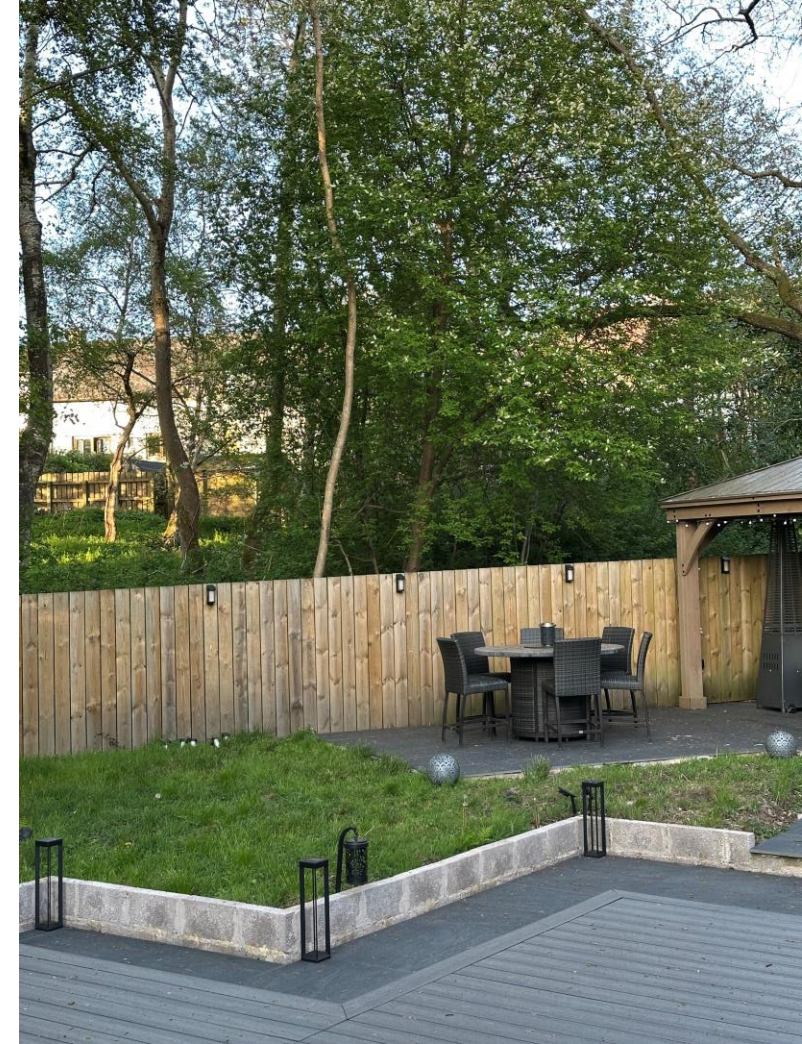


Within Garden Looking North  
Towards West End of Fence



Within Garden Looking North  
Towards Fence

Note: Existing Trees Remain and are a  
feature of the Garden



Within Garden Looking North  
Towards Fence

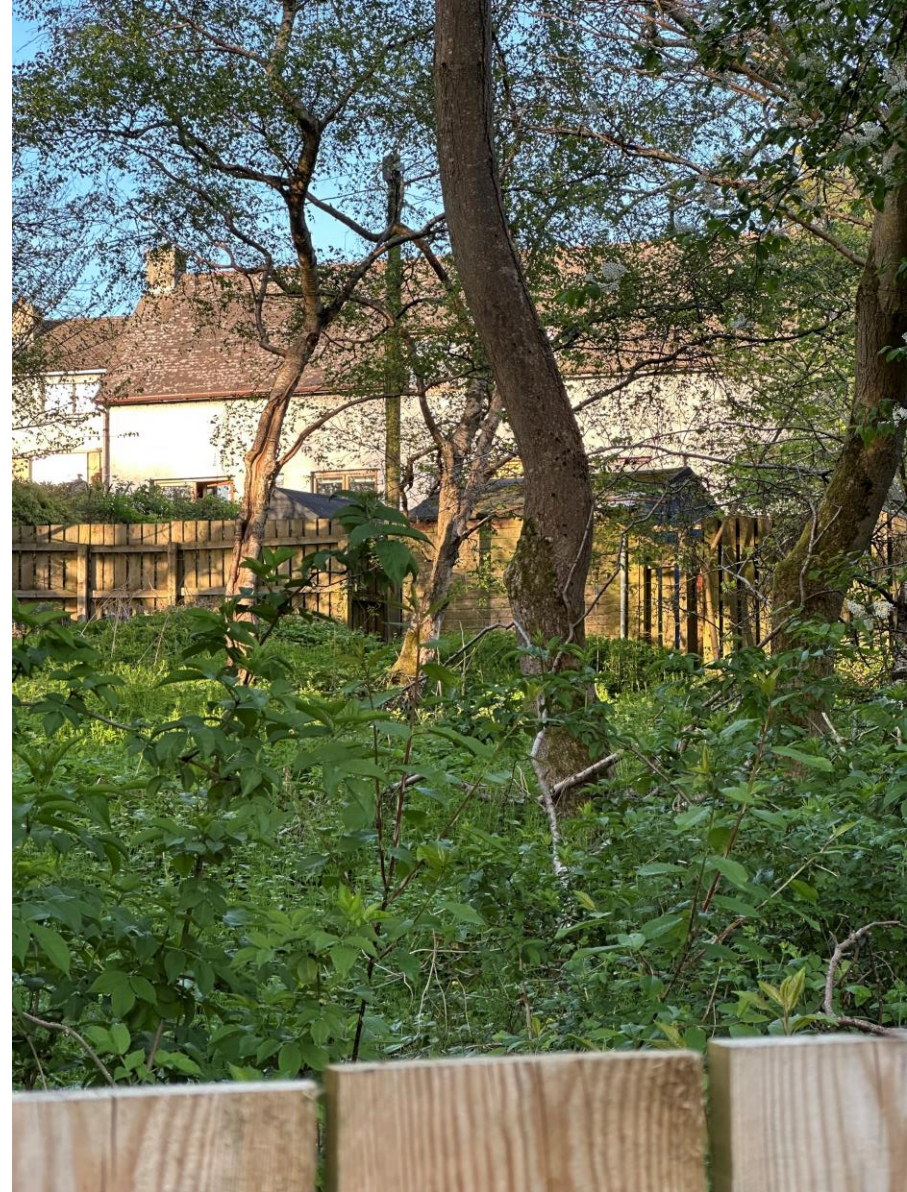
**The area of wild grass currently in this area (all 3 photos) shall be mixed with clover grass lawn and areas of wild pollenating flowers to enhance both biodiversity and appearance.**

**Picture Location No. 7**





Within Garden Looking East  
Over Fence



Within Garden Looking Over Fence  
Towards Rear of Dalmaik Houses

**Picture Location No. 8**

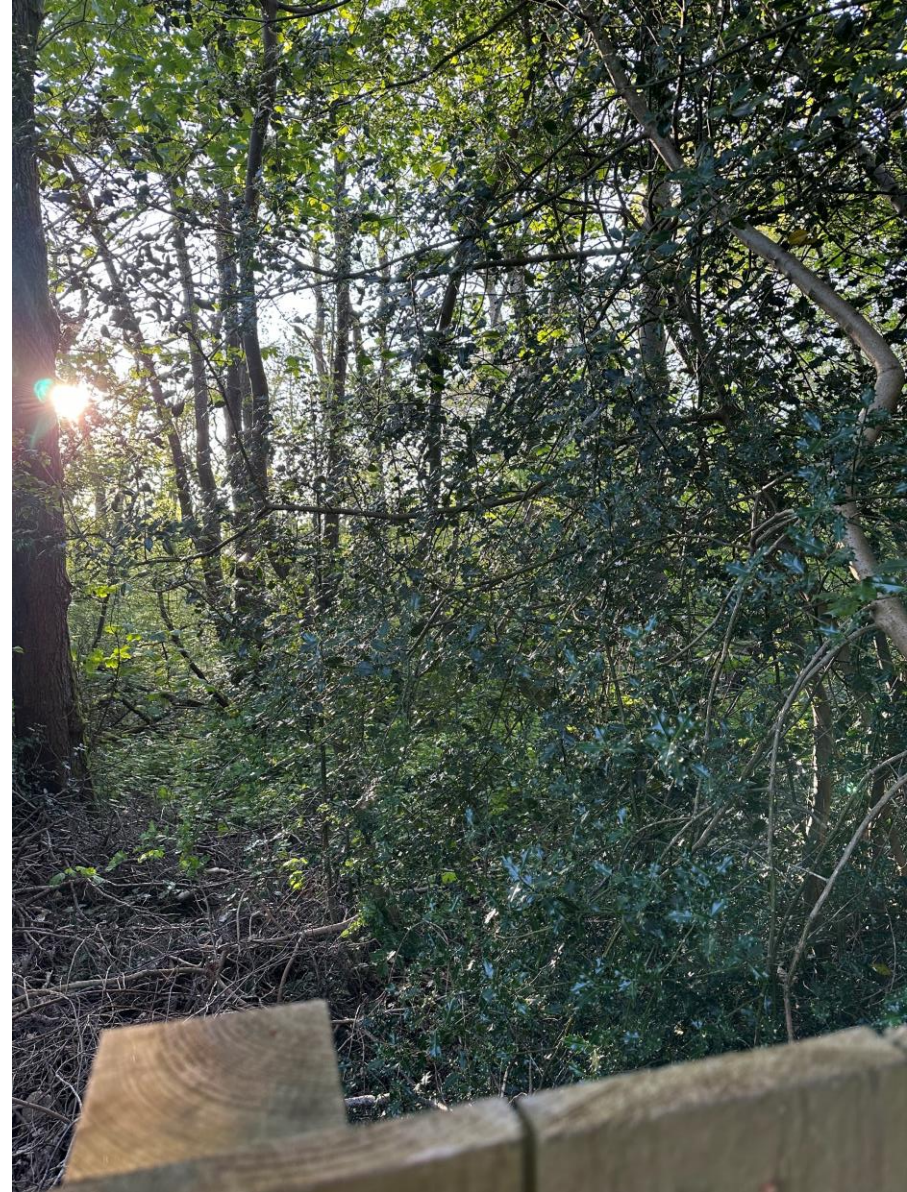




Within Garden at West Side, Looking  
Towards Rear of Neighbours Property

Note: Their Garden has 2m Boundary Wooden Fence

## Picture Location No. 9

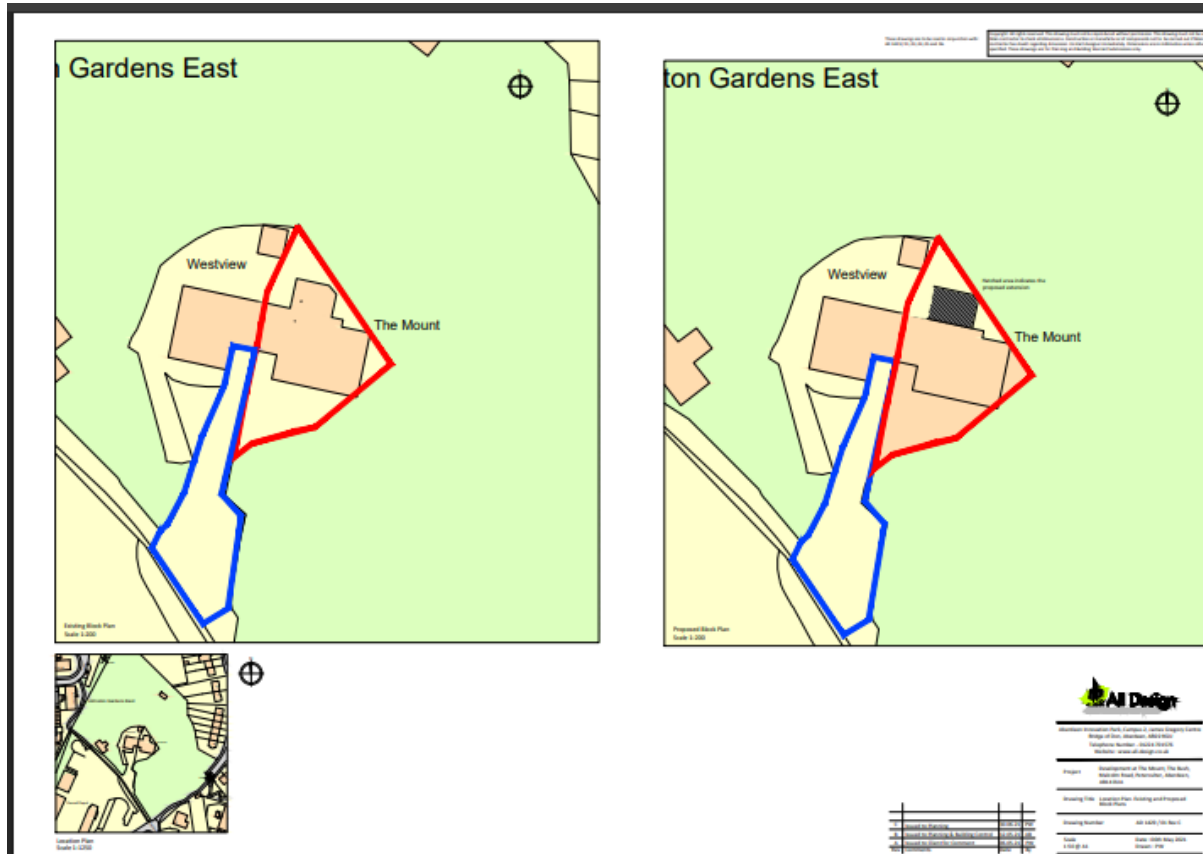


Within Garden at West Side,  
Looking West Over Fence

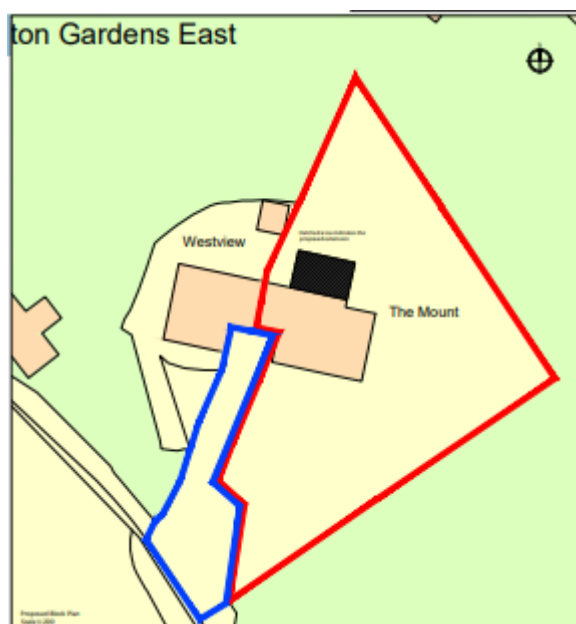


### PLANS OF EXISTING AND PROPOSED GARDEN BOUNDARY

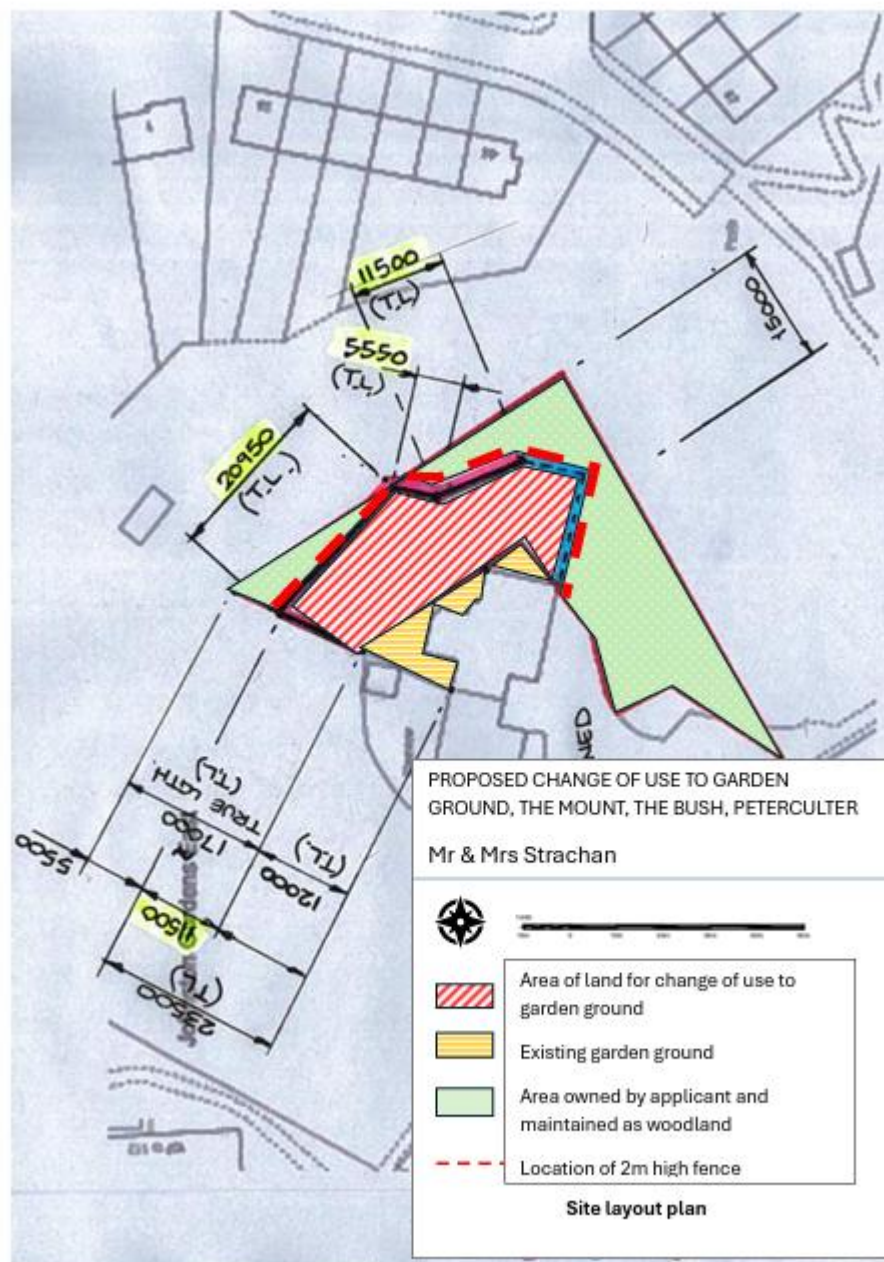
### Existing



**As approved at Building Warrant**







Area of the proposed extended area (hatched red)