

Public Document Pack



To: Councillor McRae, Chairperson; and Councillors Boulton, Cooke, Lawrence and Macdonald.

Town House,
ABERDEEN 11 August 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, 18 AUGUST 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 South View, Granitehill Terrace - Erection of Detached Dwellinghouse

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 241012.

2.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 11 - 40)

2.3 Planning Policies Referred to in Documents Submitted (Pages 41 - 42)

2.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 43 - 172)

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 18C Golden Square - Installation of Replacement Dormer Windows to Front (Retrospective)

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 250140.

3.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 173 - 192)

3.3 Planning Policies Referred to in Documents Submitted (Pages 193 - 194)

3.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 195 - 214)

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 The James Hutton Institute, Countesswells Road - Formation of Car Park
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 241146.
- 4.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 215 - 254)
- 4.3 Planning Policies Referred to in Documents Submitted (Pages 255 - 256)
- 4.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 257 - 308)
- 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

Website Address: aberdeencity.gov.uk

Should you require any further information about this agenda, please contact Mark Masson on mmasson@aberdeencity.gov.uk / tel 01224 067556 or

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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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	Strategic Place Planning
	Report of Handling by Development Management Manager

Site Address:	South View, Granitehill Terrace, Aberdeen AB22 8AQ
Application Description:	Erection of detached dwellinghouse
Application Ref:	241012/DPP
Application Type:	Detailed Planning Permission
Application Date:	30 August 2024
Applicant:	Mr Syd Marwick
Ward:	Bridge of Don
Community Council:	Danestone - Pre Review 2024

DECISION

Refuse

APPLICATION BACKGROUND

Site Description

The application site consists of the southwestern corner of a former haulage yard which has been developed into a residential development comprising of four detached 1½ storey dwellings, known as the Courtyard, which lie to the north of the application site, the area of landscaping within which the application site is located, and the existing original granite 1½ storey dwelling located to the southeast. This original building has been divided into three flats and faces south onto Granitehill Terrace. Further housing lies opposite the site in the form of tenement flats and detached and semi-detached houses. The wider area is characterised as being within the greenbelt and is predominantly farmland as well as a water treatment works to the south, former quarry and open space.

The area where the proposed development would be located is a sloping area of grass and hardstanding. The grass covers most of the site although the western part of this area is to be further soft landscaped under a separate planning permission 231313/DPP. There is a strip of hardstanding located between the grass and the public verge and road. Under planning permissions 171067/DPP, 171068/DPP & 171129/DPP, which were the approvals for Plots 1, 2 and 3 to the north east, respectively, this area was approved for landscaping and a bin store associated with these dwellings, however, neither the landscaping as per the approved plans other than a grassed area, nor the bin store, have been completed at the time of writing. The bin store was also shown on the approved plans for 190602/DPP for plot 4.

The most recent planning permission for a horse shoe shaped piece of land surrounding the wider site adjoins the west boundary of the application site, as an area of soft landscaping and not as part of a change of use of land to garden ground (231313/DPP) as is seen with the land to the

north adjoining the houses which have been built to the north. This planning application sought to regularise the unauthorised encroachment into the greenbelt of garden ground associated with the four houses built within the previously allocated brownfield land. This encroachment included extensive soft landscaping and no new built development apart from the boundary fences which would to a degree screen the wider development of the site which is considered to have been the maximum development of the original site (four large detached houses and three flats).

The site is located within an area designated as green belt within the Aberdeen Local Development Plan 2023 and is approximately 300m to the west of the Parkway / Persley Bridge / Laurel Drive roundabout. The wider residential site has limited landscaping although the landscaping as approved in application 231313/DPP is in the process of being implemented. The application site would once established be an area laid to grass, adjacent to the structural planting on the western boundary. This area at the front of the site would be the only soft landscaping which is not private enclosed rear garden space of any notable size following the concession granted to change the use of the land as part of application 231313/DPP to garden ground.

The grassed area is completely open and visible from the public road.

In landscape terms the site is within the Lower Don Valley character area which is a river valley as described in the Aberdeen Landscape Character Assessment, the surrounding the site is open farmland with tree lines along the ridgeline to the north of the site.

Relevant Planning History

231313/DPP - Change of use from agricultural land to garden ground and associated hard and soft landscaping and boundary treatments (retrospective) – Approved Conditionally – 27.05.2024

230337/DPP - Erection of detached double garage with gym/workshop, home office and ancillary accommodation above – Refused – 25.08.2023.

190602/DPP – (Plot 4) Erection of 1.5 storey dwelling house – Approved - 10.06.2019.

171129/DPP – (Plot 3) Erection of 1.5 storey dwelling house – Approved - 08.12.2017.

171068/DPP – (Plot 2) Erection of 1.5 storey dwelling house – Approved - 08.12.2017.

171067/DPP – (Plot 1) Erection of 1.5 storey dwelling house – Approved - 23.11.2017

161045/DPP - Alterations/extension to existing 2 flats to form 3 flats complete with 6 No. off-street parking spaces and associated site works – Approved - 10.10.2016.

131534 - Change of use from haulage yard, offices & associated buildings to form residential development comprising 4 houses and associated infrastructure work – Approved - 13.10.2014.

APPLICATION DESCRIPTION

Description of Proposal

Planning permission is sought for the erection of a detached dwelling house within an area of landscaped open space in the south west corner of the recently constructed residential development. The site including dwelling would be slightly dug into the area of landscaping This

would remove the area of grass associated with the adjacent residential development. The site would have an area of approximately 232m². The proposed dwelling would be in the form of a dual pitched roofed single storey bungalow with rooms in the roof space. It would be constructed in the middle of the site. The building would measure approximately 11.5m by 7.5m with a footprint of approximately 88m². The ridge height would be 7.15m, and eaves at 3.0m at its highest from the sloping ground level on the road facing gable elevation. The building would be dug into the sloped land to the rear.

The building is proposed with a simple dual pitched design, the orientation of the structure has a narrow gable elevation facing southwards onto Granitehill Terrace on the Upper Persley Road and the long elevations running back into the site. The front elevation would have a ground floor projecting bay window with lean-to roof. The building is proposed to be constructed from rendered blockwork and a tiled roof of similar materials to the new housing existing to the rear of the application site. The roof would have roof lights within it and also a solar pv array on the north west elevation. The proposal would require some excavation with land levels being altered to allow the structure to be built at the lower ground level closest to the road, excavating the bank which slopes upwards away from the road. When ground and first floor are combined the proposed building would have a floor area of approximately 134m². The road facing gable elevation would be approximately 7.1m to the ridge and would have eaves height of approximately 3.0m when measured to ground level. Due to the topography of the site, the north east facing gable would sit approximately 6.2m high above the corresponding ground level. The elevation drawings show that there would be windows at ground floor level on the side (south east and north west elevations) and front facing elevation. There would be no windows in the north east facing rear elevation.

To the front of the house an area of hardstanding would be created to allow for vehicular parking and it is indicated some planting behind the dwarf wall which would demarcate the boundary separating the site to the proposed footway which would replace the existing grass verge.

Within the supporting statement, the agent has advised that there is a requirement for the proposed residential accommodation to initially be used as respite care for a family member, although the general use is not sought to be restricted to either a particular person or use. An additional supporting statement has been submitted suggesting that the relevant person could benefit from respite accommodation close to family members, although it is not set out as becoming their main residence. It is also stated that the house would revert to general residential use following respite care.

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=SJ0RGHBZJ2400>

CONSULTATIONS

ACC - Roads Development Management Team – No objection. This site is located in the outer city and does not lie within an area with any form of controlled parking measures.

The proposal to form a 3-bedroom dwelling requires the associated parking provision of 2 spaces as per ACC supplementary guidance, in this regard it is confirmed that sufficient parking is proposed in the form of double length driveway along the southern boundary of the property.

In terms of the proposed driveway, this would take access via the existing access road serving the existing other dwellings to the north of this plot.

It is noted the proposed works to form a boundary wall and pavement extents along the boundary with Granitehill Road, similar to that already created outside South View. While this is considered acceptable, such works shall be designed/constructed to ACC standards and shall be subject to a Section 56 roads construction consent (RCC) application given this shall be upon adopted verge/carriageway extents.

Bin storage and servicing is as per the neighbouring properties with a bin stance located on the east side of the access road close to Granitehill Road, which is confirmed acceptable.

It is confirmed that Roads Development Management have no objections in regard to this application given the above and the consideration that the additional associated vehicle movements of a further unit on this site would not be detrimental.

ACC - Waste and Recycling – No objection. Required bin storage and collection set out in detail.

ACC - Environmental Health – No comment.

Danestone Community Council (Pre Review 2024) – 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 4 (Natural Places)

- Policy 8 (Green Belts)
- Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings)
- Policy 13 (Sustainable Transport)
- Policy 14 (Design, Quality and Place)
- Policy 16 (Quality Homes)
- Policy 17 (Rural Homes)
- Policy 20 (Blue and Green Infrastructure)

Aberdeen Local Development Plan 2023

- Policy NE1 (Green Belt)
- Policy D1 (Quality Placemaking)
- Policy D2 (Amenity)
- Policy D4 (Landscape)
- Policy R2 (Degraded and Contaminated Land)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)

Aberdeen Planning Guidance

- Amenity and Space Standards
- Affordable and Specialist Housing Need
- Landscape
- Openspace and Green Infrastructure
- Transport and Accessibility
- Trees and Woodlands
- Waste Management Requirements for New Development

Other Material Considerations

- Hillside Parks Ltd (Appellant) v Snowdonia National Park Authority (Respondent) - UKSC/2020/0211
- Pilkington Principle

EVALUATION

Key Considerations

The key considerations relate to the principle of this development within the green belt and whether further residential development in a constrained, previously built out development is appropriate within the green belt. Secondly, whether the loss of previously required landscaping is both justified in visual impact terms, but also whether this lost landscaping would be permissible without prejudicing the compliance with conditions attached to previous planning permissions. These conditions were required to make the development of the wider site acceptable and compliant with the historic allocation in the 2012 Aberdeen Local Plan.

In regard to green belt development an assessment will be made as to whether the proposal complies with the principal policies, Policy NE1 (Green Belt) of the ALDP and Policy 8

(Greenbelts) of NPF4, or whether the development is unacceptable new development in the greenbelt.

Additionally, consideration is required whether the scale, massing, design and appearance of the development, and loss of an area specified for soft landscaping would be considered acceptable so as not to constitute over development, poor design or harm the appearance of the green belt contrary to Policy NE1 (Green Belt), Policy D1 (Quality Placemaking) and Policy D4 (Landscape) of the Aberdeen Local Development Plan 2023 and Policy 8 (Greenbelt), and Policy 14 (Design, Quality and Place) of NPF4.

Whilst the site has been described as previously developed land in the supporting document, development of the four detached houses and a conversion of an original building to form flats has since taken place following the demolition of the former haulage yard buildings and can be considered to be largely complete. The previous building has been removed and the area to which this application site covers is now required to be an area of open space under previous planning permissions.

As set out above, the wider site has been subject to unauthorised encroachment into the greenbelt. Retrospective planning permission was approved for this with strict requirements for the site to be landscaped and also to limit domestic development in the garden ground.

Therefore the current application site is considered to be an integral part of this new development and not therefore part of a previously developed or a brownfield site, as that context has changed with the aforementioned redevelopment of the site for four houses and a flattened conversion. The Aberdeen Local Development Plan takes precedent over NPF4 policy on this point as the former is the most recently adopted document. The site has not been included in the local development plan as an allocated site because it is considered to have been redeveloped to its full extent and its zoning reverted back to green belt. Previously, in approving the four houses and conversion of a building to three flats within the greenbelt, consideration was given to the previous use of the site and it having fallen vacant. However, now the application site forms part of an amenity area for the recent housing development and does not form vacant or previously developed land. It is also important to note that condition precedents attached to previous planning permissions require the application site to be maintained as an area of landscaping for a period of ten years. This proposal would prejudice the full implementation of these planning applications and for this reason the principle of the development is contrary to green belt policy.

In this instance, as well as the matters highlighted above, consideration must also be given to the landscape impact of a further development, rather than the approved landscaping, as well as any impacts upon the amenity of neighbouring residential properties, the accessibility of the site and the reduction in biodiversity are also significant.

All matters will be considered in the evaluation below.

Principle of Development within the Green Belt

In respect of Policy NE1 (Green Belt) of the ALDP, this policy outlines that development in areas defined as green belt on the proposals map associated with the local development plan will not be supported.

However the policy does highlight a number of exceptions, nine in total. In general, Policy NE1 seeks to protect the landscape setting of the city and more widely to maintain the distinct identity of Aberdeen and the communities within and around the city, by defining their physical boundaries

clearly. Safeguarding the green belt helps to avoid coalescence of settlements and sprawling development on the edge of the city, maintaining Aberdeen's landscape setting and providing access to open space. Furthermore, the green belt directs planned growth to the most appropriate locations and supports regeneration. It also avoids development being located away from safe accessible pedestrian and cycle routes, where access to services is possible without the use of private cars.

The development is not considered to meet any of the nine specific exceptions where development could be considered acceptable. The proposal is not related to agriculture, woodland or forestry (exception a), is not for leisure or recreational uses compatible with an agricultural or natural setting (exception b), is not for the extraction of minerals (exception c), it is not associated with existing activities in the green belt (as it would be a stand-alone house creating a new planning unit) (exception d), is not directly associated with essential infrastructure (exception e), is not related to the generation of renewable energy (exception f), is not for a replacement dwelling house (exception g), is not for the appropriate change of use of a building with a historic or architectural interest (exception h); nor is it for a conversion/ rehabilitation scheme of a historic building (exception i).

Policy 8 (Green Belts) of NPF4 is also relevant. The policy is restrictive to ensure that development and growth is controlled and directed to suitable locations whilst protecting the landscape and natural environment. This policy sets out exceptions, of which none are considered to be met by the proposed development.

The proposal therefore does not comply with the principal policies, Policy NE1 (Green Belt) of the ALDP or Policy 8 (Green Belts) of NPF4, as it does not meet any of the exceptions highlighted above. The principle of development cannot be supported. As will be expanded upon, other material considerations do not outweigh this in principle objection and there are other matters that in themselves are a reason to resist further development of this wider site.

Landscape impact

In the context of the green belt and the open road fronting section of the site, design quality is imperative. Policy D1 (Quality Placemaking) requires that all development must ensure high standards of design, create sustainable and successful places and have a strong and distinctive sense of place, which is a result of detailed contextual appraisal.

This policy goes on to set out that 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.

Due to the site's location in an attractive landscape and its proximity to open public views, the loss of the previously required landscaping and open space would have a detrimental visual impact which is not justified. The original allocation for this site in the 2012 Aberdeen Local Plan stated that the wider site was included as:-

An opportunity for a small housing development with substantial landscaping and careful high quality design being required to secure landscape renewal.

Prior to the construction of the four dwellings the site had housed an agricultural/functional type building, with a yard located to the rear, associated with the haulage yard. Images of this building have been provided within the design statement submitted in support of the application.

However the supporting statement does not acknowledge the level of development already approved and completed at this site. It is considered that the site is fully developed and the previous unauthorised encroachment into the greenbelt of garden areas and lack of implementation of a landscaping scheme indicate that the site has been intensively developed.

In considering whether the existing on site development has met this historic local plan allocation and policy it is clear that the level of development did not comfortably allow for the required landscaping, and the level of completed landscaping currently on site would not be considered substantial. This current proposal for an eighth dwelling on site would erode the landscaped areas previously required to provide a suitable setting for the consented housing. The proposal would also see a significant increase in hard engineering as well as built development on site in the most prominent road facing position.

As such, it is not considered that an additional house on the site would be appropriate, or indeed would have been appropriate when the original site was allocated. Reference has been made to pre-application discussions where a road fronting house was proposed, however this is not relevant as the date of this pre-application information pre-dates the submission of the applications which the applicant chose to build in alternative positions, resulting in the only space for landscaping to be at the front of the site.

The proposal is not considered to be an acceptable design, as it does not reflect the river valley landscape where this building would be seen from relatively far away along Upper Persley Road and through its construction would remove an area of landscaping required to soften the impact of the previous development of 4 houses. The design of the building with its gable facing the road and simple rectangular plan is not particularly attractive or typical even of the existing road fronting development opposite. Due to the overdevelopment of the site resulting from the development proposal and lack of remaining areas of landscaping, the additional dwelling would be considered as having a significant impact in terms of visual amenity. The overall height of more than 7m would not allow for screening.

The proposed detailing with rendered flanks would be highly visible from the east when viewed from Upper Persely Road and would be incongruous, especially when it is considered that it would block views of the landscaping to the west which has yet to be implemented.

As stated previously the proposal would be sited on an area that was required for open space for the development of four houses to the north of the site and the conversion of the granite building to three flats. A small area of landscaping is shown as retained to the north west of the proposed building. However it is not considered to meet the requirements of policy D1 or the original allocation policy requirement for significant landscaping. As has been seen at the other approved houses on site, areas designated as landscaping have come under pressure to be used as garden ground, with all of the associated domestic paraphernalia and appearance of neat garden ground associated with domestic curtilages. The approved landscaping requires trees and hedging to be planted, over time these trees would likely come under pressure for removal due to the proximity to the proposed dwelling. It is also noted that there is very little outdoor amenity/garden space provided in the proposed development curtilage and therefore if this site were approved for additional housing, what remains of the screening landscaping area may come under pressure to be used as garden ground and not allowed to become established mature landscaping.

In summary, the proposal would be sited on an area that was required for open space in close proximity to structural landscaping for the development of four houses to the north of the site. The building and hardstanding leave insufficient space for landscaping or screening and would limit significantly the area of open space and landscaping of this previous development which would be to the detriment of the landscape. This is contrary to the requirements of Policies D1 (Quality Placemaking) and Policy 20 (a and b) (Blue and Green Infrastructure).

Road Safety and Sustainable Travel

The proposed development has been assessed by the Council's Roads Development Management team who have not objected to the proposed development. However it is noted that the proposed private driveway would be within 15m of the junction/bell-mouth of the private access road which serves seven residential units which is not in accordance with the Transport and Accessibility APG. The proposed access would require vehicles to access the site via the bell-mouth which is not safe as vehicles exiting the site may not be able to position themselves at 90 degrees to the public road, and therefore potentially would not have a clear view of cars travelling along Upper Persley Road west to east. Whilst this was not raised as a reason for refusal by the Roads Development Management team this remains a safety concern. Vehicles accessing into the application site would need to cross the bell-mouth diagonally when approaching the site from the east. When approaching the site from the west, the entrance is close to the bell-mouth, it may require manoeuvring within the private road to enter the site, which potentially could lead to vehicles having to wait to enter the private drive for the other flats and houses, which differs to the approved situation. It is also recognised that the constructed access road serving the existing housing has not been constructed to the required width of 5m, the existing road is not considered wide enough to allow two vehicles to pass simultaneously. Therefore this is likely to cause an increased risk to vehicles entering and exiting the site and those travelling on the 60mph speed limit Upper Persley Road, contrary to Policy T2 (Sustainable Transport).

Policy 13 (Sustainable Transport) of NPF4 and Policy T2 (Sustainable Transport) of the ALDP 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. This site is not located on a public transport route and there is not a footway to the nearest bus stop. The road is an unlit, 60mph speed limit road, and therefore whilst distances to services and public transport stops would be reasonable for some, the speed of traffic and lack of lighting or segregated cycle routes means that this is not a safe option, particularly given the busy roundabout on the A92 from which Upper Persley Road is accessed from the east.

The applicant raised the option of constructing a footway for part of the length of Upper Persley Road. However, this does not form part of the application and no further details were provided. It is not considered reasonable or competent considering the scale of development to require a footway to be constructed to the roundabout to the east on the basis of a single dwelling and thus would be contrary to the six tests for conditions set out in Scottish Government Planning Circular 4/1998 – The Use of Conditions in Planning Permissions. Also, the provision of such a footpath was not part of the application submission, and no details of delivery, including landownership were provided, and the applicant has not proceeded on this basis. As such, the lack of footway remains a key consideration and reason for refusal.

Equality Considerations

Section 149 of the Equality Act 2010 requires the Planning Authority, in the exercise of its functions, to have due regard to the need to advance equality of opportunity between persons who

share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

- remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic.
- take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

In this case, it has been brought to the attention of the Planning Service that the proposal could impact on persons with a relevant protected characteristic, disability. The submitted supporting documentation supplied by the agent and by the applicant's family member's care provider has advised of the benefit of spending quality time with family. The proposed building is set out as offering respite care accommodation as its initial use. Currently many members of the same family live in the recently constructed houses to the north, including the applicant. The applicant has set out that this new building would allow for a family member to stay near to other family members and receive respite care. The application is in part proposed as accommodation for a family member to use as respite accommodation when they visit from their normal residence. The use of the site would not however be solely for this purpose and could not be competently restricted to this use in perpetuity.

The level of supporting information does suggest that there may be a need for accommodation near to the applicant's house (which is to the north of the site). However, it is not clear from the submitted evidence that it would need to be a free standing house within this site, and it has not been shown that alternative options have been considered and discounted. It is also noted that the application has not been made solely as respite accommodation. As such if in the future should the ownership of either the neighbouring houses or proposed house change, the need for respite care in this location would not be required or appropriate.

As such, whilst some weight is given to the needs of a family member, it has not been shown that this proposal is the only means to remove disadvantages suffered by a person with a protected characteristic and advance equality of opportunity.

Whilst it is noted that the proposed building has been described as offering respite, no further evidence has been submitted as to why this needs to be included within a 134m² building which is separate from the family members by a relatively significant degree and it is not clear what the building would be used for if not a dwelling during the periods when it is not being used as respite care.

The applicant has not applied on the basis of a personal use and the use of the building would not be limited to the individual as set out in the supporting statement. It is not considered that a

condition or personal planning permission would be appropriate in this instance. Guidance on the use of personal conditions is set out Planning Circular 4/1998.

The Circular states in para. 91 (occupancy: general considerations) "Since planning controls are concerned with the use of land rather than the identity of the user, the question of who is to occupy premises for which permission is to be granted will normally be irrelevant. Conditions restricting occupancy to a particular occupier or class of occupier should only be used when special planning grounds can be demonstrated and where the alternative would normally be refusal of permission".

Following on in para. 92 (personal permissions), it states "Unless the permission otherwise provides, planning permission runs with the land and it is seldom desirable to provide otherwise. There are occasions relating, for example, to strong compassionate or other personal grounds, where the planning authority is minded to grant permission for the use of a building or land for some purpose which would not normally be allowed. In such a case the permission may be made subject to a condition that it shall enure only for the benefit of a named person - usually the applicant. A permission personal to a company is generally inappropriate. Conditions of this type will scarcely ever be justified in the case of a permission for the erection of a permanent building".

Because of the degree of separation and the scale of the house, it is not considered possible to limit this use to a personal level as this would be considered unreasonable and would not meet the tests of a competent condition or legal agreement. The occupant of the house would not be the applicants family member as this would be for respite care only. The use is not sought to be restricted to the family member or applicant, and even if it were, should in the future either the applicant or their family member no longer require the use of this building as respite care accommodation it would be unreasonable to expect this use to continue as such. At that point either the use would need to cease (demolish the house), or the use as a dwelling house in the green belt would need to be allowed through the variation of any personal condition/planning permission. This is not considered to be acceptable nor competent in this case.

As such, little weight can be given to this as an exceptional reason to depart from Policy NE1 (Green Belt) of the Aberdeen Local Development Plan.

Other Matters

Notwithstanding the issues set out above, it is acknowledged that the proposal would meet certain policy requirements specifically, the separation distance ensures that neighbours amenity is protected, and the proposal is therefore not contrary to Policy D1 (Quality Placemaking) in in terms of daylight, sunlight and overlooking and being a safe and pleasant design. Contaminated land has been dealt with previously as the site has been built out.

DECISION

Refuse

REASON FOR DECISION

The proposed dwelling would be sited within the green belt in an unsustainable location and does not meet the exception for development in the green belt including those allowed for certain types of residential development. As such the proposal does not comply with Policies NE1 (Green Belt) and T2 (Sustainable Transport) of the Aberdeen Local Development Plan 2023 and Policies 1

(Tackling the Climate and Nature Crises), 8 (Green Belts), 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) and 13 (Sustainable Transport) of the National Planning Framework 4.

By virtue of the excessive scale and massing, the proposed building is considered to be an overbearing and incongruous addition which does not reflect an appropriate design, scale or massing, required by new development within the green belt. It is also considered that the development would harm the landscape character of this area in visual terms and the protected green belt. The development would also prejudice the completion and retention of previously approved landscaping and amenity land associated with the adjoining development of the houses and flats to the detriment of the landscape setting which had been an integral requirement of the sites original allocation for brownfield residential development. This loss of the approved landscaped area would also have an unacceptable impact on biodiversity, nor are there any environment enhancements proposed to offset this impact. The proposal is therefore considered to be contrary to Policies NE1 (Green Belt), D1 (Quality Placemaking), and D4 (Landscape) of the Aberdeen Local Development Plan 2023 and Policies 1 (Tackling the Climate and Nature Crises), 3 (Biodiversity), 8 (Green Belts), and Policy 20 (Blue and Green Infrastructure) of the National Planning Framework 4.

The development does also not contribute to sustainability in terms of accessible transport. As such the proposal is considered to be contrary to Policies T2 (Sustainable Transport), Policy T3 (Parking) of the Aberdeen Local Development Plan 2023 and Policy 13 (Sustainable Transport) and Policy 14 (Design, Quality and Place) of National Planning Framework 4.



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 100683502-001

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)

Erection of new dwellinghouse within established housing site

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:	Ian Rodger Architects		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Ian	Building Name:	
Last Name: *	Rodger	Building Number:	1b
Telephone Number: *	01224 313080	Address 1 (Street): *	Ruthrie Terrace
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Aberdeen
Fax Number:		Country: *	Scotland
		Postcode: *	AB10 7JY
Email Address: *	info@ir-architects.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:	Other	You must enter a Building Name or Number, or both: *	
Other Title:	Mr	Building Name:	Plot 1
First Name: *	Syd	Building Number:	
Last Name: *	Marwick	Address 1 (Street): *	The Courtyard
Company/Organisation		Address 2:	Granitehill Terrace
Telephone Number: *		Town/City: *	Aberdeen
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	AB22 8AQ
Fax Number:			
Email Address: *	info@ir-architects.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

South View Granitehill Terrace Aberdeen AB22 8AQ

Northing

809970

Easting

390623

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)

Previous discussions regarding the site with the Planner. Previous recent Planning applications as follows; Refusal of Planning Permission; Application ref no. 230337/DPP (25/08/23) - This current application addresses the concerns of Planning & Roads which led to that refusal. Approval of Planning Permission (garden ground & landscaping); Application ref no. 231313/DPP (27/05/24)

Title:

Mr

Other title:

First Name:

Jack

Last Name:

Ibbotson

Correspondence Reference
Number:

230337/DPP

Date (dd/mm/yyyy):

21/09/2023

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:

232.00

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)

Landscaped area, as part of established housing 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)? *

2

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.

<p>Are you proposing to connect to the public water supply network? *</p> <p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No, using a private water supply</p> <p><input 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-top: 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-top: 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-top: 0;">Waste Storage and Collection</h2> <p>Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes or No, please provide further details: * (Max 500 characters)</p> <div style="border: 1px solid black; padding: 5px; min-height: 50px;"> <p>Existing approved area for bins, as part of overall housing site</p> </div>	
<h2 style="margin-top: 0;">Residential Units Including Conversion</h2> <p>Does your proposal include new or additional houses and/or flats? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>How many units do you propose in total? * 1</p> <p>Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.</p>	
<h2 style="margin-top: 0;">All Types of Non Housing Development – Proposed New Floorspace</h2> <p>Does your proposal alter or create non-residential floorspace? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<h2 style="margin-top: 0;">Schedule 3 Development</h2> <p>Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</p> <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>	

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: Ian Rodger

On behalf of: Mr Syd Marwick

Date: 29/08/2024

☒ 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 Ian Rodger

Declaration Date: 29/08/2024

Payment Details

Online payment: ABSP00011180

Payment date: 29/08/2024 17:15:00

Created: 29/08/2024 17:15



DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Ian Rodger
Ian Rodger Architects
1B Ruthrie Terrace
Aberdeen
AB10 7JY

on behalf of **Mr Syd Marwick**

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.

Application Reference Number	241012/DPP
Address of Development	South View Granitehill Terrace Aberdeen AB22 8AQ
Description of Development	Erection of detached dwellinghouse
Date of Decision	22 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 –

The proposed dwelling would be sited within the green belt in an unsustainable location and does not meet the exception for development in the green belt including those allowed for certain types of residential development. As such the proposal does not comply with Policies NE1 (Green Belt) and T2 (Sustainable Transport) of the Aberdeen Local Development Plan 2023 and Policies 1 (Tackling the Climate and Nature Crises), 8 (Green Belts), 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) and 13 (Sustainable Transport) of the National Planning Framework 4.

By virtue of the excessive scale and massing, the proposed building is considered to be an overbearing and incongruous addition which does not reflect an appropriate design, scale or massing, required by new development within the green belt. It is also considered that the development would harm the landscape character of this area in visual terms and the protected green belt. The development would also prejudice the completion and retention of previously approved landscaping and amenity land associated with the adjoining development of the houses and flats to the detriment of the landscape setting which had been an integral requirement of the sites original allocation for brownfield residential development. This loss of the approved landscaped area would also have an unacceptable impact on biodiversity, nor are there any environment enhancements proposed to offset this impact. The proposal is therefore considered to be contrary to Policies NE1 (Green Belt), D1 (Quality Placemaking), and D4 (Landscape) of the Aberdeen Local Development Plan 2023 and Policies 1 (Tackling the Climate and Nature Crises), 3 (Biodiversity), 8 (Green Belts), and Policy 20 (Blue and Green Infrastructure) of the National Planning Framework 4.

The development does also not contribute to sustainability in terms of accessible transport. As such the proposal is considered to be contrary to Policies T2 (Sustainable Transport), Policy T3 (Parking) of the Aberdeen Local Development Plan 2023 and Policy 13 (Sustainable Transport) and Policy 14 (Design, Quality and Place) of National Planning Framework 4.



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

004	Location Plan
107	Multiple Floor Plans (Proposed)
108	Multiple Elevations (Proposed)
109	Multiple Elevations (Proposed)
	Design Statement

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

Case Officer: Jack Ibbotson	To: ACC - Environmental Health
E-mail: JIbbotson@aberdeencity.gov.uk	Date Sent: 3 September 2024
Tel.: 01224 053589	Respond by: 24 September 2024
Application Type: Detailed Planning Permission	
Application Address: South View Granitehill Terrace Aberdeen AB22 8AQ	
Proposal Description: Erection of detached dwellinghouse	
Application Reference: 241012/DPP	
Consultation Reference: DC/ACC/SJ8TY5BZ03R06	

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.	X
Would make the following comments (please specify below).	
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

Responding Officer: Neil Fraser

Date: 10/09/2024

Email: nefraser@aberdeencity.gov.uk

Ext:01224 067553

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Consultee Comments for Planning Application 241012/DPP

Application Summary

Application Number: 241012/DPP

Address: South View Granitehill Terrace Aberdeen AB22 8AQ

Proposal: Erection of detached dwellinghouse

Case Officer: Jack Ibbotson

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 erection of detached dwellinghouse at South View, Granitehill Terrace, Aberdeen AB22 8AQ.

It is noted this site is located in the outer city and does not lie within an area with any form of controlled parking measures.

The proposal to form a 3-bedroom dwelling requires the associated parking provision of 2 spaces as per ACC supplementary guidance, in this regard it is confirmed that suffice parking is proposed in the form of double length driveway along the southern boundary of the property.

In terms of the proposed driveway, this would take access via the existing access road serving the existing other dwellings to the north of this plot. Such access road is confirmed to be 5m wide which shall accommodate two-way vehicular movements in/out of the site onto Granitehill Road which alleviates previous concerns of a vehicles stopping/waiting on Granitehill Road itself to allow other such vehicles to exit.

Additionally, it is noted the proposed works to form a boundary wall and pavement extents along the boundary with Granitehill Road, similar to that already created outside South View. While this is considered acceptable, such works shall be designed/constructed to ACC standards and shall be subject to a Section 56 roads construction consent (RCC) application given this shall be upon adopted verge/carriageway extents.

Bin storage and servicing is as per the neighbouring properties with a bin stance located on the east side of the access road close to Granitehill Road, which is confirmed acceptable.

It is confirmed that Roads Development Management have no objections in regard to this application given the above and the consideration that the additional associated vehicle

movements of a further unit on this site would not be detrimental.

Aberdeen City Council – Development Management Team Consultation Request

Case Officer: Jack Ibbotson	To: ACC - Waste And Recycling
E-mail: JIbbotson@aberdeencity.gov.uk	Date Sent: 3 September 2024
Tel.: 01224 053589	Respond by: 24 September 2024
Application Type: Detailed Planning Permission	
Application Address: South View Granitehill Terrace Aberdeen AB22 8AQ	
Proposal Description: Erection of detached dwellinghouse	
Application Reference: 241012/DPP	
Consultation Reference: DC/ACC/SJ8TY5BZ03R03	

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.	Y
Object to the application (please specify reasons below).	

COMMENTS

Waste Services response regarding application **241012 South View Granitehill Terrace**

As I understand, the development will consist of **erection of detached dwellinghouse**.

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.

The **dwellinghouse** will be provided with:

- 1 x 180 litre wheeled bin for general waste
- 1 x 240 litre co-mingled recycling bin for recycling
- 1 x 240 litre wheeled bin for food and garden waste (kitchen caddy, bioliners and associated information will be provided as well)

The following costs will be charged to the developer:

- Each 180l or 240l bin cost £41.00 each
- Caddy & Liners FOC
- Delivery fee for any order of less than 10 bins £35.00

It is pertinent to note that these services will be provided taking account of the following:

Specific concerns:

- Bins must be presented on Granitehill Terrace on the collection day and must be removed after the service.

General points:

- All the waste containers must be presented on the kerbside of Granitehill Terrace only on the collection day and must be removed from the kerbside as soon as possible. No containers should be permanently stored on the kerbside.
- No excess should be stored out with the containment provided. Information for extra waste uplift is available to residents at either www.aberdeencity.gov.uk/wasteaware or by phoning 03000 200 292.
- Further information can be found in the Aberdeen Planning Guidance available at: https://www.aberdeencity.gov.uk/sites/default/files/2024-05/APG%20Waste%20Management%20Requirements%20for%20New%20Developments_0.pdf

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

Responding Officer: J Talaga

Date: 4th of September 2024

Email: wasteplanning@aberdeencity.gov.uk

Application for review: Refusal of 241012/DPP: House at South View, Granitehill Terrace

[Link to LDP and Green Space Audit Interactive online maps](#)

National Planning Framework 4 (NPF4)

Policy 1 (Tackling the Climate and Nature Crises)

Policy 2 (Climate Mitigation and Adaptation)

Policy 3 (Biodiversity)

Policy 4 (Natural Places)

Policy 8 (Green Belts)

Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings)

Policy 13 (Sustainable Transport)

Policy 14 (Design, Quality and Place)

Policy 16 (Quality Homes)

Policy 17 (Rural Homes)

Policy 20 (Blue and Green Infrastructure)

Aberdeen Local Development Plan (2023)

Policy NE1 (Green Belt)

Policy D1 (Quality Placemaking)

Policy D2 (Amenity)

Policy D4 (Landscape)

Policy R2 (Degraded and Contaminated Land)

Policy T2 (Sustainable Transport)

Policy T3 (Parking)

Aberdeen Planning Guidance

Amenity and Space Standards

Affordable and Specialist Housing Need

Landscape

Openspace and Green Infrastructure

Transport and Accessibility

Trees and Woodlands

Waste Management Requirements for New Development



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 100715455-001

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="Harvey Planning Consulting"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Harrison"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="Harvey"/>	Building Number:	<input type="text" value="86"/>
Telephone Number: *	<input type="text" value="+441224941728"/>	Address 1 (Street): *	<input type="text" value="Cattofield Place"/>
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="AB253QP"/>
Email Address: *	<input type="text" value="info@harveyplanning.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" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Plot 1"/>
First Name: *	<input type="text" value="Syd"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Marwick"/>	Address 1 (Street): *	<input type="text" value="The Courtyard"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Granitehill Terrace"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB22 8AQ"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="info@harveyplanning.co.uk"/>		

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="809970"/>	Easting	<input type="text" value="390627"/>
----------	-------------------------------------	---------	-------------------------------------

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)

Erection of detached dwellinghouse

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.

Refer to the Notice of Review Statement of Case located in the Supporting 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)

Notice of Review Statement of Case (including appendices) and planning application material from 241012/DPP

Application Details

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

241012/DPP

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

30/08/2024

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

22/05/2025

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: Mr Harrison Patrik Harvey

Declaration Date: 06/06/2025

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NOTICE OF REVIEW STATEMENT OF CASE

Description of Development:

Erection of detached
dw ellinghouse

Application Reference:

2410 12/D P P

Appeal Site:

South View, Granitehill Terrace,
Aberdeen, AB22 8AQ

Appellant:

Mr Syd Marwick

June 2025

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Document Control

Rev	Title	Date	Signed
V1	Notice of Review Statement of Case	5 June 2025	HH
V2	Notice of Review Statement of Case	6 June 2025	HH

1. Introduction

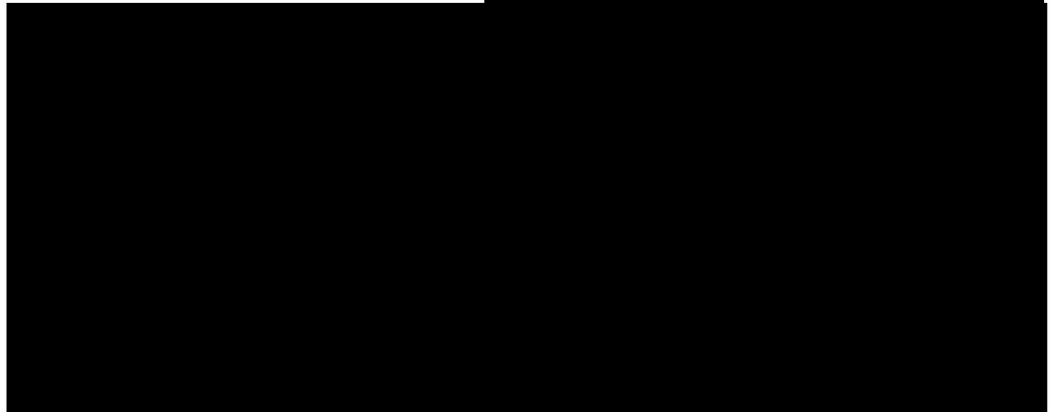
- 1.1 This Notice of Review appeal is made on behalf of Mr Syd Marwick (“the appellant”) under section 43A of the Town and Country Planning (Scotland) Act 1997 to review the Planning Authority’s decision to refuse planning permission for the development described below at South View, Granitehill Terrace, Aberdeen, AB22 8AQ. The appeal site forms part of a cluster of housing known as ‘the Courtyard’.

Description of Development: *Erection of detached dwellinghouse*

- 1.2 The planning application was validated on 30 August 2024 under reference: 241012/DPP. It was then refused under delegated powers on 22 May 2025 (9 months after the application was validated). The appellant attempted to engage in an open dialogue with the Planning Officers both before the application was lodged and throughout the application process. On 21 September 2023, the appellant and architect met with the Planning Officers to discuss the proposal scheme. At the meeting, the appellant received generally positive feedback on the application.
- 1.3 Once the application was lodged, there was very limited communication or dialogue received from the Planning Service on the application (apart from a site meeting on 04 October 2024, during the Planning Officer’s obligatory site inspection). Correspondence included at Appendix 1 shows that the agent and applicant regularly followed up the Planning Service for an update over the 9 month assessment period and received little to no response. The only feedback that was received was negative comments to suggest that the application was going to be refused, with no opportunity for the appellant to engage in further discussion with the Planning Service. If more constructive feedback was received during the application process or the Planning Service provided an opportunity to collaborate, this could have enabled the appellant to resolve some of the technical matters raised in the decision. Unfortunately, this opportunity was not provided, and the appellant has now been put in a position to lodge a Notice of Review appeal to the Local Review Body.
- 1.4 Based on our review of the Decision Notice, there are three key reasons for refusal, the key headlines of which are listed below:
1. **Principle of Development within the Green Belt** (NPF4 Policies 1, 8, 9 and 13 and ALDP Policies NE1 and T2)
 2. **Landscape Impact** (NPF4 Policies 1, 3, 8 and 20 and ALDP Policies NE1, D1 and D4)
 3. **Road Safety and Sustainable Travel** (NPF4 Policies 13 and 14 and ALDP Policies T2 and T3)
- 1.5 This Notice of Review Statement of Case provides considered justification to demonstrate (1) the modest nature and scale of the proposed dwellinghouse is in fact suitable for the site in respect of the Green Belt designation; (2) it would not result in the loss of previously approved landscaping or cause adverse landscape and visual

impacts; and (3), it could contribute positively toward sustainable travel opportunities in the area. The statement will also set out in full the key benefits that will come about from the scheme, which are summarised as follows:

- **Supported living accommodation:** The proposal will deliver much-needed supported living accommodation



- **Rounding-off the existing housing cluster:** The proposal is a well-considered layout and design that will round-off the cluster of housing along South View and create a high quality streetscape with increased landscaping.
- **Reuse of former brownfield site:** The proposal will reuse a former brownfield site, with the proposed house footprint located directly over the footprint of a former workshop building.
- **Self-build housing:** The proposal will provide a modest self-build house within an existing cluster of approved housing in Persley. Delivering a small-scale self-build dwelling where there is an overarching housing need and a national housing crisis weighs in favour of the proposal.

1.6 In all regards, this statement comprehensively rebuffs the Council'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.

1.7 The full list of supporting documentation accompanying this application is set out below:

- **Appendix 1:** Correspondence Between Applicant and Council (various dates)
- **Appendix 2:** Material Planning Decisions at the Courtyard
- **Appendix 3:** NPF4 and ALDP Policy Extracts

1.8 The full list of planning application material from 241012/DPP that is included with this Notice of Review appeal, is listed as follows:

- Application Form (30 August 2024)
- Location Plan (30 August 2024)
- Proposed Plans (30 August 2024)

Proposed Elevations (30 August 2024)
Site Elevations (30 August 2024)
Design Statement (30 August 2024)
Letter from Cornerstone (14 October 2024)
Decision Notice (22 May 2025)
Report of Handling (22 May 2025)

2. Site Overview

- 2.1 The appeal site is located within an existing housing cluster known as the Courtyard. The site is specifically located at the front of the Courtyard housing cluster, filling in the gap between Granitehill Terrace to the south and house plot 3 to the north. The site is bound to the east by the private access road into the Courtyard cluster and to the west by an area of future landscape planting approved under 231313/DPP.
- 2.2 The location of the site in relation to the immediate surrounding area is shown in the map below:



Figure 1: Site location map –showing plots occupied by family of the appellant (Source: Google Earth)

- 2.3 Per Figure 1 above, the cluster of housing at the Courtyard comprises four 1.5 storey detached dwellings within sizeable plots. All the dwellings within the Courtyard housing cluster are self-build, constructed by the appellant and his family or close friends, for their own occupation. Plot 1 is occupied by the appellant, while Plots 2 and 4 are occupied by sons of the appellant. The original dwelling, known as 'South View', is divided into three flats, one of which is also occupied by a son of the appellant. The remaining house plot and flats are occupied by close friends of the appellant. A similar cluster of detached and semi-detached homes and tenement flats are located on the southern side of Granitehill Terrace opposite the Courtyard.
- 2.4 In terms of designations, the site is located within the Green Belt (ALDP Policy NE1). The site is not located 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 not affected by any surface water or river flooding. The site is identified within an accessible rural area under the Urban Rural Classification map (NatureScot).
- 2.5 It is notable that the cluster of dwellings forming part of the Courtyard and on the opposite side of Granitehill Terrace were formerly allocated for housing under the superseded ALDP 2012 (refer to Figure 2 below). The allocation reference was 'OP13 Land at Persley'. This former allocation and subsequent approved housing diminish the significance of the Green Belt designation in this location, which was not taken into account in the assessment carried out by the Planning Service (discussed further in section 5 of this statement).

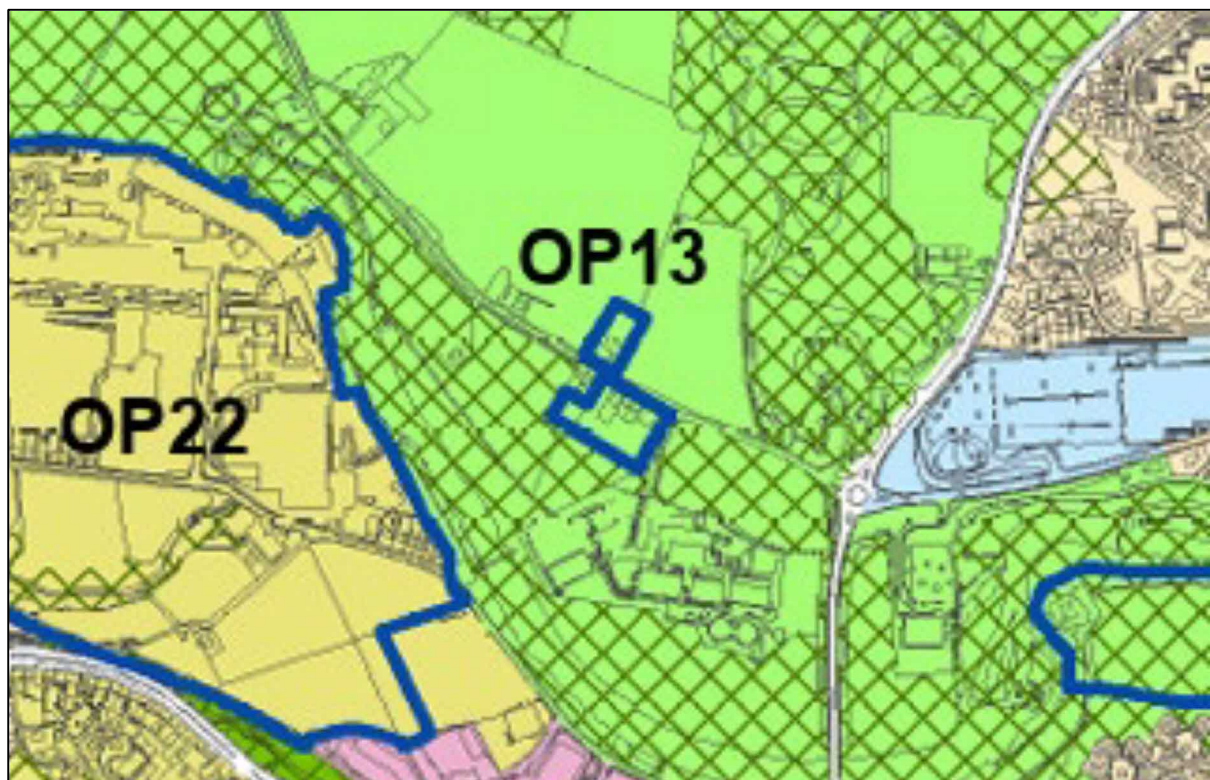


Figure 2: ALDP 2012 Zoning map showing the former OP13 housing allocation that covered the appeal site (Source: ALDP 2012)

- 2.6 Prior to the redevelopment of the Courtyard, the land was occupied by a large workshop building and haulage yard that was operated by William Walker Transport. Per Figures 3 and 4 below, this former workshop building was situated in the exact position of the proposed house plot and had a significant visual impact on the character of the area.



Figure 3: Photograph from 2011 showing the original Workshop building on site of proposed house (Source: Design Statement by Ian Rodger Architects)



Figure 4: Photograph from 2011 showing the original Workshop building on site of proposed house (Source: Design Statement by Ian Rodger Architects)

- 2.7 The site is now laid to lawn and serves no specific function for the Courtyard housing cluster other than to provide a strip of frontage landscape planting in accordance with 231313/DPP. This approved landscape planting has been incorporated in the proposed

layout, as discussed section 4. As such, the site represents a logical location for a modest house plot that will round-off and complete the existing housing cluster at the Courtyard.

- 2.8 An existing private access road is formed off Granitehill Terrace and currently services all the dwellings and flats within the Courtyard housing cluster. The proposal will take access from this existing private access road (discussed further in section 4).
- 2.9 The photograph below shows the current underutilised state of the site and that it is an obvious gap-site that could round-off the existing housing cluster:



Figure 5: Photograph of the appeal site, looking north (Source: Google Street View)

3. Planning History

- 3.1 The Courtyard housing cluster has a relatively extensive planning history. The planning application history associated with Courtyard is tabulated below (Table 1). There are three applications that are material to this Notice of Review appeal include 131534, 230337/DPP and 231313/DPP. These three applications are discussed in further detail subsequently.

Application reference	Description of the Development	Decision	Decision Date
081517	Change of use from haulage yard offices & associated buildings to form residential development comprising 4no houses and associated infrastructure works	Approved	05/12/2008

131534	Change of use from haulage yard offices & associated buildings to form residential development comprising 4 No houses and associated infrastructure work.	Approved	13/10/2014
151619	Alterations/extension to existing flats to form 3 flats.	Withdrawn	17/08/2016
161045/DPP	Alterations/extension to existing flats to form 3 flats complete with 6 No. off-street parking spaces and associated site work	Approved	10/10/2016
171067/DPP	Erection of 1.5 storey dwelling house (<i>Plot 1</i>)	Approved	23/11/2017
171129/DPP	Erection of 1.5 storey dwelling house (<i>Plot 3</i>)	Approved	08/12/2017
171068/DPP	Erection of 1.5 storey dwelling house (<i>Plot 2</i>)	Approved	08/12/2017
190602/DPP	Erection of 1.5 storey dwelling house (<i>Plot 4</i>)	Approved	10/06/2019
230337/DPP	Erection of detached double garage with gym/workshop, home office and ancillary accommodation above	Refuse	25/08/2023
231313/DPP	Change of use from agricultural land to garden ground	Approved	27/05/2024

Table 1: Planning history associated with the Courtyard housing cluster

Planning Application 131534:

- 3.2 Planning permission was granted in 2014 for four substantial 4 –5 bedroom detached dwellings. While this permission was never implemented, it is highly material to the assessment of this appeal as it confirmed the principle of establishing a significantly larger dwelling (approved Plot 1) in a similar position to the appeal scheme. Per Figure 6 over, the house footprint of approved Plot 1 would have spanned a much greater width of the site frontage to Granithill Terrace.

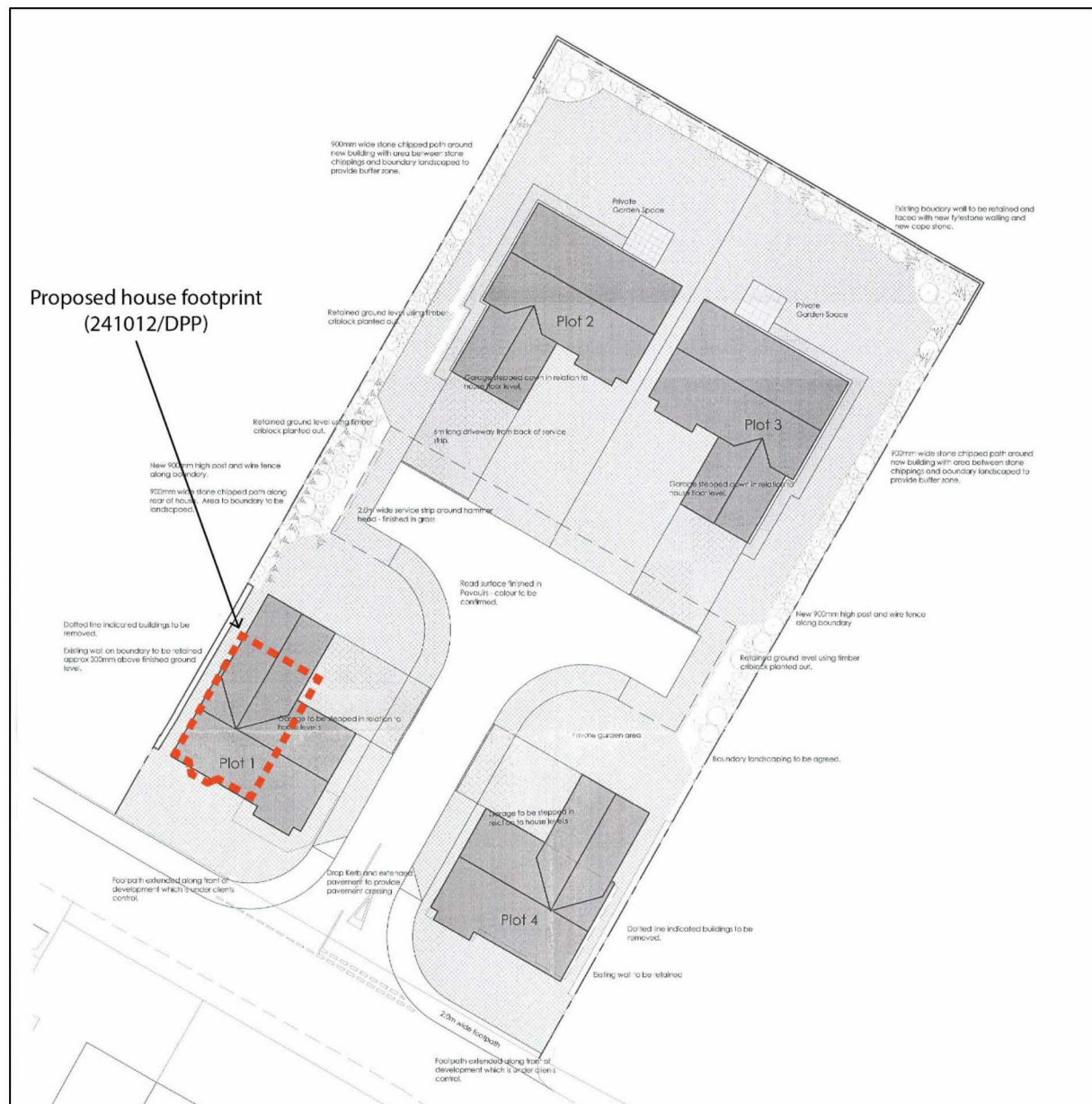


Figure 6: Approved Site Plan from planning application 131534, with mark-up showing the indicative location of the proposed house footprint (red dashed outline) (Source: ACC Application Website)

Planning Application 230337/DPP:

- 3.3 An application for a garage with gym/workshop, home office and ancillary accommodation above was reused in August 2023. This garage was intended to be used in association with Flat 2, South View, with the ancillary accommodation providing supported living [REDACTED] (as is proposed under this appeal). However, the application was refused on the basis that the outbuilding was not considered to be associated with or ancillary to the host flat (due to the distance

between the flat and the garage), the scale and massing of the garage, and road safety concerns due to lack of appropriate visibility onto Granithill Terrace.

- 3.4 The planning application appropriately addressed the feedback received under 230337/DPP by reducing the overall length of the building (refer to Figure 7 below). The application also proposes the house to be used as independent supported living accommodation [REDACTED] rather than ancillary accommodation to Flat 2, South View. The width of the site access has also been updated to ensure that access can be provided to/from the site with appropriate visibility on Granitehill Terrace. This strategy effectively addressed the Roads Development Management Team comments, resulting in them no longer objecting to the proposal.

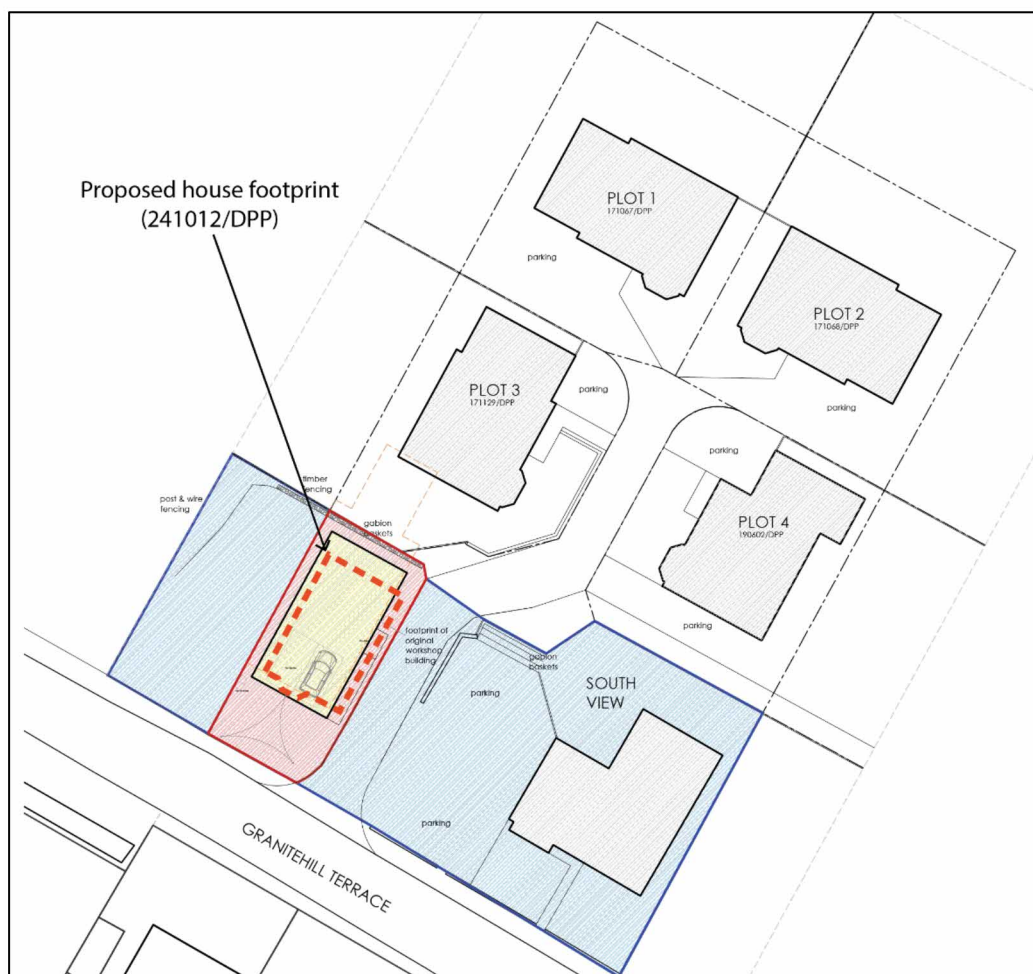


Figure 7: Site Plan from application 230337/DPP, with mark-up showing the indicative reduced scale of the proposed house footprint in comparison to the previously refused garage footprint (red dashed outline) (Source: ACC Application Website)

Planning Application 231313/DPP:

- 3.5 Retrospective planning permission was granted in May 2024 to change the use of an area of farmland around plots 1 – 4 of the Courtyard house cluster, to residential

garden curtilage. As part of this planning application details of strategic landscaping were approved for the whole house cluster despite some of these areas (including the appeal site) falling outwith the red line boundary of the application site.

- 3.6 Notwithstanding the above, as per Figure 8 below, the area of strategic landscape planting that was approved along the western side of the site has been factored into the layout of the plot and will be improved with further supplementary planting that is proposed along the site frontage (as discussed in section 4).

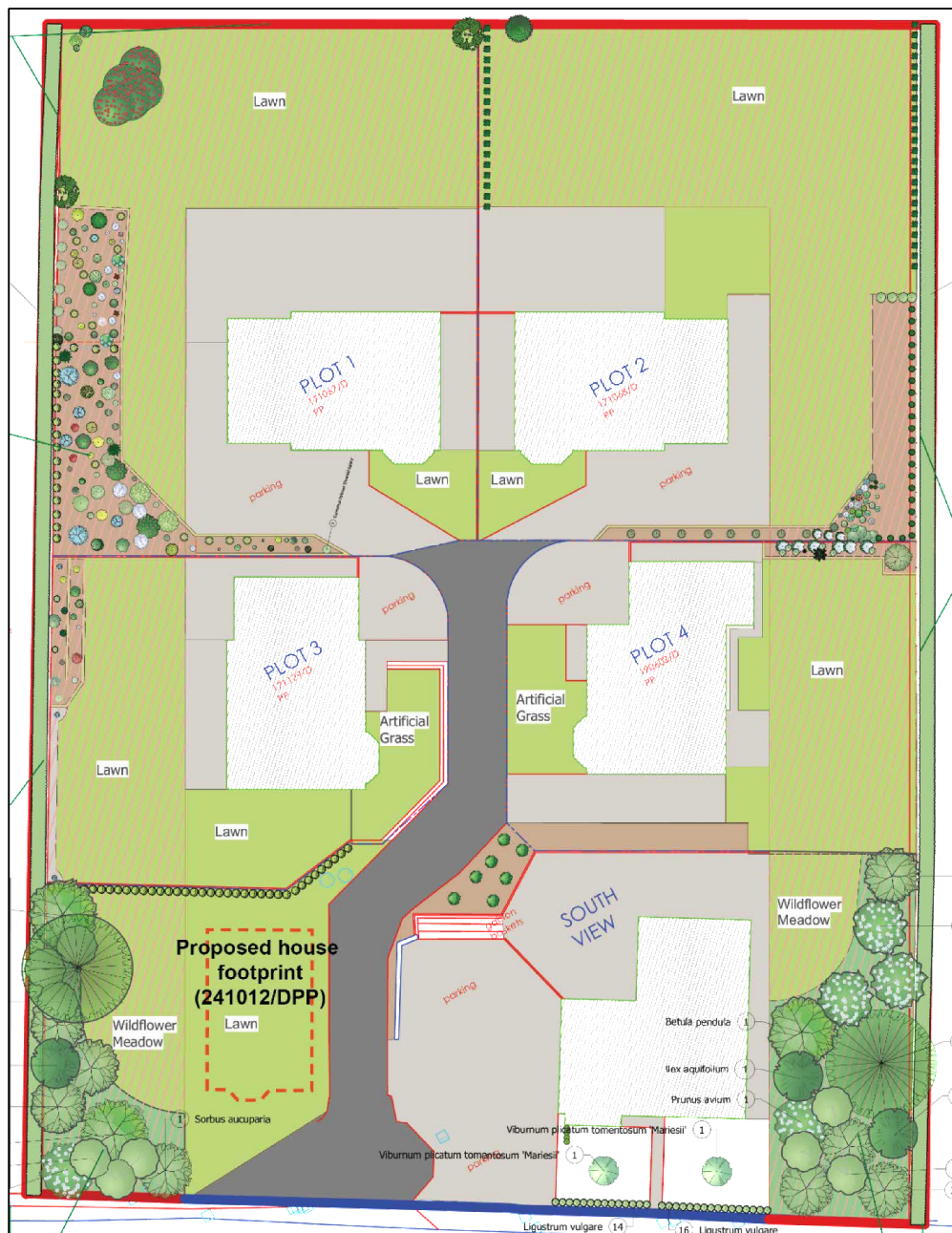


Figure 8: Approved Landscaping Plan from application 231313/DPP, with mark-up showing the indicative footprint of the proposed house (red dashed outline) (Source: ACC Application Website)

4. Proposal Overview

- 4.1 Permission is sought for the construction of a modest 1.5 storey self-build dwelling with associated landscape planting. [REDACTED]

Layout

- 4.2 The proposed dwelling will sit in a logical gap site between house plot 3 and Granitehill Terrace, and in the exact location of the former workshop building (see Figures 3 – 4 above). As set out earlier, the appeal site is currently unused lawn area that serves no function or purpose for the wider house cluster, particularly given the existing dwellings already have their own generous private open spaces. In addition, the proposed layout of the dwelling will ensure that the approved screen landscaping on the western side of the site (231313/DPP) can be delivered and maintained without any encroachments.
- 4.3 The layout and orientation of the new house will take the same linear form as the original workshop building, with a traditional gable facing Granitehill Terrace. The orange dashed outline in Figure 9 below shows the shape of the former workshop building in respect of the proposed house footprint.

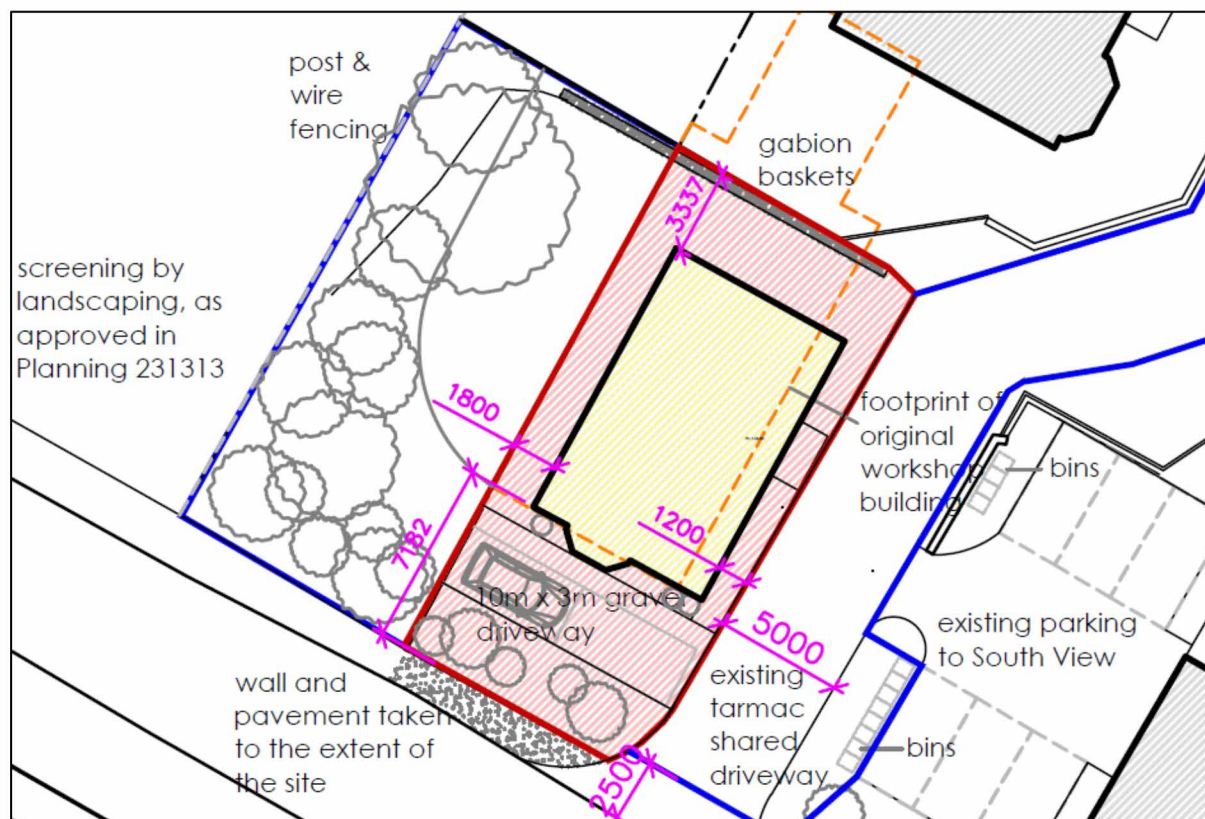


Figure 9: Proposed Site Plan with orange dashed outline representing the indicative footprint of the former workshop building (Source: Ian Rodger Architects)

- 4.4 Internally, as per the Design Statement, the ground floor will have an open-plan lounge/dining adjacent the kitchen area, accessible bedroom/study and shower room, and a utility space. The first floor will have a main bedroom and en-suite, and a third bedroom. [REDACTED]

The second and third bedrooms are required for overnight stays [REDACTED] and for visiting family / friends. The [REDACTED] bedroom is not required to be on the ground floor as mobility is not an issue although gives flexibility for future adaptation.

- 4.5 Overall, the layout and siting of the house plot will integrate seamlessly with the existing pattern of housing within the Courtyard and successfully round-off the cluster.

Scale and Appearance

- 4.6 The cluster of housing at the Courtyard comprises four 1.5 storey detached dwellings set within generous plots ranging between 630m² (0.15 acres) and 1,132m² (0.28 acres). The proposed house plot is modest in scale in comparison to the existing plots, measuring just 231m².
- 4.7 The dwelling itself is also modest in scale, measuring just 11.5m (L) x 7.5m (W) and will have a low overall ridge height of 7m and eaves height of 2.8m in height. By way of comparison, the existing dwellings in the Courtyard are around 8m – 8.5m in height and sit on a higher contour. Unlike the surrounding house plots, the roofspace accommodation will have a series of roof windows rather than dormer windows to reduce the height and bulk of the proposed dwelling. The rear of the dwelling will be cut into the slope to create a level building pad and minimise the overall building height when viewed from the street.
- 4.8 In terms of materiality, the existing house plots are primarily finished in white dash render with slate roof and feature granite finishes including quoins and jambs. The proposed dwelling will similarly feature rendered walls, a natural slate roof, and similar granite finishes to match the surrounding dwellings in the Courtyard. The proposal dwelling design will appropriately integrate with the established character and pattern of development within the existing housing cluster.
- 4.9 The house will incorporate energy-saving measures, including photo-voltaic roof panels and air source heat pump, as well as being highly insulated.

Landscape and Biodiversity Planting

- 4.10 As shown on the Proposed Site Plan, the proposal will extend the approved landscape planting under 231313/DPP along the site frontage. This extended landscape buffer will be 3m wide, allowing for three tiers of native planting along the site frontage to soften and screen the dwelling from Granitehill Terrace. This will represent an

improvement to the originally approved Landscaping Plan. Further landscape planting details can be submitted subject to a reasonable and relevant condition.

Access, Parking and Bin Storage

- 4.11 The proposal will take access off the existing private access road that services the Courtyard housing cluster. The driveway will provide two car parking spaces which meets the Transport and Accessibility Planning Guidance. ACC Roads Development Management Team did not object to the proposed access, car parking and bin storage arrangements (refer to comments from 5 September 2024).

5. Planning Policy Context

- 5.1 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

- 5.2 NPF4 is a statutory framework for Scotland's long term spatial development, which has an outlook to 2045. NPF4 was adopted on 13 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 to be used as the guide for decision making. 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.
- 5.3 The following national planning policy provisions from NPF4 are relevant to the assessment of this appeal:

- Policy 1: Tackling the climate change and nature crisis;
- Policy 2: Climate mitigation and adaptation;
- Policy 3: Biodiversity;
- Policy 8: Green Belts;
- Policy 9: Brownfield, vacant and derelict land and empty buildings;
- Policy 13: Sustainable transport;
- Policy 14: Design, quality and place;
- Policy 16: Quality homes; and

Policy 17: Rural homes.

- 5.4 As demonstrated in section 6 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

- 5.5 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.
- 5.6 The following policy provisions from the ALDP are relevant to the assessment of this appeal:

Policy NE1: Green Belt;
Policy D1: Quality Palcemaking;
Policy D2: Amenity;
Policy D4 Landscape;
Policy T2: Sustainable Transport;
Policy T3: Parking;
Policy R2: Degraded and Contaminated Land;
Policy R5: Waste Management in New Developments; and
Policy R6: Low and Zero Carbon Buildings, and Water Efficiency.

- 5.7 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:

Amenity and Space Standards;
Affordable and Specialist Housing Need;
Landscape;
Transport and Accessibility; and
Waste Management Requirements for New Developments.

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

6. Planning Appeal Assessment

- 6.1 This section of the Appeal Statement of Case sets out the appellant's grounds of appeal. The application subject of this appeal (241012/DPP) was refused under delegated powers on 22 May 2025. In refusing to grant planning permission, three reasons for refusal were given as follows:

Reason 1: Conflict with Local Plan B2 Business Zones Policy

The proposed dwelling would be sited within the green belt in an unsustainable location and does not meet the exception for development in the green belt including those allowed for certain types of residential development. As such the proposal does not comply with Policies NE1 (Green Belt) and T2 (Sustainable Transport) of the Aberdeen Local Development Plan 2023 and Policies 1 (Tackling the Climate and Nature Crises), 8 (Green Belts), 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) and 13 (Sustainable Transport) of the National Planning Framework 4.

Reason 2: Landscape Impact

By virtue of the excessive scale and massing, the proposed building is considered to be an overbearing and incongruous addition which does not reflect an appropriate design, scale or massing, required by new development within the green belt. It is also considered that the development would harm the landscape character of this area in visual terms and the protected green belt. The development would also prejudice the completion and retention of previously approved landscaping and amenity land associated with the adjoining development of the houses and flats to the detriment of the landscape setting which had been an integral requirement of the sites original allocation for brownfield residential development. This loss of the approved landscaped area would also have an unacceptable impact on biodiversity, nor are there any environment enhancements proposed to offset this impact. The proposal is therefore considered to be contrary to Policies NE1 (Green Belt), D1 (Quality Placemaking), and D4 (Landscape) of the Aberdeen Local Development Plan 2023 and Policies 1 (Tackling the Climate and Nature Crises), 3 (Biodiversity), 8 (Green Belts), and Policy 20 (Blue and Green Infrastructure) of the National Planning Framework 4

Reason 3: Road Safety and Sustainable Travel

The development does also not contribute to sustainability in terms of accessible transport. As such the proposal is considered to be contrary to Policies T2 (Sustainable Transport), Policy T3 (Parking) of the Aberdeen Local Development Plan 2023 and Policy 13 (Su

- 6.2 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: Principle of Development within the Green Belt

6.3 The first reason for refusal relates to the principle of the development within the Green Belt, which the Planning Service deems to be unacceptable. The Planning Service does not agree that the proposal falls within any of the policy exceptions of ALDP Policy NE1 or NPF4 Policy 8 and does not consider there to be any other material considerations to outweigh this policy conflict.

6.4 In the first instance, the appellant contends that the proposal does indeed fall within the Green Belt exceptions of ALDP Policy NE1 (d) and NPF4 Policy 8 (a)(i), as follows:

ALDP Policy NE1 (d): *is associated with existing activities in the Green Belt and is within the boundary of that activity, is small-scale, does not significantly increase the intensity of the activity and the proposed built construction is subordinate to what already exists (including extensions to existing dwellings); or*

NPF4 Policy 8 (a)(i): *intensification of established uses, including extensions to an existing building where that is ancillary to the main use;*

6.5 The proposed house plot will provide supported living accommodation [REDACTED] within the boundary of an existing house cluster (the Courtyard). The proposed house plot has been located within this cluster so that shared care provision and supervision can be provided by the appellant who lives at house plot 1 and other family members that live within the same house cluster (refer to section 2.3 above for further details). Given the proposed house will provide supported living accommodation [REDACTED] it clearly has a functional association with an existing activity (existing residential use within the Courtyard house cluster).

6.6 The extent of the Courtyard house cluster boundary was determined by the former workshop and haulage yard (discussed in section 2.6 above) and the previous ALDP 2012 allocation (discussed in section 2.5 above). As shown on the Site Plan, the proposal is specifically situated over the footprint of the former workshop building and thus clearly falls within the spatial extents of the 'existing activity' being the Courtyard house cluster.

6.7 As set out earlier in this statement, the proposed dwelling is also small-scale and subordinate in nature to the existing house cluster of the Courtyard. Table 2 below provides a comparison of the scale of the existing house plots at the Courtyard to the scale of the proposal.

House Plot	Floor Area	Plot Size
Proposed Plot	134m ²	231m ²
House Plot 1	229m ²	1,132m ²
House Plot 2	226m ²	1,128m ²
House Plot 3	203m ²	637m ²

House Plot 4	210m ²	630m ²
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Table 2: Comparison of proposed house plot scale to the scale of existing house plots

- 6.8 Table 2 clearly shows that the scale of the proposed house plot would be 20% - 36.6% of the scale of the existing house plots while the floor area would be about 58% - 66% of the scale of the existing dwellings approved and built within the cluster. The proposal is thus clearly small-scale and subordinate to the existing activity within the Green Belt, being the Courtyard house cluster. The design and layout described in section 4 above also demonstrates that the proposed dwelling and house plot will integrate seamlessly with the existing pattern of housing within the Courtyard and successfully round-off the cluster.
- 6.9 While it is acknowledged that the proposal will increase the quantum of dwellings within the cluster, one additional dwelling that will round-off and complete the cluster is not considered to significantly increase the intensity of the overall activity. This is particularly the case given the dwelling will be located over the site of a former workshop building and [REDACTED] (not constructed for sale on the open market).
- 6.10 The principle of developing the site for a small-scale dwelling is therefore considered to be acceptable given that it satisfies Green Belt policy exception (d) of ALDP Policy NE1 and the exception of NPF4 Policy 8 (a)(i). Even if the proposed house plot did not satisfy the Green Belt policy exceptions listed under ALDP Policy NE1 or NPF4 Policy 8, the appellant submits that the small-scale development would still comply with the overarching policy intent of the Aberdeen Green Belt, as outlined below.
- 6.11 Per paragraph 6.5 of the ALDP, the fundamental purpose of the Green Belt is as follows:
- The aim of the Green Belt is to maintain the distinct identity of Aberdeen, and the communities within and around the city, by defining their physical boundaries clearly. Safeguarding the Green Belt helps to avoid coalescence of these settlements and sprawling development on the edge of the city, maintain Aberdeen's landscape setting, and provide access to open space. The Green Belt directs planned growth to the most appropriate locations and supports regeneration.* (ALDP 2023, paragraph 6.5)
- 6.12 The main elements of the Green Belt purpose extracted above are addressed subsequently.
- Prevent coalescence of settlements and sprawl
- 6.13 The dwelling is located within an existing cluster of housing and is surrounded by dwellings on three sides (to the north, east and south). The proposal will fill in a logical gap along the frontage of the Courtyard, between house plot 3 and Granitehill Terrace. The proposal is also subordinate in scale and design to the surrounding house plots and thus will blend well with the existing house cluster. The application site is former

brownfield land, and the proposal is located over the footprint of the former workshop building. As the proposal relates to an obvious gap site that was formerly brownfield land and does not extend into the open countryside, the proposal clearly does not cause coalescence of settlements or result in unrestricted sprawl.

Maintain the landscape setting of Aberdeen and provide access to open space

- 6.14 Considering the built-up context of the immediate surrounds, the provision of a modestly sized dwelling that is subordinate and sympathetic to the character and design of the existing dwellings within the Courtyard would not be out of character with the existing landscape setting of the Lower Don Valley. Views toward the site would be read in the context of the existing house cluster that forms a strong backdrop to the proposal. Furthermore, the attention given by the architect to retaining and supplementing the approved landscape planting areas along the frontage and western perimeter of the plot will ensure that the proposal will be appropriately softened and screened from the surrounding area. Lastly, the proposal will not impact on access to protected open spaces.

Direct development to the most appropriate locations and support regeneration

- 6.15 The proposal will regenerate a former brownfield site while simultaneously rounding off an existing house cluster. It is therefore an appropriate location to direct planned growth. As set out in section 2.5 above, the site was formerly allocated for housing under the ALDP 2012. While this allocation is no longer extant, it shows there was previously intrinsic support for development in this location and thus is an important material consideration that supports the proposal. It also reduces the weight of the Green Belt designation for strict protection as it demonstrates that housing in this location is not fundamentally contrary to the broader Green Belt spatial strategy, else the site would never have been allocated.
- 6.16 The location of the proposed house is also considered to be appropriate on the ground that it would serve a [REDACTED] for supported living accommodation [REDACTED]

- 6.17 Lastly, reference is drawn to the previous house plot approvals (171067 = erection of house on Plot 1; 171068 = erection of house on Plot 2; 171129 = erection of house on Plot 3; 190602 = erection of house on Plot 4). As stated in the Design Statement that was

lodged, these approvals determined the setting and form of the individual houses. The Report of Handling that was prepared for those permissions (in their Decision Notices) acknowledged that:

the proposal does not fall within any of the categories of development within Policy NE2 – Green Belt. However – given the previous planning permissions, including that based on the site having been shown as an Opportunity Site in the 2012 Local Development Plan – the current proposal is considered acceptable. Taking into account the context, the proposal also complies with Policy D1 – Quality Placemaking by Design in the adopted Aberdeen Local Development Plan 2017

- 6.18 A similar pragmatic conclusion on the Green Belt provisions should be drawn for the proposal, particularly given the scale of the proposal is clearly subservient to the existing approved house plots.
- 6.19 Overall, the assessment above demonstrates that the proposal would not undermine the fundamental purposes of the Green Belt (taken together) and is considered to satisfy the overarching policy intent of ALDP Policy NE1 and NPF4 Policy 8.

Reason 2: Landscape Impact

- 6.20 The second reason for refusal focusses on landscape and visual impacts of the development. The Decision Notice specifically states that the proposal would be an overbearing and incongruous addition to the Green Belt that would harm the landscape character of the area. It also purports that the proposal would “prejudice the completion and retention of previously approved landscaping and amenity land associated with the adjoining development [...] to the detriment of the landscape setting”. It cites NPF4 Policies 1, 8 and 20 and ALDP Policies NE1, D1 and D4 as the premise for this reason for refusal.
- 6.21 First and foremost, the statement that the proposal would result in the loss of the previously required landscaping is incorrect. As demonstrated in sections 3.5 – 3.6 above, the proposed house and driveway are sited over an area of unused lawn that serves no function or purpose for the overall house cluster. The lawn area was never strictly required to be used as open or amenity space for the wider house cluster, else it would have been annotated for said purpose on the approved Landscape Plan or included as a condition under 231313/DPP (or the earlier permissions).
- 6.22 In terms of landscape planting, the architect has intentionally ensured that the layout and siting of the dwelling does not prejudice the delivery and future maintenance of the approved landscape planting required along the western perimeter of the plot. Not only does the proposal not prejudice the approved landscape planting, but it will also contribute positively toward improving this landscape planting by extending it further along the Granithill Terrace frontage. This extended front landscape buffer measures 10m (L) x 3m (W) and will provide an additional 29m² of planting that could improve the landscape setting of the Courtyard. This is more than enough space for

three tiers of planting to be established without coming under pressure for removal due to the proximity of the proposed dwelling (as suggested in the Report of Handling). Potential pressures to remove the approved landscape planting in the future is not a material consideration given adequate control mechanisms exist within 231313/DPP to ensure that said planting is not removed (i.e. this is an enforcement issue). The appellant is willing to accept a condition requiring the submission of an updated Landscape Plan which details the additional hard and soft landscape planting along the site frontage, including any maintenance measures.

- 6.23 Turning now to the comments on design and views. The Report of Handling states that “the proposal is not considered to be an acceptable design, as it does not reflect the river valley landscape where this building would be seen from relatively far away along Upper Persley Road”. It further states that “the design of the building with its gable facing the road and simple rectangular plan is not particularly attractive or typical even of the existing road fronting development opposite”. As set out in section 4 above, not only is the proposed dwelling clearly modest and subordinate in scale to the surrounding buildings, but the design will also emulate character and appearance of the dwellings previously approved and built within the Courtyard. The Planning Service’s assessment of the proposed design is thus clearly inconsistent with prior decisions made by the Planning Authority for similar, albeit larger housing within the same cluster. There has been no explanation given by the Planning Service as to why the proposed design would now be unacceptable in the context of these previous approvals. To ensure objectivity, consistency and fairness in decision-making, a similar design assessment and conclusion should logically apply to this application.
- 6.24 In response to the design comments in the Report of Handling, the appellant submits that the proposed design would provide a high quality contribution to the character of the street, particularly when compared to the approved southern elevation of house plot 3. Per Figure 10 below, the southern elevation of approved house plot 3 has limited articulation and interaction with the street. By way of comparison, Figure 11 shows that the proposed house plot has a far more interesting design that addresses the street and is articulated with three windows, including a large ground floor bay window, and feature granite quoins and jambs. As noted above, the proposal will also be complemented by increased landscape planting along the site frontage that will further enhance the overall visual amenity of the street and soften the form of the house.



Figure 10: Photograph of southern elevation of plot 3



Figure 11: Proposed southern elevation (Source: Ian Rodger Architects)

6.25 The Report of Handling states that “the rendered flanks would be highly visible from the east when viewed from Upper Persley Road and would be incongruous”. Approaching views towards the site from the east will primarily be blocked by the existing building of South View, as per Figure 12 below. Where there are broken views toward the site, visual impacts would be negligible considering an unattractive workshop building previously stood in the location of the proposed dwelling (refer to Figures 3 and 4 above).



Figure 12: Broken view towards the site from the east. Note, the image is taken from before the approved landscaping belt matures, and with a similar margin of landscaping still to mature at the western fringe; thus, screening and softening the cluster of housing in the long-term (Source: Google Street View)

- 6.26 Notwithstanding the above, the appellant contends that broken views toward the proposed house would not be incongruous with the street given the site forms part of an existing housing cluster. The modest traditional bungalow design would also seamlessly integrate with the buildings fronting Granitehill Terrace, including South View and Quarry Farm, which are similar in proportions to the proposal scheme. Lastly, the extended landscaping proposed along the site frontage will soften and screen the cluster in the long-term.
- 6.27 In light of the above, the appeal scheme is not considered to result in any adverse visual impacts on the landscape character of the area; conversely, the proposed layout and design is considered to improve the landscape character and visual amenity of the street. The proposed layout is capable of delivering the required landscape planting under 231313/DPP, plus an increased landscape buffer along the site frontage. Furthermore, the modest scale, high quality design and complementary landscape planting will uplift the overall character of Granitehill Terrace. Lastly, there are no significant views toward the site that are impacted by the proposal; any broken views of the site will be read in the context of the existing backdrop of housing. The scheme is therefore not considered to result in any tensions with NPF4 Policies 1, 8 and 20 and ALDP Policies NE1, D1 and D4.

Reason 3: Road Safety and Sustainable Travel

- 6.28 The final reason for refusal is based on the Planning Service's view that the proposal does not contribute to sustainability in terms of accessible transport, thereby conflicting with NPF4 Policies 13 and 14 and ALDP Policies T2 and T3.
- 6.29 While not stated in the reason for refusal on the Decision Notice, the Report of Handling also expresses concern about the proximity of the private driveway to the

junction onto Granitehill Terrace and the risk to vehicles entering and exiting the site. This comment is considered to carry no weight given the Roads Development Management Team have reviewed the drawings and provided a response which confirms that the existing access can accommodate safe two-way vehicular movements in/out of the site onto Granitehill Terrace, as follows:

In terms of the proposed driveway, this would take access via the existing access road serving the existing other dwellings to the north of this plot. Such access road is confirmed to be 5m wide which shall accommodate two-way vehicular movements in/out of the site onto Granitehill Road which alleviates previous concerns of a vehicles stopping/waiting on Granitehill Road itself to allow other such vehicles to exit. (ACC Roads Development Management Team Response to 241012/DPP, 5 September 2025)

- 6.30 Further to the above, concerns raised in the Report of Handling regarding the width of the existing access road is an enforcement issue and has no relevance to the assessment and determination of this appeal.
- 6.31 Turning now to the comments on sustainable travel, the Report of Handling outlines that the Planning service does not support the proposal because it is not located on a public transport route and there are no footways or segregated cycle routes along the road. The lack of available walking, wheeling, cycling and public transport options in the area is outwith the control of the appellant. Furthermore, even though the existing house plots in the Courtyard pre-date NPF4, applying sustainable transport policies as a reason for refusal for a single rural house is unfair given this has never been raised as an issue or concern for any of the other self-build house applications within the cluster. It is also entirely disproportionate to the nature and scale of the proposal and locational context of the site.
- 6.32 The application of NPF4 Policy 13 and ALDP Policy T2 must be balanced and context sensitive. In this case, given the appeal site is located in a rural area (as per Urban Rural Classification mapping) we contend that less weight should be placed on these policies than was afforded by the Planning Service in the Report of Handling. Notwithstanding, the appellant has a clear positive intent to deliver active and sustainable travel infrastructure that is proportionate to the scale of the proposal. The proposed footway along the site frontage demonstrates this positive intent and will enhance walkability at a localised scale. This creates the potential for future connectivity, if access becomes possible to the east or west.
- 6.33 As recognised in the Report of Handling, the appellant is open to providing a further footpath link to the roundabout 300m to the east, however, this would be subject to resolving landownership constraints. Despite offering this solution, the Planning Service did not reciprocate in collaborating openly with the appellant on how such a solution could work or whether alternative solutions could be provided (e.g. developer contributions). It is also material that [REDACTED] it

is unlikely [REDACTED] would be able to travel safely by walking, wheeling, cycling and public transport options [REDACTED]

- 6.34 Ultimately, the proposed localised footpath infrastructure improvement along the site frontage will enhance local walkability, which is considered to provide a practical application of the sustainable transport provisions consistent with the spirit of NPF4 and ALDP. Further sustainable transport connections are constrained by landownership and lack of service provision in the area, not the lack of intent of the appellant who has always been open to providing infrastructure improvements beyond the boundaries of the site.

Other Material Considerations

Supported Living Accommodation:

- 6.35 Pages 9 – 11 of the Report of Handling touch on the equality considerations of the intended use of the dwelling [REDACTED]
[REDACTED] The Report of Handling gives little weight to this despite acknowledging that “the level of supporting information does suggest that there may be a need for the accommodation near the applicant’s house”.

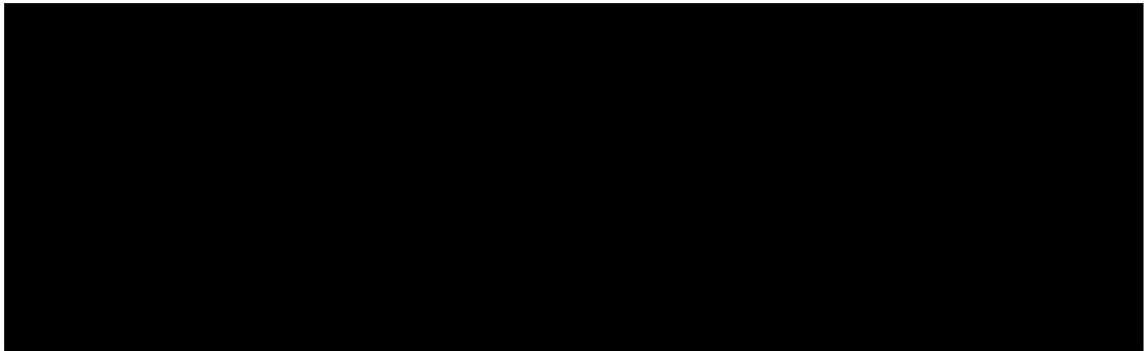
- 6.36 NPF4 Policy 16 (c) supports development proposal for new self-provided homes, including supported living accommodation and homes for specialist groups, as follows:

Development proposals for new homes that improve affordability and choice by being adaptable to changing and diverse needs, and which address identified gaps in provision, will be supported. This could include:

- i. Self-provided homes;
- ii. Accessible, adaptable and wheelchair accessible homes;
- iii. Build to rent;
- iv. Affordable homes;
- v. A range of size of homes such as those for larger families;
- vi. Homes for older people, including supported accommodation, care homes and sheltered housing;
- vii. Homes for people undertaking further and higher education; and
- viii. Homes for other specialist groups such as service personnel.

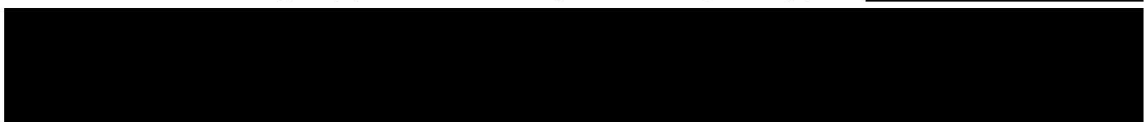
(NPF4 Policy 16 (c)) *emphasis added

- 6.37 Per the above, the proposal fulfils a few of the sub-categories of housing listed under NPF4 Policy 16 (c) and thus clearly supports diverse needs and an identified gap in provision. The limited consideration given by the Planning Service to the need for the dwelling to provide necessary care and support [REDACTED] is unreasonable and unfair. The proposed dwelling is essential for providing supported living accommodation [REDACTED]
[REDACTED]



6.38 The Report of Handling queries the need for the scale of the dwelling to provide respite care. The size of the dwelling has been determined based on the level of care required [REDACTED] combined with the desire to provide [REDACTED] a homely independent living environment. [REDACTED]

[REDACTED] The internal floor plans provide sufficient room for supported living services and additional bedrooms for visiting support from family or overnight support [REDACTED]



6.39 The Scottish Government's Coming Home Implementation report sets out a clear objective to reduce the number of out of area residential placements for people with learning disabilities and complex care needs who have intensive support needs. In Aberdeen City there are currently 31 individuals with complex care needs requiring accommodation (Aberdeen Housing Needs & Demand Assessment 3 (2023 – 2028)). The Housing Needs & Demand Assessment 3 (2023 – 2028) (HNDA) advises that there is an identified need for an additional 8 unit development, every 2 years plus one site (8 units) per year to meet the emerging needs of those with complex learning disabilities and mental health issues. This need corresponds with the findings of the Aberdeen City Council Local Housing Strategy 2018-2032 (ALHS), which states that there is a “lack of suitable housing for people who have a learning disability, mental health or substance misuse problems” (pg. 59).

6.40 As recognised in section 5.266 of the HNDA, there is a major shift in the balance of care, with a move away from care and support being provided in an institutional setting towards appropriate services delivered in a more homely, community-based setting. This shift to independent living is encouraged by both local and national policies. Specifically, this is a key Strategic Outcome set out under Chapter 5 of the ALHS:

People are supported to live, as far as is reasonably practicable, independently at home or in a homely setting in their community. (ALHS, pg. 59)

6.41 Living independently at home is also the second of nine national health and wellbeing outcomes set out under the National Health and Wellbeing Outcomes: Framework (2015), as follows:

People, including those with disabilities or long term conditions, or who are frail, are able to live, as far as reasonably practicable, independently and at home or in a homely setting in their community (National Health and Wellbeing Outcomes: Framework, pg.4)

6.42 While independent home care provision is a priority at a national and local setting, figure 5.1 of the ALHS confirms that only 1.6% of people with mental health problems and 5.4% of people with learning disabilities live at home in Aberdeen (figures from a Social Care Survey in 2016).

6.43 The proposal gives [REDACTED] an opportunity to move away from an institutional setting to an independent dwelling [REDACTED]. This aligns with national and local supported living priorities set out above and could potentially free up a registered place within an existing institution to fulfil the growing needs outlined in section 6.37.

6.44 The appellant is committed to constructing this dwelling for use as supported living accommodation [REDACTED] and is therefore willing to accept a condition that requires the dwelling to be used either for personal use by the family or as 'accommodation for people with specialist needs' [REDACTED]. This will also secure the future use of the dwelling for said purposes and allow the dwelling to either be transferred to another relative or non-related disabled person. It is acknowledged that there could be concerns around whether the house would be used solely for supported living accommodation in the future and the enforceability of setting a personal condition. However, we contend that this concern should not outweigh the genuine functional need for the dwelling [REDACTED].

6.45 We have proposed a possible condition that could be set for the proposal if the LRB committee members deemed this necessary:

Proposed example Condition limiting the use to personal use or supported living:
*Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 or the Town and Country Planning (Use Classes) (Scotland) Order 1997 or any order amending, revoking or re-enacting these Orders, the use hereby approved shall be used only for the benefit of [REDACTED] [REDACTED] **OR** for accommodation for people with specialist needs (e.g. for people with a learning disability or people with a mental health condition). It shall not be used for any other purpose within Use Class 9 without the express grant of planning permission from the Planning Authority.*

Reason: To enable the Planning Authority to consider the implications of any subsequent change of use on the Green Belt.

6.46 Taking the above into account, we contend that considerable weight should be afforded to the [REDACTED]


Self-build Housing:

6.47 The proposal will provide a modest self-build house within an existing cluster of approved housing in Persley. All the houses within the cluster were built by the appellant for occupation by the appellant and his family or close friends. None of the dwellings within the Courtyard were constructed for sale on the open market. This is the same case for the proposal scheme. Delivering a small-scale self-build dwelling when there is an overarching housing need and a national housing crisis weighs in favour of the proposal. It also accords with NPF4 Policy 16 (c)(i) which supports proposals for self-provided housing (as outlined under section 6.36 above).

7. Conclusion

7.1 In conclusion, the evidence produced within this Statement of Case and the supporting documentation submitted with the planning application (241012/DPP) is considered to sufficiently demonstrate that the proposed dwellinghouse will support the strategic direction and policy principles of the development plan. As such, the proposal should be viewed in a positive manner for the following reasons:

- **Principle of development in Green Belt is acceptable:** The principle of the development in the Green Belt is acceptable in that it involves a small-scale, subordinate dwelling within an existing house cluster. The dwelling is intended to provide supported living [REDACTED] so that visiting care and support can be provided by the appellant and other family members living in the same cluster. It is therefore necessarily associated with the existing family homes within the cluster and will not significantly intensify the existing residential activity. The proposal satisfies Green Belt policy exception (d) of ALDP Policy NE1 and NPF4 Policy 8.
- **Does not undermine the purpose of the Green Belt:** Even if the proposal did not fall within the Green Belt policy exceptions, the assessment carried out herein demonstrates that the proposal would not undermine the fundamental purposes of the Green Belt (taken together) and is considered to satisfy the overarching policy intent of ALDP Policy NE1 and NPF4 Policy 8
- **Improves the landscape character and visual amenity of the area:** The layout has been strategically shaped to avoid impacts on approved landscape planting under 231313/DPP. In combination, the modest scale, high quality design and complementary landscape planting will uplift the character and visual amenity of Granitehill Terrace and ensure that the dwelling integrates seamlessly with the existing pattern of housing within the Courtyard.

- **Proportionately enhances sustainable travel infrastructure:** The proposed localised footpath infrastructure improvement along the site frontage will enhance local walkability. This solution is considered to provide a practical application of the sustainable transport provisions of NPF4 Policy 13 and ALDP Policy T2 that is proportionate to the rural context of the site and nature and scale of the use.
- **Supported living accommodation:** 
- **Rounds off the existing house cluster:** The proposal will fill in a logical gap along the frontage of the existing house cluster, between house plot 3 and Granitehill Terrace, successfully rounding off the cluster.
- **Reuse of former brownfield land:** The application site is former brownfield land, and the proposal is located directly over the footprint of a former workshop building. It will thus promote the sustainable reuse and regeneration of brownfield land in accordance with NPF4 Policy 9.
- **Self-build dwelling:** The proposal will provide a modest self-build house within an existing cluster of approved housing in Persley. The house will not be constructed for sale on the open market. The small-scale self-build dwelling will contribute toward an overarching need for housing in a national housing crisis.

7.2 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 Correspondence Between Applicant and Council (various dates)

List of correspondence between Council & Agent / Applicant

Email 1: 24/09/24–Reply from Agent to Council with no response

Email 2: 09/10/24–Questions following Council site visit - no reply from council

Email 3: 30/10/24–Further delay from council despite lack of communication & exceeding the statutory period of determination

Email 4: 07/02/25- Direct email to applicant regarding footpath connection to roundabout

Email 5: 11/02/25–Reply to Council from Agent - no response

Email 6: 10/03/25–Agent seeking assistance from another case officer after no communication from Council

Email 7: 15/04/25 – Final communication from Council prior to decision

Email 1: 24/09/24 – Reply from Agent to Council with no response

From: [Ian Rodger](#)
To: ["JIbbotson@aberdeencity.gov.uk"](mailto:JIbbotson@aberdeencity.gov.uk)
Cc: [REDACTED]
Subject: RE: South View, Granitehill Terrace (241012/DPP)

Jack,

Thank you for your advice earlier. I passed on the following to Syd, in terms of what you said about the back-up information for respite facilities:

[REDACTED]
He was comfortable that the application proposals are not entirely - or even primarily - for that respite purpose, but a support letter would be kept confidential and could be used to show a short-term utilisation of the facilities for the benefit of a disabled person.'

Syd has also confirmed that 2pm on Friday 04 October would be fine for meeting with you on site.

Regards,

Ian

Ian Rodger
Principal Architect

Ian Rodger Architects
www.ir-architects.co.uk

Aberdeen
1b Ruthrie Terrace AB10 7JY Tel. 01224 313080

-----Original Message-----

From: JIbbotson@aberdeencity.gov.uk <JIbbotson@aberdeencity.gov.uk>
Sent: 03 September 2024 16:38
To: Info Recipients [REDACTED]
Subject: South View, Granitehill Terrace (241012/DPP)

Dear Sir/Madam

Please find attached the acknowledgement letter for your recently submitted application.

As noted in the letter, In terms of Regulation 20(2)(a) of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, it has been found necessary for the Council to advertise the application in the local press for a period of 14 days because it has not been possible for the planning authority to carry out notification of all neighbours because there are no premises situated on neighbouring land to which notification can be sent.

The applicant is legally required by the regulations to pay the cost of publishing the advertisement notice within 21 days of the date of this letter. Furthermore, the Council cannot determine the application until this sum has been paid. Please pay the fee of £75 online within 21 days via <https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.aberdeencity.gov.uk%2Flink%2Fpay-fees&data=05%7C02%7CJan.Rodger%40ir-architects.co.uk%7C4bb661dbe57a4153c4f608dccc2e90f9%7C8df7b152b35044078ab793d17cb899b5%7C0%7C0%7C638609747853731653%7CUnknown%7CTWFpbGZsb3d8eyJWlloiMC4wLjAwMDAilCJQljoiv2luMzliLCJBTil6lk1haWwiLCJXVCi6Mn0%3D%7C0%7C%7C%7C&sdata=Sp7smJoNMLoXmqCYFdDnwCOcdHrxeddNld%2B1m7mcVi0%3D&reserved=0> and select Press Advert Fee or contact 01224 053746 for other payment methods. Failure to pay the advertisement fee could result in the Council initiating debt recovery proceedings against the applicant.

Should you have any queries in respect of the application's progress please do not hesitate to contact me.

Regards

Jack Ibbotson
Planner

Development Management
Strategic Place Planning
Aberdeen City Council
Business Hub 4
Marischal College
Broad Street
Aberdeen
AB10 1AB

T: 01224 053589

E: Jlbbotson@aberdeencity.gov.uk

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Email 2: 09/10/24 – Questions following Council site visit - no reply from council

From: [Ian Rodger](#)
To: "Jack Ibbotson"
Cc: [REDACTED]
Subject: M171 - South View, Granitehill Terr (241012/DPP)

Jack,

Further to our meeting at the above last week, there are a few things on which we should like your attention/advice please:

1. We had described the Planning situation in our Design Statement. While acknowledging that the proposals do not adhere to Policy NE2 - Green Belt, we feel it would still be within your delegated powers to approve the application; whilst citing the reasons of previous site approvals and current context, and describing the proposals as complying with Policy D - Quality Placemaking by Design.

We accept that the original Planning Permission – of the haulage yard conversion – only had 4No houses, and this application would result in 6No buildings; but the site (incorporating the landscaped gardens) is now larger, the houses are smaller, and one of the buildings is the welcome conversion of South View.

Moreover – as endorsed at the time by Lucy Greene – the regularity of the housing can be strengthened by the proposals, especially acting with South View in terms of a street view.

Please explain why this outcome cannot be reached by you and Garfield.

2. If the above approval scenario could be granted via delegated powers, we fail to understand why it should need to go to Planning Committee for ratification; especially as the preceding 5No applications didn't need to go thro' that process. Please explain.

3. On the other hand, if you consider that the application should be refused under delegated powers – for the reason of development plan departure – shouldn't the application be referred to the Planning Committee for review?

As you know, Syd is keen to consult with local councillors about his proposals.

Regardless of the above question, is there a threshold number of councillors who may state their wish that the application be referred to Committee?

4. In regard to Syd's offer to facilitate the provision of a footpath from the site to the A92 roundabout

We note that the Battery Farm application 240791 intends to install 4m high acoustic fencing immediately around the energy storage containers, but it is unclear what 'fencing around the site boundary' exactly entails. Do Planning know?! The Battery Farm plans show their boundary as being along the roadside, so the chances are that a new fence will not afford any verge space alongside the – 60mph speed – road. This is clearly going to make any walking on this road even more dangerous! There is also a description of a 36-40 week construction period, and pedestrians will be inconvenienced/endangered during those weeks.

It would appear – especially with his liaison with the adjoining farmer – that Syd will

be limited to looking at a footpath along the north side of Granitehill Terrace. However, this will obviously mean a continuation of the present footpath immediately in front of the South View development; clearly helping with safe connectivity for residents in those houses, whilst still aiding those on the south side of the road.

Have you had a chance to check how this generous offer can be used to offset Developer's Obligations, and can be viewed as additional value of these current proposals?

5. Syd has also been actively taking forward the support letter [REDACTED] [REDACTED] (in terms of the new house affording respite care), and his suggestion of planting standard-sized trees in the west boundary corner of the application site (in lieu of the small shrub-sized ones planted to date).

Thanks & regards,

Ian

Ian Rodger

Principal Architect

Ian Rodger Architects

www.ir-architects.co.uk

Aberdeen

1b Ruthrie Terrace AB10 7JY Tel. 01224 313080

Email 3: 30/10/24 – Further delay from council despite lack of communication & exceeding the statutory period of determination

From: [Jack Ibbotson](#)
To: [Ian Rodger](#)
Cc: [REDACTED]
Subject: Re: Planning appl 241012
Date: Tuesday, 5 November 2024 5:50:42 PM
Attachments: [image001.png](#)

Hi Ian,

I have been discussing the proposed footway with colleagues in Roads, Estates team and need to clarify some points with them and Legal as the offer of the footway will need to be achievable, but before I ask you and Syd to go into more detail I need to have a bit more clarity from these departments in the Council what they will require and what associated costs this may have.

Regarding whether the application would be dealt with by committee or delegated, I will need to discuss your points previously raised with managers which I will do this week.

Kind regards

Jack

From: Ian Rodger <Ian.Rodger@ir-architects.co.uk>
Sent: 30 October 2024 10:52 AM
To: Jack Ibbotson <Jlbbotson@aberdeencity.gov.uk>
Cc: Syd Marwick [REDACTED]
Subject: RE: Planning appl 241012

Jack,

We note that the statutory period of determination has expired; and we trust you are merely finalising your report for delegated approval, as we have not heard anything to the contrary?

Regards,

Ian

From: Jack Ibbotson <Jlbbotson@aberdeencity.gov.uk>
Sent: 15 October 2024 09:40
To: Syd Marwick [REDACTED]
Cc: Ian Rodger <Ian.Rodger@ir-architects.co.uk>
Subject: Re: Scanned from a Xerox Multifunction Printer

Hi Syd,

Just to acknowledge this document.

I also received your email Ian of the 9/10/24 and will get back to you this week on the points raised.

Cheers

Jack

From: Syd Marwick [REDACTED]
Sent: 14 October 2024 1:27 PM
To: Jack Ibbotson <Jibbotson@aberdeencity.gov.uk>
Cc: Ian Rodger <Ian.Rodger@ir-architects.co.uk>
Subject: Fwd: Scanned from a Xerox Multifunction Printer

Hi jack

Enclosed e mail from [REDACTED]

Regards syd

Sent from my iPad

Begin forwarded message:

From: [REDACTED]
Date: 14 October 2024 at 13:02:13 BST
To: Syd Marwick [REDACTED]
Subject: Fw: Scanned from a Xerox Multifunction Printer

Hi Syd

Please find attached letter as discussed.

Kind regards,
Michelle

Michelle Robertson
Service Lead
South Aberdeen City & Shire
Mon to Friday 8:30am - 4:30pm



Cornerstone's purpose is "to deliver high quality care and support that enables everyone to live a valued life - the life they choose."

From: Xerox Scanner [REDACTED]

Sent: 14 October 2024 13:11

To: [REDACTED]

Subject: Scanned from a Xerox Multifunction Printer

Please open the attached document. It was scanned and sent to you using a Xerox Multifunction Printer.

Attachment File Type: pdf, Multi-Page

Multifunction Printer Location: Middle office

Device Name: XRX9C934E9CEB12

For more information on Xerox products and solutions, please visit

<http://www.concept-group.co.uk>

Email 4: 07/02/25 - Direct email to applicant regarding footpath connection to roundabout

From: [REDACTED]
To: [Ian Rodger](#)
Subject: Fwd: Planning application
Date: Friday, 7 February 2025 6:54:32 PM
Attachments: [image.png](#)

Hi Ian
Got this from jack today what's your thoughts
Syd

Sent from my iPad

Begin forwarded message:

From: Jack Ibbotson
Date: 7 February 2025 at 17:08:31 GMT
To: Syd Marwick
Subject: Re: Planning application

Dear Syd,

Very sorry I have not gotten back to you. I have been trying to get further advice from our roads team but further than the email below I have not been able to get anything. In terms of ownership this would need a planning application if the works extend outwith the council's land. The councils verge would also need to be purchased. I have spoken to estates but they will need

Are you available on Monday (I am free all day) or Tuesday morning?

The issue is that the site is in the green belt which precludes further development as previously explained and therefore we are not likely to support the development.

The proposed footway is materially different to what was applied for. If it had been in the redline of the application and part of the application that would have been more simple to consider, but none the less we may still need to consider this additional element to the scheme and it is what I have been trying to look into the feasibility and costings.

Both in terms of is it deliverable, and secondly is it acceptable to approve a development which would otherwise be unacceptable on the basis of this footway.

Why is the 'reasonableness' of the footway in question? In this case if the footway construction costs thousands of pounds to build, is it reasonable to make you as a developer build the footway on the basis of a single house. Or would it in effect but unrelated to the proposed development and a gain to the

council which is not reasonable or required or out of proportion to the costs of the development as this might be an issue in terms of whether the gain is lawful.

It may be that you decide to employ transport engineers to design the footway to show where it would lead and how it would be constructed to show that the footway is physically possible and also costings. However, at this point those costs would be at your risk and the general take is that further development is not supported so I had hoped to get information internally which would inform our position.

Anyway once again apologies for the delay in coming back to you. If you have time on Monday or Tuesday let me know I will be looking at my computer this weekend so I can confirm beforehand.

Kind regards

Jack

Roads Comment

Hi Jack,

In regard to the below query, the principle of a continued footpath along the northern side of Granitehill Terrace would be of no concern and the applicant is free to explore this possibility but as it would not tie into anything specific unsure how completely beneficial this would be to the residents.

Sections of the northern verge is adopted (green dotted extents) as per the snapshot below:-



If the footpath was to be adopted this would require to be a minimum of 2m wide and constructed to ACC design specifications which would form part of a Section 56 RCC application, but as the proposed would not actually tie into any other adopted footpath provision (i.e. remote) we would not seek for this to become adopted by ACC Roads Department.

However, if the applicant was to create such footpath along the northern side, likely the same width of that extents directly outside South View, while not be adopted it should be similarly designed to an adoptable standard. In order to create this footpath would require the purchasing of existing adopted verge from the Council for which I do not have an idea of such figures for and would be for our Assets Team (Ian Harris) to provide an estimation in this regard, furthermore to provide the full extents it would appear the applicant shall also require to obtain ground from other lands owners to the north (assumed adjoining local farmer). Further considerations for the applicant to create such a path would be as follows:-

- A level of excavation northwards given the gradient of sections of verge and field from the roadside which shall require to be level out beyond

the footpath width or possible retaining features.

- A requirement to provide suitable drainage given that at current the drainage for the adopted road (Granitehill Terrace) is that surface water shall soak away into the existing verge
- Future maintenance/ownership being the applicant responsibility
- The construction of such would still be subject to a Section 56 RCC given works to existing council road verge and installation of kerbing along adopted carriageway
- Construction Design should likely be that of similarly already down outside South View and the consultant/designer for the applicant should have an understanding of design requirements.

Hope the above provides some information and is clear but should you have any further queries then please get back to me.

From: Syd Marwick

Sent: 07 February 2025 9:50 AM

To: Jack Ibbotson

Subject: Re: Planning application

Hi jack

Can you please contact me to arrange a meeting with your self

At your place of work

Regards

Syd

Sent from my iPad

> On 30 Jan 2025, at 10:03, Syd Marwick wrote:

>

> Hi jack

> I have tried several times to contact you by phone and email.

> Would it be possible for you to phone me.

> I would appreciate an update as to what is happening 07718996736

> Regards

> Syd

> Sent from my iPad

Email 5: 11/02/25 – Reply to Council from Agent - no response

From: [Ian Rodger](#)
To: ["Jack Ibbotson"](#)
Cc: [REDACTED]
Subject: M171 - South View, Granitehill Terr - Planning 241012/DPP

Jack,

Planning Application 241012/DPP

I was made party to your email to Syd last week, giving an update on his offer of a footpath link between the application site and the A92 roundabout. It was disappointing to see that all the odds seem to have been stacked against this proposed addition to the above application. Yes, there is considerable detailed work to be undertaken in conjunction with ACC Roads – and, yes, the legal department – but this is intended to be something that could take the place of developer obligations; and it would be great if ACC could at least acknowledge that this is an excellent opportunity to improve the community safety.

Unless we get some degree of support from ACC, we will have to drop this footpath proposal; which was the provision of a safe route (currently pedestrians have to walk in the actual road) from the community on Granitehill Terrace to the roundabout/bridge.

Hopefully this present health & safety danger doesn't result in injury at some time! The applicant has full support of the local community for the new footpath, especially as there are [REDACTED] children who live in this small area.

Back to the true heart of the Planning application proposals; a new house, which – in the meantime, and hopefully for quite some considerable time – is intended to assist [REDACTED] a relative.

Yes, the overall site is in the Greenbelt, but the actual house footprint is on the exact location of the original haulage garage; and thus this is a Brownfield site, and the Planning Department should consider its merits on that basis. Encouragement has already been given by the planners; with a new house on this position being described as regularising the housing settlement, and providing a street frontage with South View, whilst still maintaining the perimeter buffer of landscaping. Indeed, the other single houses – similarly within this Greenbelt – were all approved under Delegated Powers by the planners; citing precedence, and accepting the context of the settlement. Why is this present applicant not being considered in the same way?

Could we please meet with you, and your senior planner, at St Nicholas House?

The application was registered on 30 Aug.'24). Since then, you've failed to clarify determination of the application (your email of 05 Nov), and whether it could be approved via Planning Committee or Delegated Powers. More than 5 months have passed, and the applicant needs to know what ACC Planning are doing; with there being no objections lodged, and all consultees' comments being favourable.

Thanks & regards,

Ian

Ian Rodger

Principal Architect

Ian Rodger Architects

www.ir-architects.co.uk

Aberdeen

1b Ruthrie Terrace AB10 7JY Tel. 01224 313080

Email 6: 10/03/25 – Agent seeking assistance from another case officer after no communication from Council

From: [Dineke Brasier](#)
To: [Ian Rodger](#)
Subject: RE: M171 - South View, Granitehill Terr - Planning 241012/DPP
Date: Thursday, 13 March 2025 11:37:46 AM

Hi Ian,

I have forwarded your email to Jack and his team leader. However, given that I have not had any involvement in this application, I don't feel it would be right for me to meet with you to discuss this.

I hope you understand,

Many thanks,

Kind regards,

Dineke Brasier

Senior Planner



Dineke Brasier (MRTPI) | Senior Planner

Aberdeen City Council | Development Management | Strategic Place
Planning | City Regeneration & Environment |
Marischal College | Ground Floor North | Broad Street | Aberdeen | AB10 1AB
Direct Dial: 01224 045808
Mobile: 07557 488036

General Planning Support: 01224 053746

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Facebook.com/AberdeenCC

Please note that on Tuesdays and Fridays, I only work in the morning

It should be noted that the foregoing advice is without prejudice to the outcome of any detailed evaluation of the application carried out at the application stage that would be based on more detailed information and take into account the outcome of consultations and neighbour notifications. Pre-application advice does not in any way guarantee the outcome of an application and any financial or other commitments made prior to submission are at the applicant's risk.

From: Ian Rodger

Sent: 10 March 2025 12:29

To: Dineke Brasier

Cc: Jack Ibbotson ; Syd Marwick ; [REDACTED]

Subject: FW: M171 - South View, Granitehill Terr - Planning 241012/DPP

Dineke,

After 6 months, we are still waiting for determination of this application. Indeed, we don't even have a steer from ACC Planning as to what is happening, apart from an email from the planning officer on 07 Feb (attached) which had concentrated on the provision of a footpath.

The offer of the footpath had been made by the applicant, and we should have hoped could have been viewed in parallel with Developer's Obligations. Instead, it seems to have taken precedence, and the applicant is understandably upset with the time slipping by. Syd is [REDACTED] is also facing continual blanking of phonecalls & emails – and requests for meetings – by Jack.

You can see from my email below, that a month ago we'd requested a meeting with Jack and his senior planner. Given the fact we'd had a productive meeting with you in Sept.'23 – and then all your advisory points on the design proposals were taken on board prior to

submission of the subsequent Planning applications – might it be appropriate to meet with you again please?

Thanks & regards,

Ian

From: Ian Rodger

Sent: 11 February 2025 08:23

To: Jack Ibbotson <Jlbbotson@aberdeencity.gov.uk>

Cc: Syd Marwick [REDACTED]
[REDACTED]

Subject: M171 - South View, Granitehill Terr - Planning 241012/DPP

Jack,

Planning Application 241012/DPP

I was made party to your email to Syd last week, giving an update on his offer of a footpath link between the application site and the A92 roundabout. It was disappointing to see that all the odds seem to have been stacked against this proposed addition to the above application. Yes, there is considerable detailed work to be undertaken in conjunction with ACC Roads – and, yes, the legal department – but this is intended to be something that could take the place of developer obligations; and it would be great if ACC could at least acknowledge that this is an excellent opportunity to improve the community safety. Unless we get some degree of support from ACC, we will have to drop this footpath proposal; which was the provision of a safe route (currently pedestrians have to walk in the actual road) from the community on Granitehill Terrace to the roundabout/bridge. Hopefully this present health & safety danger doesn't result in injury at some time! The applicant has full support of the local community for the new footpath, especially as there are [REDACTED] children who live in this small area.

Back to the true heart of the Planning application proposals; a new house, which – in the meantime, and hopefully for quite some considerable time – is intended to assist with [REDACTED] care [REDACTED]

Yes, the overall site is in the Greenbelt, but the actual house footprint is on the exact location of the original haulage garage; and thus this is a Brownfield site, and the Planning Department should consider its merits on that basis. Encouragement has already been given by the planners; with a new house on this position being described as regularising the housing settlement, and providing a street frontage with South View, whilst still maintaining the perimeter buffer of landscaping. Indeed, the other single houses – similarly within this Greenbelt – were all approved under Delegated Powers by the planners; citing precedence, and accepting the context of the settlement. Why is this present applicant not being considered in the same way?

Could we please meet with you, and your senior planner, at St Nicholas House?

The application was registered on 30 Aug.'24). Since then, you've failed to clarify determination of the application (your email of 05 Nov), and whether it could be approved via Planning Committee or Delegated Powers. More than 5 months have passed, and the applicant needs to know what ACC Planning are doing; with there being no objections lodged, and all consultees' comments being favourable.

Thanks & regards,

Ian

Ian Rodger

Principal Architect

Ian Rodger Architects

www.ir-architects.co.uk

Aberdeen

1b Ruthrie Terrace AB10 7JY Tel. 01224 313080

Email 7: 15/04/25 – Final communication from Council prior to decision

From: Garfield Prentice
Sent: 29 April 2025 14:04
To: Ian Rodger
Cc: Jack Ibbotson
Subject: RE: 241012/DPP South View, Granite Hill Terrace

Hello Ian

Further to my email yesterday, I have now been advised of the current position with your client's planning application. Firstly, I apologise on behalf of the Planning Service for the delay in determining the planning application. This was due to a combination of factors, one significant factor being the considerably reduced staff resource we have been operating under during last few years, meaning that many planning applications are taking considerably longer to process than the expected timescales.

The case officer, Jack Ibbotson, met with you and client at the application site many months ago, at which time various aspects of the proposal were discussed. Thus, you have already had an opportunity to discuss the proposal for a new house on this site. For

planning applications of this type and scale, we would not usually offer more than meeting to discuss the proposal.

In addition to the above, even if we were agreeable to having another meeting, which in my opinion would not serve any useful purpose, I will be on holiday from tomorrow for most of the next 2 weeks. I anticipate that Jack will have completed his Report of Handling on the application within the next few days and thereafter the application will be subject to management sign-off procedures before the issuing of the decision notice. The decision will be based on an assessment against the relevant planning policies currently in place – in National Planning Framework 4 and the Aberdeen Local Development Plan 2023, the most important these being the respective policies relating to the green belt. In reaching that decision, regard will be given to the Design Statement submitted with the planning application and to the additional information submitted in October 2024 [REDACTED]
[REDACTED]

A detailed assessment of the proposal and the reason for the decision will be set out in the Report of Handling, which will be available following the issuing of the decision notice. Thus, I do not intend in this email to set out the detail of that assessment. However, I will address just few points you raise in your email of 15 April 2025.

Whilst the application site might be categorised as brownfield, having being part of the haulage yard that previously existed on this site, that in itself does not outweigh the terms of green belt policy and the limitations on development contained therein. Redevelopment of green belts are still required to comply with Green Belt policy, which does not support new housing unless it has been demonstrated that it essential for and directly related to agriculture or forestry. An essential agricultural or forestry need has not been identified or demonstrated in this case.

You refer under point 4 that you had been encouraged in past “to position a fifth house to provide a ‘street frontage’” and also mention this is your Design Statement, specifically referencing an email from Lucy Greene on 31 May 2016. Whilst Lucy did indicate a house located at the front of the site could be an acceptable design/layout solution that cannot be interpreted as meaning an additional (fifth) house. The previous planning permissions for houses on the site dating from 2008 and 2013 were for 4 houses, not 5 houses.

Furthermore and importantly, subsequent to Lucy’s email, your client chose not to act on that advice and instead submitted separate planning applications for individual houses for the plots in the rear part of the site (a total of 4 houses), three applications in 2017 and one in 2019. Thus, in accordance with the original planning permissions in 2008 and 2013, 4 houses have been constructed on the former haulage yard. Therefore, through the actions of your client, the suggestion made by Lucy in 2016 is no longer relevant.

A further relevant matter is that the location of the proposed house is land that was set aside for landscaping, as shown, for example, on the site layout drawing approved under planning application 171129/DPP. A condition applied to that planning permission *stated “that no development pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing for the purpose by the planning authority a further detailed scheme of landscaping for the application site, and for the area to the road frontage of the site, to the west of the access road and south of plot 3. The scheme shall include proposed areas of tree/shrub planting which shall include mixed hedging and native trees of heavy standard size, and including details of numbers, densities, locations, species, sizes and stage of maturity at planting”*, clearly

demonstrating these was to be used for landscaping of the development and not for further development.

In addition to the above, under planning application 231313/DPP, there is requirement for the area for the currently proposed house to be landscaped, including a wildflower meadow. Condition 2 of that planning permission requires that landscaping to be provided and to be maintained for a minimum of 10 years. Clearly, that could not be done if planning permission for a house on this ground was now to be approved.

To conclude, I would reiterate that a further meeting, in addition to the one you and your client had previously, would not serve any useful purpose. Accordingly, it is our intention to proceed to determine the planning application.

Best regards

Garfield



Garfield Prentice MRTPI | Team Leader

Aberdeen City Council | Development Management | Strategic

Place Planning | City Regeneration and Environment

Marischal College | Ground Floor North | Broad Street | Aberdeen |

AB10 1AB

Direct Dial: 01224 053309

General Planning Support: 01224 053746

www.aberdeencity.gov.uk | Twitter: @AberdeenCC |

Facebook.com/AberdeenCC

From: Ian Rodger <Ian.Rodger@ir-architects.co.uk>

Sent: 25 April 2025 12:28

To: Garfield Prentice <GPrentice@aberdeencity.gov.uk>

Cc: Jack Ibbotson <Jlbbotson@aberdeencity.gov.uk>; Syd Marwick

[REDACTED]

Subject: FW: 241012/DPP South View, Granite Hill Terrace

Garfield,

The applicant has tried on a number of occasions this week to speak with Jack, and then was informed he is in a Planning meeting this morning. Syd was also told that you are Jack's team leader.

We are therefore getting in touch directly with you, with the request that we meet with you and Jack. You can see below the issues we wish to discuss, with regard to this application. Please let us know if a meeting can be arranged.

Thanks & regards,

Ian

From: Ian Rodger

Sent: 16 April 2025 12:03

To: 'Jack Ibbotson' <Jlbbotson@aberdeencity.gov.uk>

Cc: Syd Marwick [REDACTED]

Subject: FW: 241012/DPP South View, Granite Hill Terrace

Jack,

You can see below that your email was conveyed to the applicant, and I've subsequently discussed with Syd. There is disappointment and frustration that, after more than 7 months of the application being lodged, we've only met you once (on site) and there has been hardly any contact from you.

Now, after months of trying to set up a meeting with you and your team leader, we are merely being told you are writing a – negative, going by the brief not-in-greenbelt note you have given – report to your manager; and the application will be determined – with refusal, we must assume – next week.

We had been looking for an opportunity to discuss the points raised in the Design Statement, as we feel strongly that there are reasons why the council can grant Planning Permission for this new house. [REDACTED]

Please can we meet with you and your team leader?

Thanks & regards,

Ian

From: Ian Rodger

Sent: 15 April 2025 12:07

To: Syd Marwick
[REDACTED]

Subject: FW: 241012/DPP South View, Granite Hill Terrace

Syd,

At long last we've received something back from the planner. Although, unfortunately, Jack has not moved on at all from what he was saying a long time ago

'The issue is that the site is in the green belt which precludes further development as previously explained and therefore we are not likely to support the development.' Email from Jack 07 Feb.'25

We'd responded on 11 Feb with the following:

Yes, the overall site is in the Greenbelt, but the actual house footprint is on the exact location of the original haulage garage; and thus this is a Brownfield site, and the Planning Department should consider its merits on that basis. Encouragement has already been given by the planners; with a new house on this position being described as regularising the housing settlement, and providing a street frontage with South View, whilst still maintaining the perimeter buffer of landscaping. Indeed, the other single houses – similarly within this Greenbelt – were all approved under Delegated Powers by the planners; citing precedence, and accepting the context of the settlement. Why is this present applicant not being considered in the same way?

That has been the only input from Jack – apart from meeting us on the application site on 04 Oct.'24 – since the planning application of 30 Aug.'24! Our response above has not been addressed by Jack, until his email of today (but of course he makes no direct reference to it).

It is disappointing that the Planning Dept haven't fully addressed the points we've been making; namely:

1. The proposed house sits directly on the former industrial shed, ie brownfield site.
Jack only makes the point that 'the brownfield site has seen significant development' – does that mean it cannot be considered now as having been a brownfield site?

2. The 4No other houses were described by Planning as ‘an opportunity for a small housing development in association with substantial landscaping’ – why not this one as well?
3. Planning had also described the houses as resulting ‘in the restoration of a site within the green belt’ – again, why not this one as well?
4. From liaison with Planning in the past, we’ve been encouraged to position a fifth house to provide a ‘street frontage’ – which is this one!
5. No weight given to the use of the new house as a respite facility, as the house is not solely for that purpose.

The only additional issue raised by Jack below is that the application site is ‘the landscaped area for the adjoining wider site’. Yes, it is, but only an area of wildflower meadow being reduced slightly for the house’s garden ground. The effectiveness of the landscaping buffer, ie trees and shrubs, is not compromised.

The attached Design Statement was submitted with the application, and I should hope that Jack’s report to his manager (and of course we still don’t know who that is!) at least addresses the points which were made in the section 03 Planning Situation

Regards,
Ian

From: Jack Ibbotson

Sent: 15 April 2025 10:36

To: Ian Rodger

Subject: 241012/DPP South View, Granite Hill Terrace

Dear Ian and Syd,

My apologies for the delay in response and not responding sooner.

In terms of the application we will determine it on the basis of the submitted information, drawings and site area. I expect to have the report with my manager this week. Due to the greenbelt location and extensive development on site, with this area being the landscaped area for the adjoining wider site, this is not supported as a development in the green belt, and the brown field site has seen significant development which means there is not a reason to allow a dwelling in the countryside in our opinion.

however as previously discussed the functional link is difficult to show in terms of the size, scale, form and proposed use of the building. ie. It is not solely for the use of a person with a protected characteristic and therefore the weight we give to this element is not likely to overcome the in-principle objection to development in the greenbelt and the loss of landscaping which was integral to the previous brownfield development approved for the four houses.

The footway is not something we can give significant weight because it would be unreasonable to expect a development of a single house to have a condition attached by the council to form such a long (and likely expensive) footway. The cost of the footway is likely to be of a similar if not larger cost of the build cost of the house, and therefore is not reasonable to require a developer to do this by condition. The lack of information on ownership, design and costings means we aren't able to give significant weight to it as it is not clear at this stage that the aspiration is deliverable.

It may have been reasonable to have required this in the past if the whole development had

included a safe access but this wasn't included in those proposals. It is also noted that the footway would not link to safe pedestrian infrastructure so how much this would improve the situation when pedestrians would still need to cross a major roundabout is not clear. Without this being a integral part of the original or current application redline, and not being proportionate to the development now proposed , this is not a reasonable requirement to make it a pre-commencement condition (Grampian style condition). Therefore, we are not able to give it weight in the decision because it is not clear that this is a deliverable footway. There would be nothing to stop your client looking to submit a separate roads consent application and conduct the work, but it is not something that could reasonably be required as part of this application and we don't have the information as part of this application to suggest it is deliverable.

I will update you early next week with the decision.

Kind regards

Jack



Jack Ibbotson Planner | MRTPI

Strategic Place Planning | City Regeneration & Environment |
Aberdeen City Council

Ground Floor North | Marischal College | Broad Street |
Aberdeen | AB10 1AB

Email: jibbotson@aberdeencity.gov.uk

Telephone: 01224 053589

www.aberdeencity.gov.uk

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Appendix 2 Material Planning Decisions at the Courtyard



APPLICATION REF NO P131534

PLANNING & SUSTAINABLE DEVELOPMENT
Communities, Housing and Infrastructure
Business Hub 4, Marischal College, Broad Street,
ABERDEEN. AB10 1AB

THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Conditional Planning Permission

Cumming & Co.(Aberdeen) Ltd
Albion House
6 Castlehill
Aberdeen
AB11 5GJ

on behalf of **T & G Grampian Ltd**

With reference to your application validly received on 23 October 2013 for Planning Permission under the above mentioned Act for the following development, viz:-

CHANGE OF USE FROM HAULAGE YARD, OFFICES & ASSOCIATED BUILDINGS TO FORM RESIDENTIAL DEVELOPMENT COMPRISING 4 NO HOUSES AND ASSOCIATED INFRASTRUCTURE WORK.

at South View, Granitehill Terrace, Persley

the Council in exercise of their powers under the above mentioned Act hereby GRANT Planning Permission for the said development in accordance with the particulars given in the application form and the plan(s) and documents docketed as relative thereto.

Permission is granted subject to the following condition(s), for which reasons(s) are stated viz:-

(1) that no development pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing for the purpose by the planning authority a further detailed scheme of landscaping for the site, which scheme shall include indications of all existing trees and landscaped areas on the land, 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 which shall include mixed hedging and native trees of heavy standard size, and including details of numbers, densities, locations, species, sizes and stage of maturity at planting - in the interests of the amenity of the area.

(2) 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

PETE LEONARD
DIRECTOR

Continuation

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.

(3) that no development shall take place unless a scheme, including samples, detailing all external finishing materials to the roof and walls of the development hereby approved has been submitted to, and approved in writing by, the planning authority and thereafter the development shall be carried out in accordance with the details so agreed. The roofs shall be in natural slate and the front elevations of the houses fronting onto Granitehill Terrace shall be in natural granite in accordance with the approved drawings - in the interests of visual amenity.

(4) The existing stone wall boundary enclosures shall be retained. No development shall take place unless there has been submitted to, and approved in writing by, the planning authority, detailed plans and elevations to show the re-use of granite from doughtings to provide boundary walls where none exist at present. No house shall not be occupied unless the scheme as so approved has been implemented in full in respect of the that house, unless otherwise agreed in writing with the planning authority - in the interests of visual amenity and the character of the green belt.

(5) that no development shall take place unless a scheme of all drainage works designed to meet the requirements of Sustainable Urban Drainage Systems has been submitted to and approved in writing by the Planning Authority and thereafter no part of the development shall be occupied unless the drainage has been installed in complete accordance with the said scheme - in order to safeguard water qualities in adjacent watercourses and to ensure that the development can be adequately drained.

(6) that no development shall take place unless it is carried out in full accordance with a scheme to deal with 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.

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

PETE LEONARD
DIRECTOR

Continuation

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 that verifies that completion of the remedial works for the entire application site, unless the planning authority has given written consent for a variation - reason: in order to ensure that the site is fit for human occupation

The reason(s) on which the Council has based this decision are as follows:-

The proposal complies with the Aberdeen Local Development Plan 2012, as it consists of a small scale residential development involving landscaping and retention of granite boundary walls, it accords with the opportunity site description which identifies the site as suitable for such development. The proposal would result in the restoration of a site within the green belt.

The plans, drawings and documents that are the subject of this decision notice are numbered as follows:- A/07081 902 Rev.2, PI 010 A, 05-131 02 A and 03 A.

Date of Signing 13 October 2014



Dr Margaret Bochel

Head of Planning and Sustainable Development

Enc.

NB. EXTREMELY IMPORTANT INFORMATION RELATED TO THIS GRANT OF PLANNING APPROVAL

The development to which this notice relates requires to be commenced within 3 years of the date of this notice unless a condition of planning approval specifies otherwise.

This permission does not carry with it any necessary approval under the Building Standards Regulations or of the owner or superior of the land or property including, where applicable, the City Council. Please ensure that this permission is compatible with any building warrant obtained. The Planning Service does not cross check approvals in detail.

The applicant has the right to have the decision reviewed by the planning authority in certain circumstances (eg. if aggrieved by the conditions that have been attached) and further details are given in Form 2 attached below.

A person who has been granted planning permission under the terms of the foregoing notice and intends to start work to implement this planning approval must, once they have decided the date they will start work on the development, inform the Council in writing of that date as soon as is practicable, but in all circumstances prior to work

PETE LEONARD
DIRECTOR

Continuation

commencing. Failure to do so is a breach of planning control under Section 123(1) of the 1997 Planning Act. The Council should be informed of the start date and other required information on the Notice of Initiation of Development Form attached below

A person who completes the development for which planning permission has been granted by the foregoing notice must, as soon as is practicable after doing so, give notice of completion to the Council on the Notice of Completion of Development form attached below. In common with the failure to submit an notice of initiation of development, the Council may take enforcement action if a notice of completion is not given.

PETE LEONARD
DIRECTOR

Continuation

Regulation 28(4)(a)

Form 1

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Notification to be sent to applicant on refusal of planning permission or on the grant of permission subject to conditions

1. If the applicant is aggrieved by the decision of the planning authority to –
 - a. refuse planning permission for the proposed development;
 - b. to refuse approval, consent or agreement required by condition imposed on a grant of planning permission;
 - c. 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(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 <http://eplanning.scotland.gov.uk/>.

Notices of review submitted by post should be sent to –

Planning & Sustainable Development
Communities, Housing and Infrastructure
Aberdeen City Council
Business Hub 4
Ground Floor North
Marischal College
Broad Street
Aberdeen AB10 1AB

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 or 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.

PETE LEONARD
DIRECTOR

Continuation

NOTICE OF INITIATION OF DEVELOPMENT

The Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006 Form X

The Planning (Development Management Procedure)(Scotland) Regulations 2008

Notice under Sections 27 A,B and C of the above Act and Regulations 37 and 38, regarding the initiation (start) of work for which planning permission has been granted.

Planning Permission reference number:- Date of Issue :-

P131534	13 October 2014
----------------	--------------------------------

Address of site to which permission applies :-

SOUTH VIEW, GRANITEHILL TERRACE, PERSLEY

I hereby give notice that it is intended to **start** the above development on the following date:-
(see notes 1 – 3 below)

--/--/--

(see note 4 below) Person Intending to Carry Out Development	<u>Name</u>	<u>Address</u>
Landowner of Site (If different)		
Site Agent appointed for development		Mobile or landline tel. number

Date of Submission of Notice

--/--/--

PETE LEONARD
DIRECTOR

Continuation

Address to which you should send this notice :-

Planning & Sustainable Development
Communities, Housing and Infrastructure
Aberdeen City Council
Business Hub 4
Ground Floor North
Marischal College
Broad Street
Aberdeen AB10 1AB

Should you require any help in completing this notice, please contact us :-

Telephone: **01224 523470**
Fax: **01224 636181**
E-mail: **pi@aberdeencity.gov.uk**
Web-site: **www.aberdeencity.gov.uk**

Notes

1. Notice of start of work **must** be given **prior to** commencement of the development (i.e. before starting work on site).
2. Failure to submit this notice to the planning authority is a breach of planning control under section 123 (1) of the 1997 Act.
3. Work may lawfully be commenced at some point after the start date given above, provided that it is undertaken in complete accordance with the planning permission and any related planning conditions which have been imposed.
4. Data Protection Act 1998 - For the purposes of processing this information Aberdeen City Council is the Data Controller. The information on this form will be recorded on computer and also stored and processed automatically for planning purposes. Information will be disclosed only in accordance with the requirements of the Town and Country Planning (Scotland) Act 1997, as amended, or otherwise as required by law, including disclosure to other agencies.

PETE LEONARD
DIRECTOR

Continuation

NOTICE OF COMPLETION OF DEVELOPMENT

The Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006 Form X

The Planning (Development Management Procedure)(Scotland) Regulations 2008

Notice under Sections 27B of the above Act, regarding the completion of work for which planning permission has been granted.

Planning Permission reference number:- Date of Issue :-

P131534	13 October 2014
----------------	--------------------------------

Address of site to which permission applies :-

SOUTH VIEW, GRANITEHILL TERRACE, PERSLEY

I hereby give notice that the above development was completed on the following date:- (see notes 1 and 2 below)

--/--/--

(see note 3 below) Person Carrying Out Development	<u>Name</u>	<u>Address</u>
Landowner of Site (If different from above)		
Site Agent appointed in respect of the development		Mobile or landline number

Date of Submission of Notice

--/--/--

PETE LEONARD
DIRECTOR

Continuation

Address to which you should send this notice :-

Planning & Sustainable Development
Communities, Housing and Infrastructure
Aberdeen City Council
Business Hub 4
Ground Floor North
Marischal College
Broad Street
Aberdeen AB10 1AB

Should you require any help in completing this notice, please contact us :-

Telephone: **01224 523470**
Fax: **01224 636181**
E-mail: **pi@aberdeencity.gov.uk**
Web-site: **www.aberdeencity.gov.uk**

Notes

1. Notice of completion of development on site **must** be given as soon as practicable thereafter.
2. The planning authority may take enforcement action if such a notice is not given. When the last phase of a phased development is completed, the requirement to give notice of completion of development applies.
3. Data Protection Act 1998 - For the purposes of processing this information Aberdeen City Council is the Data Controller. The information on this form will be recorded on computer and also stored and processed automatically for planning purposes. Information will be disclosed only in accordance with the requirements of the Town and Country Planning (Scotland) Act 1997, as amended, or otherwise as required by law, including disclosure to other agencies.

PETE LEONARD
DIRECTOR

Signed (authorised Officer(s)):

SOUTH VIEW, GRANITEHILL TERRACE,
PERSLEY

CHANGE OF USE FROM HAULAGE YARD,
OFFICES & ASSOCIATED BUILDINGS TO
FORM RESIDENTIAL DEVELOPMENT
COMPRISING 4 NO HOUSES AND
ASSOCIATED INFRASTRUCTURE WORK.

For: T & G Grampian Ltd

Application Type : Detailed Planning
Permission

Application Ref. : P131534

Application Date : 23/10/2013

Advert : Can't notify
neighbour(s)

Advertised on : 13/11/2013

Officer : Lucy Greene

Creation Date : 6 October 2014

Ward: Dyce/Bucksburn/Danestone(B
Crockett/G Lawrence/N MacGregor/G
Samarai)

Community Council: No comments received

RECOMMENDATION: Approve subject to conditions

DESCRIPTION

The application site consists of the former haulage yard of William Walker Transport; it consists largely of a vacant hard surfaced area with traditional granite one and a half storey house, formerly used as offices. The site is approximately 0.26 ha in size. The site is on the north side of Granitehill Terrace and slopes upwards away from the road, towards the north, with a change of levels of approximately 5.0 metres. Surrounding the site on three sides is open agricultural land and to the south on the opposite side of Granitehill Terrace are two semi-detached houses, two detached houses of relatively recent construction two granite tenement blocks. The wider area is agricultural in nature, although industrial units and the urban area of Aberdeen are clearly visible in the longer range views to the south.

HISTORY

Planning permission (ref. A8/1209) was granted in December 2008 for four detached houses. The current application is for the same proposal.

PROPOSAL

Detailed planning permission is sought for the erection of four detached houses on the site. The application was submitted prior to the expiry of the previous application for the same scheme and is therefore a renewal.

Two of the proposed houses would be 4 bed, whilst two would be 5 bed. Two of the houses would front onto Granitehill Terrace, a central shared (pedestrian – vehicular) access road would lead into the site to the remaining two houses.

The houses are proposed to be one and a half storeys in height with external finishing materials consisting of fyfestone and render, with slate to the roofs. The front elevation of the houses fronting onto the main road would be in new granite. It is proposed to provide a footway along the frontage of the site on Granitehill Terrace and turning into the site, within the site, pedestrians and vehicles would share the access.

The plans indicate that there would be planting along the boundaries of the site, with the existing boundary wall being retained to the end (north eastern) boundary and the side wall of the existing building retained along part of the south eastern boundary. Elsewhere, 900mm post and wire fences would enclose the site.

Supporting Documents

All drawings relating to this application can be viewed on the Council's website at - <http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=131534>

On accepting the disclaimer enter the application reference quoted on the first page of this report.

CONSULTATIONS

Roads ProjectsTeam - No objection

Environmental Health - No objection, subject to attachment of condition relating to contaminated land.

Enterprise, Planning & Infrastructure (Flooding) - No objection

Community Council – No comments received

REPRESENTATIONS

None

PLANNING POLICY

Aberdeen Local Development Plan

Policy NE2 - Green Belt – General presumption against development unless in particular circumstances, including: restoration or landscape renewal.

The site is identified as part of Opportunity Site OP13 'Land at Persley' – the site is identified as "an opportunity for a small housing development in association with substantial landscaping and careful high quality design being required to secure landscape renewal."

Policy D1 – Architecture and Placemaking
Policy D2 – Design and Amenity
Policy R7 - Low and Zero Carbon Buildings
Supplementary Guidance (SG) on Transport and Accessibility

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.

The site lies within the green belt and does not consist of a type of development considered as an exception to the general presumption against development. However, this particular site is identified as an opportunity for a small housing development with substantial landscaping and high quality design. The application proposal is a renewal of a previous scheme that was granted conditional planning permission in 2008. The policy position in terms of the development plan, has not changed, since the previous approval.

There is an area indicated for landscaping around the boundaries of the application site and it is proposed that as part of the landscaping condition attached to the permission, there be a requirement for the inclusion of mixed native hedging and planting of native trees of the heavy standard size.

In terms of the details of the proposal:

The proposed houses are of a design that would be in keeping with the character of the green belt and there is planting proposed around the site boundaries of a minimum 1.5 metres in width. There are existing boundary enclosures consisting of dry stone granite walls and low granite ashlar boundary wall to part of the site frontage and the retention of these would be the subject of condition.

It is considered that the proposed development falls within the scope of the opportunity site description. It is therefore considered that the proposal accords with the development plan.

In terms of design and amenity, the proposal provides adequate outdoor space for future occupants and is considered appropriate in its massing, scale and design. The proposal complies, thereby, with policies D1 and D2.

In terms of low and zero carbon development. As building standards currently require the same reduction in terms of carbon emissions, it is considered unnecessary to attach conditions to this permission.

The site is located approximately 445m from the nearest bus stop which is further than the 400m recommended in the Transport and Sustainability SG. In addition, there are no footpaths along the road between the application site and the Persley Bridge roundabout. As part of the application, a footpath would be

provided along the frontage of the application site, although this would be of limited value as it would not at present link with footpaths along the remainder of the street. In this respect, the proposal would not comply with the SG. However, the proposed houses would be within 800m of the Danestone district centre, in accordance with the recommendation of the SG. As the site is identified as an opportunity for housing development and it partially complies with SG, the proposal is considered acceptable.

In conclusion, although the site lies within the green belt, the proposal accords with the opportunity site description and is therefore acceptable in principle. With the attached of the conditions recommended below the development is considered acceptable in terms of policies relating to design and amenity, architecture and place and supplementary guidance relating to transport and sustainability.

RECOMMENDATION: Approve, subject to conditions

REASONS FOR RECOMMENDATION

The proposal complies with the Aberdeen Local Development Plan 2012, as it consists of a small scale residential development involving landscaping and retention of granite boundary walls, it accords with the opportunity site description which identifies the site as suitable for such development. The proposal would result in the restoration of a site within the green belt.

CONDITIONS

it is recommended that approval is given subject to the following conditions:-

(1) that no development pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing for the purpose by the planning authority a further detailed scheme of landscaping for the site, which scheme shall include indications of all existing trees and landscaped areas on the land, 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 which shall include mixed hedging and native trees of heavy standard size, and including details of numbers, densities, locations, species, sizes and stage of maturity at planting - in the interests of the amenity of the area.

(2) 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.

(3) that no development shall take place unless a scheme, including samples, detailing all external finishing materials to the roof and walls of the development hereby approved has been submitted to, and approved in writing by, the planning authority and thereafter the development shall be carried out in accordance with the details so agreed. The roofs shall be in natural slate and the front elevations of the houses fronting onto Granitehill Terrace shall be in natural granite in accordance with the approved drawings. - in the interests of visual amenity.

(4) The existing stone wall boundary enclosures shall be retained. No development shall take place unless there has been submitted to, and approved in writing by, the planning authority, detailed plans and elevations to show the re-use of granite from duntakings to provide boundary walls where none exist at present. No house shall not be occupied unless the scheme as so approved has been implemented in full in respect of the that house, unless otherwise agreed in writing with the planning authority – in the interests of visual amenity and the character of the green belt.

(5) that no development shall take place unless a scheme of all drainage works designed to meet the requirements of Sustainable Urban Drainage Systems has been submitted to and approved in writing by the Planning Authority and thereafter no part of the development shall be occupied unless the drainage has been installed in complete accordance with the said scheme - in order to safeguard water qualities in adjacent watercourses and to ensure that the development can be adequately drained.

(6) that no development shall take place unless it is carried out in full accordance with a scheme to deal with contamination on the site that has been approved in writing by the planning authority.

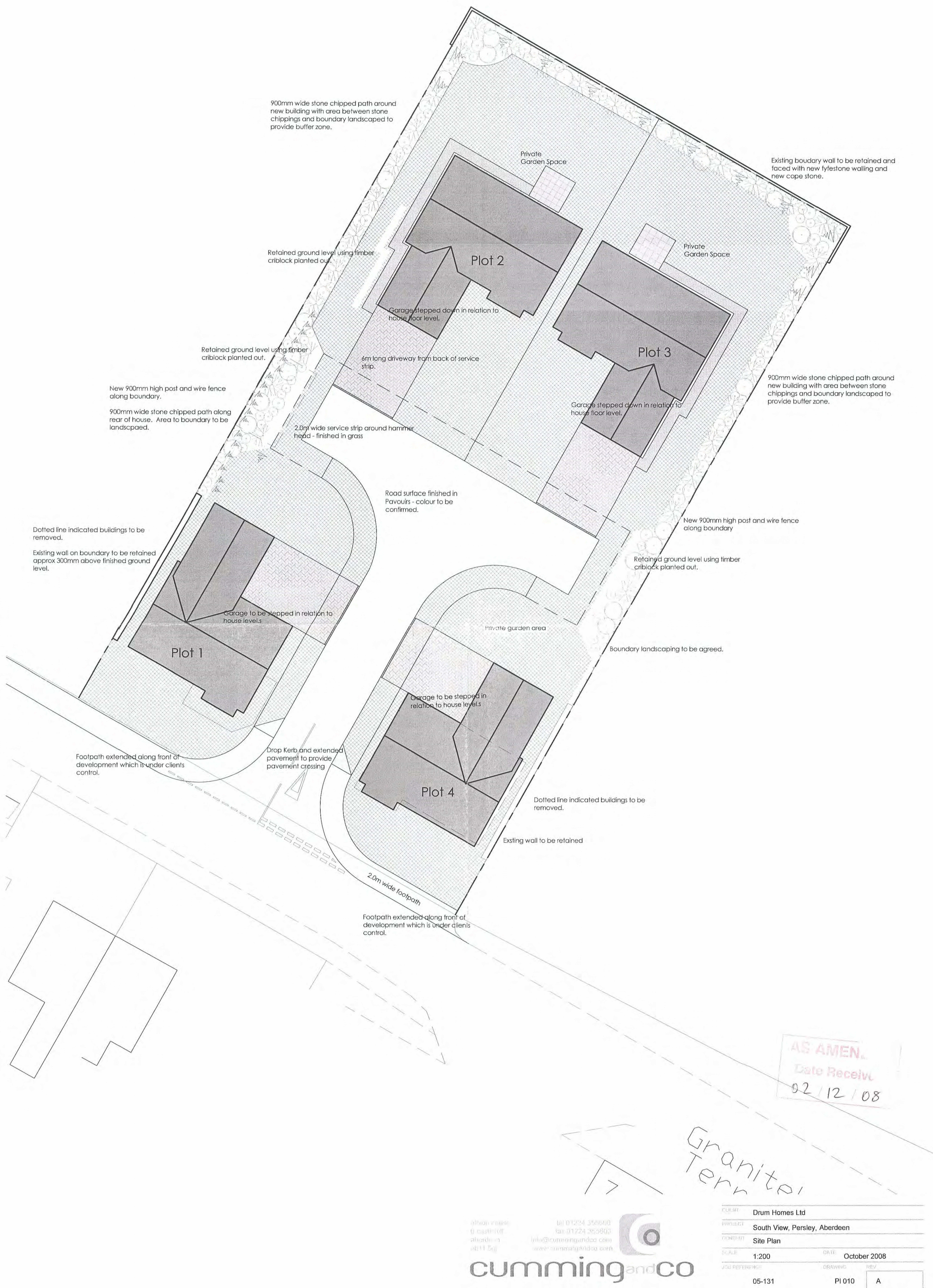
The scheme shall follow the procedures outlined in Planning Advice Note 33 Development of Contaminated Land and shall be conducted by a suitably qualified person in accordance with best practice as detailed in BS10175 Investigation of Potentially Contaminated Sites - Code of Practice and other best practice 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.

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 that verifies that completion of the remedial works for the entire application site, unless the planning authority has given written consent for a variation.- reason: in order to ensure that the site is fit for human occupation



900mm wide stone chipped path around new building with area between stone chippings and boundary landscaped to provide buffer zone.

Existing boundary wall to be retained and faced with new flystone walling and new cope stone.

Retained ground level using timber cribblock planted out.

Private Garden Space

Plot 2

Garage stepped down in relation to house floor level.

Plot 3

Garage stepped down in relation to house floor level.

6m long driveway from back of service strip.

Retained ground level using timber cribblock planted out.

New 900mm high post and wire fence along boundary.

900mm wide stone chipped path along rear of house. Area to boundary to be landscaped.

2.0m wide service strip around hammer head - finished in grass

Road surface finished in Paviours - colour to be confirmed.

New 900mm high post and wire fence along boundary

Retained ground level using timber cribblock planted out.

Dotted line indicated buildings to be removed.
Existing wall on boundary to be retained approx 300mm above finished ground level.

Garage to be stepped in relation to house levels

Plot 1

Private garden area

Boundary landscaping to be agreed.

Garage to be stepped in relation to house levels

Plot 4

Dotted line indicated buildings to be removed.

Existing wall to be retained

Footpath extended along front of development which is under clients control.

Drop Kerb and extended pavement to provide pavement crossing

2.0m wide footpath

Footpath extended along front of development which is under clients control.

AS AMEN.
Date Received
02/12/08

Granite
Terr

alison mason
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aberdein
ab11 5qj
tel 01224 355600
fax 01224 355603
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cummingandco

CLIENT	Drum Homes Ltd		
PROJECT	South View, Persley, Aberdeen		
CONTENT	Site Plan		
SCALE	1:200	DATE	October 2008
JOB REFERENCE	05-131	DRAWING	PI 010
		REV	A

DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997 **Detailed Planning Permission**

Ian Rodger
Ian Rodger Architects
1B Ruthrie Terrace
Aberdeen
AB10 7JY

on behalf of **Mr Barry Marwick**

With reference to your application validly received on 20 March 2023 for the following development:-

Erection of detached double garage with gym/workshop, home office and ancillary accommodation above

at Flat 2, South View, Upper Persley Road, Persley, Aberdeen, AB22 8AQ

Aberdeen City Council in exercise of their powers under the above mentioned Act hereby **REFUSE PLANNING PERMISSION** for the said development in accordance with the particulars given in the application form and the following plans and documents:

Drawing Number	Drawing Type
M171 - 003	Location Plan
M171 - 101	Multiple Floor Plans (Proposed)
M171 - 102	Multiple Elevations (Proposed)
	Design Statement
M171 - 106	Multiple Elevations (Proposed)

DETAILS OF ANY VARIATION MADE TO THE ORIGINAL APPLICATION

Additional information was submitted on the plan titled site elevations (drawing number M171 106) received by the Planning Service on the 16th of May 2023. This

document shows a boundary dwarf wall running the length of the site's southern boundary.

REASON FOR DECISION

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

The proposed building is not considered to be associated with or ancillary to the host flat by virtue of the distance and degree of physical separation between the existing flat and proposed building, and the fact that the building is out with the curtilage of that flat. Furthermore, considering the large floor area of the building, proposed level of finish and fittings, it is considered to have the facilities to effectively form a new dwelling within the green belt in an unsustainable location. As such the proposal is not considered to comply with Policies NE1 (Green Belt) and T2 (Sustainable Transport) of the Aberdeen Local Development Plan 2023 and Policies 1 (Tackling the Climate and Nature Crises), 8 (Green Belts), 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) and 13 (Sustainable Transport) of the National Planning Framework 4.

By virtue of the excessive scale and massing, the proposed building is considered to be an overbearing and incongruous addition which does not reflect in an appropriate design, scale or massing, required by new development within the green belt. It is also considered that the development would harm the landscape character of this area in visual terms and the protected green belt. The development would also prejudice the completion of previously approved landscaping and amenity land associated with the adjoining development of the houses and flats to the detriment of the landscape setting. This loss of landscaping area would also have an unacceptable impact on biodiversity provision, nor does the site propose any environment enhancements. The proposal is therefore considered to be contrary to Policies NE1 (Green Belt), D1 (Quality Placemaking), and D4 (Landscape) of the Aberdeen Local Development Plan 2023 and Policies 1 (Tackling the Climate and Nature Crises), 3 (Biodiversity), 8 (Green Belts), 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) and Policy 20 (Blue and Green Infrastructure) of the National Planning Framework 4.

Owing to the location adjacent to a private access road and new access, it is considered that the development would represent a significant road safety risk to those entering and already on Upper Persley Road due to lack of appropriate visibility, which is not considered acceptable. The proposal would also prejudice the completion of the approved private road to its approved width which would contribute to the road hazards potentially caused by this development. The development does also not contribute to sustainability in terms of accessible transport. As such the proposal is considered to be contrary to Policies T2 (Sustainable Transport), Policy T3 (Parking) of the Aberdeen Local Development Plan 2023 and Policy 13 (Sustainable Transport) and Policy 14 (Design, Quality and Place) of National Planning Framework 4.

Furthermore, owing to lack of information on contamination and confirmation of what remediation has taken place on site, the site cannot be considered safe in terms of contamination owing to the previous use and evidence of contamination in this area of the site having been submitted as part of previous applications. The proposal is therefore considered to be contrary to Policies of the Aberdeen Local Development

Plan 2023 and Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings)
of National Planning Framework 4.

Date of Signing 25 August 2023

A handwritten signature in black ink that reads "Daniel Lewis". The signature is written in a cursive style with a small loop at the end of the last name.

Daniel Lewis
Development Management Manager

Strategic Place Planning

Report of Handling

Site Address:	Flat 2, South View, Upper Persley Road, Persley, Aberdeen, AB22 8AQ
Application Description:	Erection of detached double garage with gym/workshop, home office and ancillary accommodation above
Application Ref:	230337/DPP
Application Type:	Detailed Planning Permission
Application Date:	20 March 2023
Applicant:	Mr Barry Marwick
Ward:	Bridge of Don
Community Council:	Danestone
Case Officer:	Jack Ibbotson

DECISION

Refuse

APPLICATION BACKGROUND

Site Description

The application site consists of the southwestern corner and part of the access road into a former haulage yard which has been developed into a residential development comprising of 4 detached 1½ storey dwellings, known as the Courtyard, which lie to the north of the application site and the existing original granite 1½ storey dwelling located to the southeast. This property has been divided into three flats, with the property facing south onto Granitehill Terrace. Further housing lies directly opposite the site.

The area where the proposed development would be located is a sloping area of grass and hardstanding. The grass is to the rear of the site and the strip of hardstanding is located between it and the public road. Under planning permissions 171067/DPP, 171068/DPP & 171129/DPP, which were the approvals for Plots 1, 2 and 3 to the north east, respectively, this area was approved for landscaping and a bin store associated with these dwellings, however, neither the landscaping as per the approved plans other than a grassed area, nor the bin store, have been completed at the time of writing this report. The bin store was also shown on the approved plans for 190602/DPP for plot 4.

The site is located within an area designated as green belt within the Aberdeen Local Development Plan 2023 and is approximately 300m to the west of the Parkway / Persley Bridge / Laurel Drive roundabout. The wider residential site has limited landscaping with this area of grass being noted as the only soft landscaping which is not private enclosed rear garden space. The grassed area is completely open and visible from the public road. Prior to the construction of 4 dwellings this area of the site had housed an agricultural/functional type building, with a yard

located to the rear, associated with the haulage yard. Images of this building have been provided within the design statement submitted in support of the application.

In landscape terms the site is within the Lower Don Valley character area which is a river valley as described in the Aberdeen Landscape Character Assessment, the surrounding the site is open farmland with tree lines along the ridgeline to the north of the site.

Relevant Planning History

190602/DPP – (Plot 4) Erection of 1.5 storey dwelling house – Approved - 10.06.2019.

171129/DPP – (Plot 3) Erection of 1.5 storey dwelling house – Approved - 08.12.2017.

171068/DPP – (Plot 2) Erection of 1.5 storey dwelling house – Approved - 08.12.2017.

171067/DPP – (Plot 1) Erection of 1.5 storey dwelling house – Approved - 23.11.2017

161045/DPP - Alterations/extension to existing 2 flats to form 3 flats complete with 6 No. off-street parking spaces and associated site works – Approved - 10.10.2016.

131534 - Change of use from haulage yard, offices & associated buildings to form residential development comprising 4 houses and associated infrastructure work – Approved - 13.10.2014.

APPLICATION DESCRIPTION

Description of Proposal

Planning permission is sought for the erection of a large building within an area of open space to the south east of a recently constructed residential development. This building would measure approximately 14.5m by 7.5m with a ground floor area of 108m². This building would accommodate a double garage, workshop, gym, shower room at ground floor level and within the tall roof space at first floor it is proposed to include a bedroom and home office. The proposal is stated as being ancillary accommodation associated with Flat 2, South View, Upper Persley Road, which is located to the east of the application site, separated by an existing car park area and vehicular access which serves the houses to the rear and neighbouring flats.

The building is proposed with a simple dual pitched design and limited articulation of the façade, the orientation of the structure has a narrow gable elevation with garage door facing southwards onto Upper Persley Road and the long elevations running back into the site. The proposal would require some excavation with land levels being altered to allow the structure to be built at the lower ground level closest to the road, excavating the bank which slopes upwards away from the road. When ground and first floor are combined the proposed building would have a floor area of approximately 170m². The road facing gable elevation would be approximately 7.15m to the ridge and would have eaves height of approximately 3.0m when measured to ground level. Due to the topography of the site, the north east facing gable would sit approximately 5.8m high. Various windows at ground floor level and rooflights are proposed on the side (south west and north east elevations) of the proposed building.

The building is proposed to be constructed with an external finish of timber cladding on the road facing elevation, cement render (to side and rear elevation) and anthracite upvc windows, door, fascias, soffits and rainwater goods. No soft landscaping has been proposed or is noted on the submitted drawings.

To the front of the garage an area of hardstanding would be created to allow for vehicular turning which would be demarcated by a boundary wall separating the site to the proposed footway which would replace the existing grass verge.

Within the supporting statement, the agent has advised that there is a requirement for the bedroom as respite care, but further information on this has not been provided nor has any further information been requested.

Amendments

Additional information was submitted on the plan titled site elevations (drawing number M171 106) received by the Planning Service on the 16th of May 2023. This document shows a boundary dwarf wall running the length of the site's southern boundary.

Supporting Documents

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RRTLGOBZHPC00>

Design Statement

CONSULTATIONS

Contaminated Land - advises that a risk assessment is required to demonstrate that the site is suitable for use and/or the remediation actions required make it suitable for use. The forms of potential contamination have been identified as from petroleum hydrocarbon contamination and from asbestos. This conclusion is drawn from a previous survey submitted as part of application reference – 131534 and considering the former use of the site and construction type of the former buildings on site.

Roads Development Management Team – has objected to the on the grounds of road safety concerns. In this regard, the Team has stated that the proposed building would result in cross corner visibility being lost, which is not permissible. Vehicles travelling towards Bridge of Don, west to east, but turning into the access for The Courtyard development, would not have good visibility of exiting vehicles, resulting in road safety concerns and a potential collision, as a vehicle that is entering the site would have to come to a virtual stop on the 60mph road, which is not appropriate. This risk should be avoided due to the high speed road.

Following the submission of information showing a dwarf wall running along the site boundary with the road a second reason for objection has been overcome. The issue of vehicles being able to directly enter the application site from the public road effectively by a new vehicular access alongside the existing access had been a second reason for objection. However this would no longer be possible as the detail of the boundary dwarf wall would mean that vehicles would not be able to drive directly onto the road.

The turning area outside of the proposed garage is shorter than guidance but is of less of a concern as it is enclosed by the proposed boundary road.

Danestone Community Council – None 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. 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 8 (Green Belts)
- Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings)
- Policy 13 (Sustainable Transport)
- Policy 14 (Design, Quality and Place)
- Policy 16 (Quality Homes)
- Policy 17 (Rural Homes)
- Policy 20 (Blue and Green Infrastructure)

Aberdeen Local Development Plan 2023

- Policy NE1 (Green Belt)
- Policy D1 (Quality Placemaking)
- Policy D2 (Amenity)
- Policy D4 (Landscape)
- Policy R2 (Degraded and Contaminated Land)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)

Interim Aberdeen Planning Guidance

Aberdeen Planning Guidance (APG) is Interim Planning Guidance. The documents hold limited weight until they are adopted by the Council. The weight to be given to Interim Planning Guidance prior to its adoption is a matter for the decision maker. The following guidance is relevant –

- Amenity
- Householder Development Guide
- Transport and Accessibility

Space standards

EVALUATION

The key considerations relate to the appropriateness of this development within the green belt and whether the proposal complies with the principal policy, Policy NE1 (Green Belt). Additionally, the Planning Service need to consider whether the scale, massing, design and appearance of the development would be considered acceptable so as not to constitute over development, poor design or harm the appearance of the green belt contrary to Policy NE1 (Green Belt), Policy D1 (Quality Placemaking) and Policy D4 (Landscape) of the Aberdeen Local Development Plan 2023.

Additionally, whilst the site has been described as previously developed land in the supporting document, development of the 4 houses and a conversion of an original building to form flats has since taken place, with the previous building removed and the area now grassed, therefore the site is considered to be part of this new development and cannot be considered by the Planning Service as being previously developed or a brownfield site. The application site is considered to form part of an amenity area for the recent housing development and is not considered to form part of the domestic curtilage of the flatted property 'South View'.

In this instance as well as the matters highlighted above, the Planning Service also need to consider the landscape impact of a further development, rather than the approved landscaping, as well as any impacts upon the amenity of neighbouring residential properties.

The impact of the proposal on road safety is of significance and has been raised as a significant concern in the consultation response of the Roads Development Management Team. In addition, no information has been supplied relating to contaminated land and the former use of the site as a haulage yard, in respect of Policy R2 (Degraded and Contaminated Land). All matters will be considered in the evaluation below.

Principle of Development

In respect of Policy NE1 (Green Belt), this policy outlines that development in areas defined as green belt on the proposals map associated with the local development plan will not be supported. However the policy does highlight a number of exceptions, 9 in total. In general, Policy NE1 seeks to protect the landscape setting of the city and more widely to maintain the distinct identity of Aberdeen and the communities within and around the city, by defining their physical boundaries clearly. Safeguarding the green belt helps to avoid coalescence of settlements and sprawling development on the edge of the city, maintaining Aberdeen's landscape setting and providing access to open space. Furthermore, the green belt directs planned growth to the most appropriate locations and supports regeneration.

Policy NE1 sets out 9 specific exceptions where development could be considered acceptable, but in this instance the development is not considered to meet any of the exceptions, in that the proposal is not related to agriculture, woodland or forestry (exception a), is not for leisure or recreational uses compatible with an agricultural or natural setting (exception b), is not for the extraction of minerals (exception c), is not directly associated with essential infrastructure (exception e), is not related to the generation of renewable energy (exception f), is not for a replacement dwelling house (exception g), is not for the appropriate change of use of a building with a historic or architectural interest (exception h); nor is it for a conversion/ rehabilitation scheme of a historic building (exception i).

There is one remaining exception (exception d) that merits further consideration. Exception d states that development will be supported if it *'is associated with existing activities in the Green Belt and is within the boundary of that activity, is small-scale, does not significantly increase the*

intensity of the activity and the proposed built construction is subordinate to what already exists (including extensions to existing dwellings).

In this case, the Planning Service are satisfied that the proposed site is not located within the boundary/curtilage of the flatted building where the applicant lives, which is considered to finish at the access road to the west of that building. The application site relates to an area of open space, to be delivered by the various planning permissions quoted above, and is not considered to fall into the curtilage of any dwelling that surrounds the site. Furthermore, whilst the proposal states that there would be a link to a flat, this does not mean that the building would be ancillary in terms of its function. The distance from the flat to the new building would be 20m, which is significant, and taking into account the additional barrier of the car park and access road, it is considered that this development is so physically detached from the flat, it would function independently from it. This is compounded by the comprehensive facilities and internal space of the proposed building, which incorporates sleeping, washing and living space (not withstanding plumbing in the home office (sink shown) which would be possible to use as a kitchen should free standing equipment be installed) with a separate access as well as some amenity space.

Planning Circular 10/2009, Annex A, states *“The criteria for determining whether premises are being used as a single dwellinghouse should include both their physical condition and the manner of the use. For the purposes of the 1997 Act, a single, self-contained set of premises can properly be regarded as being in use as a single dwellinghouse if it meets the following criteria: (1) it comprises a unit of occupation, which can be regarded as a 'planning unit' separate from any other part of a building containing it; (2) it is designed or adapted for residential purposes, containing the facilities for cooking, eating and sleeping normally associated with use as a dwellinghouse; and (3) it is used as a permanent or temporary dwelling by a single person, or by persons living together as, or like, a single family”*. Therefore, given the facilities that would be contained within the proposed building, it could legitimately be construed as an independent dwelling. As such, it is considered that the development would result in an unacceptable intensification in the green belt owing to the sheer scale of the proposal and that it is not located within an existing residential curtilage or could be considered ancillary to an existing residential use. This is considered to be in effect tantamount to the erection of a new dwelling in the green belt, for which no agricultural or forestry related need has been established and thus would be contrary to Policy NE1. In light of this, the development is not and cannot be considered to be small scale and is generally not considered to be subordinate to what already exists. Therefore exception d of Policy NE1 (Green Belt) is not considered applicable in this case.

Whilst it is noted that the proposed building includes a bedroom described as offering respite, no further evidence has been submitted as to why this needs to be included within a 170m² building which is separate from the flat by a significant degree. As such, little weight is given to this as an exceptional reason to depart from Policy NE1 (Green Belt) of the Aberdeen Local Development Plan. Further to this, it was not considered necessary to request further information on this issue, due to the overriding reasons highlighted above which, from a principle of development perspective, renders the development unacceptable.

Furthermore, an independent building of this scale and in this location would also require the change of use of the land, which has not been applied for under this application and overall would not be considered appropriate. Furthermore, even if the proposed building could be considered ancillary to the applicant's residence, it would be located outwith the residential curtilage and thus change of use of the land would still be required, resulting in the loss of amenity land for the adjacent housing development. The proposal is therefore not considered to comply with the principal policy, Policy NE1 (Green Belt), as it does not meet any of the exceptions highlighted above, as such the principle of development cannot be supported in this case.

As the site is in the green belt, Policy 8 (Green Belts) of NPF4 is relevant. This policy, along with Policy NE1 of the ALDP does allow for development in the green belt where it is considered an intensification of established uses, including extensions to an existing building where that is ancillary to the main use. However, owing to the reasons highlighted above, i.e. the degree of separation from the associated flat across an access road and car park, along with the excessive size of the building and the full provision of facilities to use the building as a separate residential property, means that the proposal is not considered ancillary, and therefore is not in accordance with Policy 8 of NPF4.

Design, Landscaping and Amenity

As set out above, Policy NE1 (Green Belt) requires development to be subordinate to what already exists and this is not considered to be the case. In the context of the green belt and the open road fronting section of the site, design quality is imperative. Policy D1 (Quality Placemaking) requires that all development must ensure high standards of design, create sustainable and successful places and have a strong and distinctive sense of place, which is a result of detailed contextual appraisal.

This policy goes on to set out that 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.

The proposal is not considered to be an acceptable design, as it does not reflect the river valley landscape where this building would be seen from relatively far away along Upper Persley Road and through its construction would remove an area of landscaping required to soften the impact of the previous development of 4 houses. The design of the building with its gable facing the road with garage doors and simple rectangular plan is not attractive, and due to its excessive scale, would be considered as having a significant impact in terms of visual amenity. The overall height of more than 7m would neither be screened nor would it be considered in this context as a diminutive incidental outbuilding.

The proposed detailing with rendered flanks of >14m would be highly visible from both directions on Upper Persely Road and would be incongruous, especially when this is considered against the landscaping which should have been implemented in this location. The choice of a timber cladding for the front gable would soften the appearance of the building, however the gable is featureless apart from the double width garage door which is of a scale that would dominate. The lack of fenestration in the front elevation is not matched in either the side elevations or roof. The side elevations have a total of five windows and one door, and the roof would have 10 roof lights, which would result in the building having a domestic appearance rather than that of an incidental outbuilding. As it is, the proposal has the appearance of being a standalone dwelling within a development of other houses, rather than any association with the flat as is proposed in the supporting statement.

Whilst the separation distance ensures that neighbours amenity is protected, and the proposal is therefore not contrary to Policy D2 (Amenity) in terms of daylight, sunlight and overlooking, it does however re-enforce that this building would not be built within the curtilage of the associated flat and is far removed from other buildings so that it would effectively form an incongruous domestic building which would have the appearance of a new dwelling in the green belt. This is further demonstrated by the overall length, width and height of the outbuilding which is such that it

exceeds the minimum space standard for a 4 bedroom house set out in the APG Space Standards which is indicative that the building is not subordinate to a flat.

As stated previously the proposal would be sited on an area that was required for landscaping and bin storage for the development of four houses to the north of the site. The building and hardstanding leave no space for landscaping or screening and would remove the area of landscaping of this previous development which would be to the detriment of the landscape. This is contrary to the requirements of Policies D1 (Quality Placemaking) and Policy 20 (a and b) (Blue and Green Infrastructure). It is also unclear from the proposal where bins would be stored on collection day if there is no formalised bin store area shown on the plans. This has the risk of resulting in obstructions to the footway, on-site parking or the on-site vehicular access. As such the proposal would have adverse impacts upon the appearance of the site and wider landscape which is also contrary to Policy D4 (Landscape).

Road Safety and Sustainable Travel

The proposed development has been assessed by the Council's Roads Development Management Team who have objected to the proposed development. The outstanding reason relates to road safety concerns. In this regard, the Team has stated that the proposed building would result in cross corner visibility being lost, which is not permissible. Vehicles travelling towards Bridge of Don, west to east, but turning into the access for The Courtyard development, would not have good visibility of exiting vehicles, resulting in a road safety hazard and a potential for collision, as a vehicle that is entering the site would have to come to a virtual stop on the 60mph road, which is not appropriate.

Additionally, Roads Development Management raised a further issue that the surface of the proposed turning and parking area is proposed as being unbonded gravel material and that there is a lack of demarcation of the south boundary to avoid vehicles entering the site over the proposed footway. The agent has confirmed that the intention is to access the site via the access road rather than directly onto Upper Persley Road and that the applicant would be willing to alter the material of the road in line with RDM comments. This issue relating to a requirement for boundary treatment has been addressed by the submission of the updated site elevations drawing showing a dwarf wall, however it has not overcome the first issue concerning the proposals impact on visibility and road safety hazard highlighted above.

Additionally, the proposed private driveway would be within 10m of the junction/bell-mouth of the private access road which serves 7 residential units which is not in accordance with the Transport and Accessibility APG. The proposed access as clarified would require vehicles to access the site via the bell-mouth which is not safe as vehicles exiting the site would not be able to position themselves at 90 degrees to the public road, and therefore would not have a clear view of cars travelling along Upper Persley road west to east, raising further road safety concerns. Vehicles accessing into the application site would need to cross the bell-mouth diagonally when approaching the site from the east. When approaching the site from the west, the entrance is close to the bell-mouth, it may require manoeuvring within the private road to enter the site, which potentially could lead to vehicles having to wait to enter the private drive for the other flats and houses, which differs to the approved. Therefore this is likely to cause an increased risk to vehicles entering and exiting the site and those travelling on the 60mph limit Upper Persley Road contrary to Policy T2 (Sustainable Transport).

In comparing the current application with the approved development for the houses and flats as existing, it is noted that the new development would encroach on the approved scheme's private access road. This would prejudice the completion of the access for the dwellings as approved under the previous planning permissions. The encroachment into the area where the private road is supposed to be built by the proposed development would see this road reduced in width from

approximately 5.5m to 4.5m which would not allow for safe site circulation or passing of vehicles within the site. this could result in vehicles backing up on to the public road which would be unacceptable.

Policy 13 (Sustainable Transport) of NPF4 and Policy T2 (Sustainable Transport) of the ALDP 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. This site is not located on a public transport route and there is not a footway to the nearest bus stop. The road is an unlit, 60mph speed limit road, and therefore whilst distances to services and public transport stops would be reasonable for a cyclist, the speed of traffic and lack of lighting or segregated cycle routes would mean that this could be off putting for most individuals especially as Upper Persley Road is accessed via the A92 to the east.

Whilst it is argued above that the proposal would result in a new planning unit, and effectively a new dwelling in the green belt, if the development were to be considered as ancillary to the flat, the addition of 2 additional car parking spaces combined with the existing provision of 2 spaces in the approved parking layout for the flats is considered to be over provision of parking on site. This would not be considered sustainable development as the over provision of car parking allows for dependence on private car as opposed to alternative more sustainable modes of transport. This would be contrary to the Transport and Accessibility APG, Policy 13 (Sustainable Transport) of NPF4 and Policy T2 (Sustainable Transport) of the ALDP.

Contaminated Land

Policy R2 (Degraded and Contaminated Land) states that the Council will require that all land that is degraded or contaminated, including visually, is either restored, reclaimed or remediated to a level suitable for its proposed use. This may involve undertaking site investigations and risk assessments to identify any actual or possible significant risk to public health or safety, that could arise from the proposals. This is echoed by Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) of NPF4, specifically part c, which states that *"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"*. The site has a historic use as a haulage yard which means that the land has the potential of contamination. In this case, no survey has been supplied with the current application. Information was submitted as part of previous applications ref. 161045/DPP and 131534 in the form of surveys of the wider site which set out that there is the presence of contamination on site, specifically in the area where this current application relates.

Since these surveys were submitted the original haulage yard building has been demolished. No information has been submitted as part of this application to set out whether the mitigation measures were completed as recommended and therefore it is not possible to conclude that the proposal has demonstrated that the land is, or can be made, safe and suitable for the proposed new use which is therefore contrary to Policy R2 (Degraded and Contaminated Land) of the local development plan and Policy 9 part c, (Brownfield, Vacant and Derelict Land and Empty Buildings) of NPF4.

The agent was made aware of the lack of information on contamination, but does not wish to submit updated information in support of this application, as other issues in terms of the principle of development would mean that this application is unacceptable over and above contaminated land concerns.

It is also of note that condition 1 of permission 161045/DPP required the approved contamination mitigation to be carried out, and for formal written confirmation to be submitted to the Planning Service detailing that this had been carried out. No information had been submitted and therefore

it is not clear what contamination mitigation works have taken place in this area. This approved scheme did not considered built development in the position associated with this current planning application, therefore it is considered that the risks associated with contamination have not been adequately addressed as part of this new application.

National Planning Framework 4

Policy 1 and 2 of NPF4 gives significant weight to the global climate and nature crises to ensure that it is recognised as a priority in all plans and decisions and to encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change. The application does not address this either as an ancillary outbuilding or as an effective new dwelling in the countryside. The construction of a 170m² floor area building to house a domestic workshop, garage, gym and habitable space built to a high specification would result in significant embedded carbon in the construction of such a large building. Insufficient reason has been give as to why the provision of such a large building is required as ancillary accommodation. Should the building subsequently operate as an independent dwelling, as set out when considered against Policy NE1 (Green Belt) and Policy T2 (Sustainable Transport) of the ALDP, this development would result in increased travel and a dependence on private cars which is considered unsustainable contrary to Policy 1, 2, 8 and 13 of NPF4.

While Policy 3 (Biodiversity) looks for the enhancement of biodiversity, NPF4 does advise that applications for individual householder development are excluded from this requirement. However, considering the scheme would remove landscaping from a wider housing development this proposal would result in a loss of potential habitat and therefore would be negative in terms of the adjoining developments contribution to biodiversity which is unacceptable.

While the land had previously been developed, that building has been removed and the site landscaped with grass, as such the site is not considered brownfield and the development and does not comply with Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings).

Policy 14 (Design, Quality and Place), Policy 16 (Quality Homes), Policy 17 (Rural Homes) are relevant in so far as the proposed development is not considered to be an acceptable quality design, and has the potential to be used as a separate planning unit. The site is not suitable for further residential development and the loss of this area of landscape would harm the landscape area which was required for the adjoining housing. On the basis of the scale, massing, position and design of the building the proposal does not contribute to the six qualities of successful places. Should the property as is considered likely be under pressure to be used as a separate dwelling, then this use would not fall within any of the exceptions for rural housing as set out in Policy 17.

DECISION

Refuse

REASON FOR DECISION

The proposed building is not considered to be associated with or ancillary to the host flat by virtue of the distance and degree of physical separation between the existing flat and proposed building, and the fact that the building is out with the curtilage of that flat. Furthermore, considering the large floor area of the building, proposed level of finish and fittings, it is considered to have the facilities to effectively form a new dwelling within the green belt in an unsustainable location. As such the proposal is not considered to comply with Policies NE1 (Green Belt) and T2 (Sustainable Transport) of the Aberdeen Local Development Plan 2023 and Policies 1 (Tackling the Climate

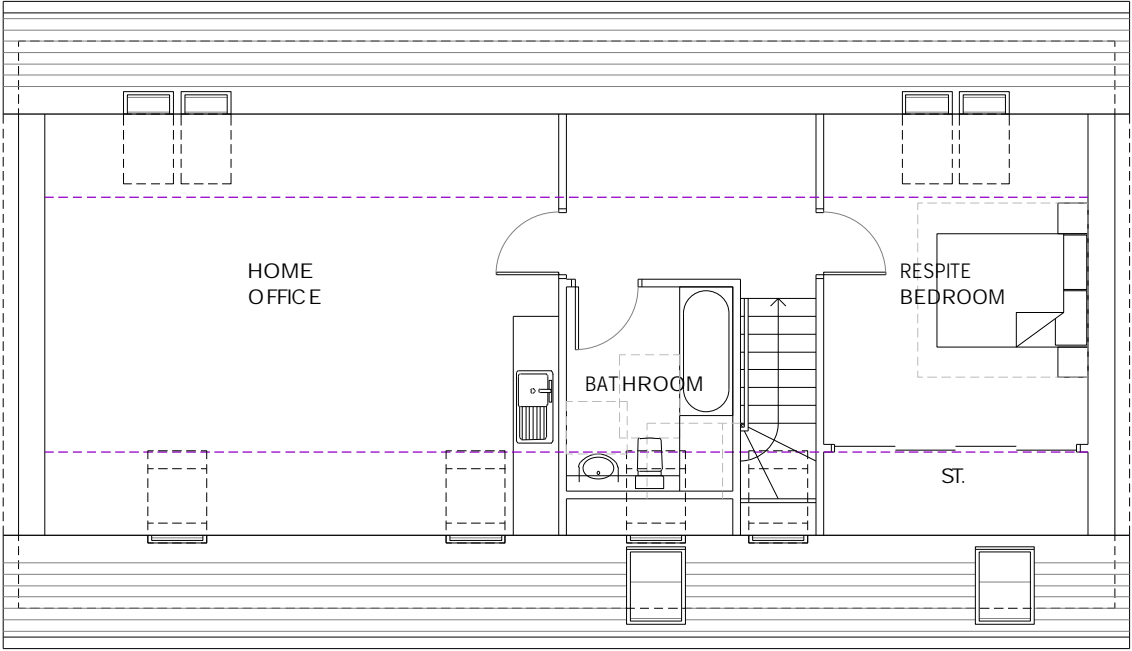
and Nature Crises), 8 (Green Belts), 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) and 13 (Sustainable Transport) of the National Planning Framework 4.

By virtue of the excessive scale and massing, the proposed building is considered to be an overbearing and incongruous addition which does not reflect in an appropriate design, scale or massing, required by new development within the green belt. It is also considered that the development would harm the landscape character of this area in visual terms and the protected green belt. The development would also prejudice the completion of previously approved landscaping and amenity land associated with the adjoining development of the houses and flats to the detriment of the landscape setting. This loss of landscaping area would also have an unacceptable impact on biodiversity, nor does the site propose any environment enhancements. The proposal is therefore considered to be contrary to Policies NE1 (Green Belt), D1 (Quality Placemaking), and D4 (Landscape) of the Aberdeen Local Development Plan 2023 and Policies 1 (Tackling the Climate and Nature Crises), 3 (Biodiversity), 8 (Green Belts), 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) and Policy 20 (Blue and Green Infrastructure) of the National Planning Framework 4.

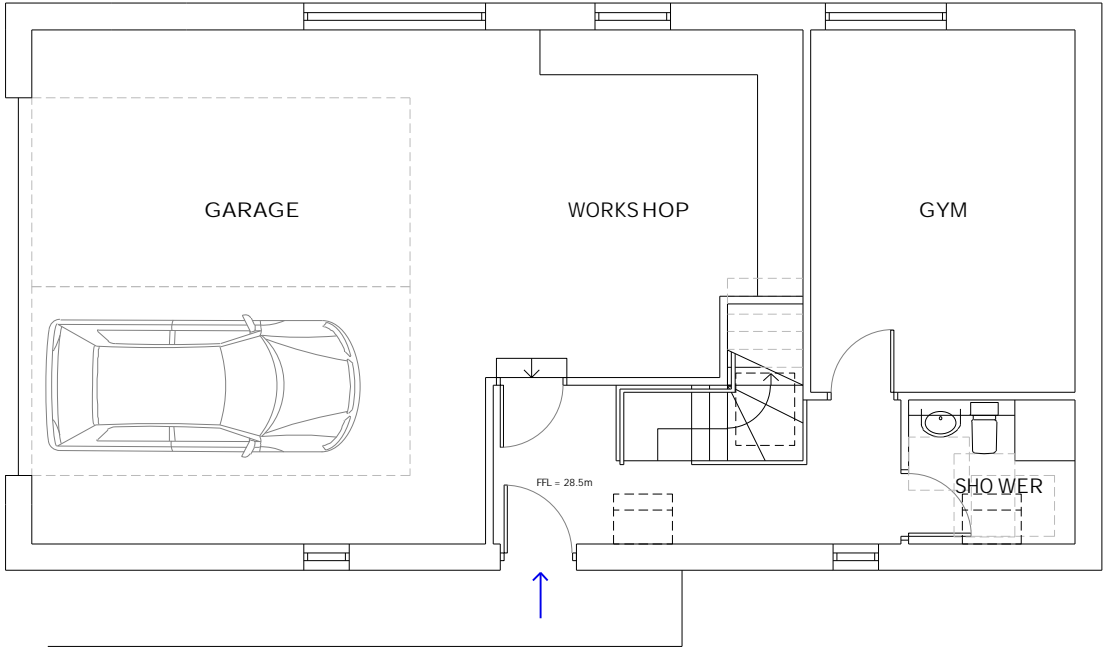
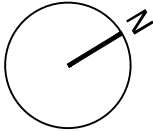
Owing to the location adjacent to a private access road and new access, it is considered that the development would represent a significant road safety risk to those entering and already on Upper Persley Road due to lack of appropriate visibility, which is not considered acceptable. The proposal would also prejudice the completion of the approved private road to its approved width which would contribute to the road hazards potentially caused by this development. The development does also not contribute to sustainability in terms of accessible transport. As such the proposal is considered to be contrary to Policies T2 (Sustainable Transport), Policy T3 (Parking) of the Aberdeen Local Development Plan 2023 and Policy 13 (Sustainable Transport) and Policy 14 (Design, Quality and Place) of National Planning Framework 4.

Furthermore, owing to lack of information on contamination and confirmation of what remediation has taken place on site, the site cannot be considered safe in terms of contamination owing to the previous use and evidence of contamination in this area of the site having been submitted as part of previous applications. The proposal is therefore considered to be contrary to Policies of the Aberdeen Local Development Plan 2023 and Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) of National Planning Framework 4.

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Do not scale off this drawing. All dimensions to be checked on site, and any discrepancies to be brought to the attention of the architect before proceeding.

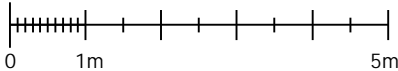


FIRST FLOOR PLAN



GROUND FLOOR PLAN

Scale 1:100

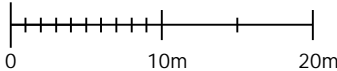





29.5m



SITE PLAN

Scale 1:500



Rev.	Description	By	Date																				
<table><tr><td colspan="2">Project NEW GARAGE</td><td colspan="2">ARCHITECTS IAN RODGER</td></tr><tr><td colspan="2">Location GRANITEHILL TERRACE</td><td colspan="2" rowspan="2"></td></tr><tr><td colspan="4">Client/s MR MARWICK</td></tr><tr><td colspan="2">Drawing title PROPOSED FLOOR PLANS</td><td>Job No. M171</td><td>Drawing No. 101</td></tr><tr><td colspan="2">Scale 1:100</td><td>Date FEB.'23</td><td>Revision PP</td></tr></table>				Project NEW GARAGE		ARCHITECTS IAN RODGER		Location GRANITEHILL TERRACE				Client/s MR MARWICK				Drawing title PROPOSED FLOOR PLANS		Job No. M171	Drawing No. 101	Scale 1:100		Date FEB.'23	Revision PP
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1b Ruthrie Terrace Aberdeen AB10 7JY Tel. 01224 313080 info@ir-architects.co.uk www.ir-architects.co.uk																							



DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Ian Rodger
Ian Rodger Architects
1B Ruthrie Terrace
Aberdeen
AB10 7JY

on behalf of **Mr Syd Marwick**

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.

Application Reference Number	231313/DPP
Address of Development	South View Granitehill Terrace Aberdeen AB22 8AQ
Description of Development	Change of use from agricultural land to garden ground
Date of Decision	27 May 2024

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 –

Landscaping has been amended to reduce the extent of hard boundary treatments and hard surfacing and increase the extent of new planting. Information has also been submitted relating to the ongoing management of the proposed landscaping.

REASON FOR DECISION

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

The proposal would result in a change of use of agricultural land in the Green Belt to garden ground associated with four recently constructed houses, representing a departure from Policy NE1 (Greenbelt) of the Aberdeen Local Development Plan 2023 (ALDP) and Policy 8 (Green belt) of NPF4, as it is not a form of development allowed in the exceptions set out within each policy. However, on balance the scale of the proposal and the quality of the proposed landscaping design and the biodiversity enhancement is considered to be in accordance with part 2 requirements of Policy 8 (Green Belt) of NPF4 and would not in this specific case result in harm to the character and appearance of the Green Belt or the purpose of the Green Belt and would comply with Policies D4 (Landscape) and D5 (Landscape Design) of ALDP.

Subject to the full implementation of the amended landscaping scheme the proposal is considered to be justified. By allowing the expansion of the garden areas to the four houses previously approved into the landscaping area as previously approved, this would ensure the dwellings benefit from an improved level of amenity which accords with Policy 14 (Design, Quality and Place) and Policy 16 (Quality Homes) of NPF4, as well as Policy D1 (Quality Placemaking) and Policy D2 (Amenity) of the ALDP.

The scheme as amended would in return ensure that landscaping is implemented which would have a high-quality appearance over what would be achievable within the original brownfield site and would not undermine the purpose of the greenbelt. The landscaping incorporates native species hedgerow, tree planting and soft landscaping which would improve the biodiversity of the land and screen the associated housing development in keeping with the wider landscape character. The trees and hedgerows would contribute to the sequestration of carbon and provide shade, form a wind break and slow surface water runoff from the land. This is considered to accord with Policies 1 (Tackling the Climate and Nature Crises), Policy 2 (Climate Mitigation and Adaptation), Policy 3 (Biodiversity), Policy 6 (Forestry, Woodland and Trees) Policy 8 (Green Belts), D1 (Quality Placemaking), D4 (Landscape) and NE3 (Our Natural Heritage) of the ALDP



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) That all planting, seeding and turfing comprised in the approved scheme of landscaping (Heather Dale Garden Design Landscaping Plan 3 (M171-South View) dated 4th April 2024) shall be carried out in the first planting season following the date this permission and any trees or plants which within a period of 10 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others

of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority.

Reason - in the interests of the amenity of the area in accordance with Policies D4 (Landscape) and D5 (Landscape Design) of the Aberdeen Local Development Plan.

(03) That notwithstanding the provisions of Classes 3A, 3AA, 3B, 3C, 3D and 3E; of Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended) no building, hard surface and/or means of enclosure shall be erected within the additional curtilage of the dwellinghouses, defined as the entire area of land to which this planning permission relates, as hereby approved, without an express grant of planning permission from the Planning Authority.

Reason: In order to retain effective planning control of the character and appearance of the development.

APPROVED PLANS AND DRAWINGS

Vers 3	Other Supporting Statement
M171 - South View Landscaping Plan	Site Layout (Landscaping)
version 4	
M171 - 002 Rev. B	Location Plan

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.

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.

Notification of Initiation of Development

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

Application reference number: 231313/DPP

Site address: South View, Granitehill Terrace

Date of decision: 27 May 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). 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

Notification of Completion of Development

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

Application reference number: 231313/DPP

Site address: South View, Granitehill Terrace

Date of decision: 27 May 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). 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

Strategic Place Planning

Report of Handling by Development Management Manager

Site Address:	South View, Granitehill Terrace, Aberdeen AB22 8AQ
Application Description:	Change of use from agricultural land to garden ground and associated hard and soft landscaping and boundary treatments (retrospective)
Application Ref:	231313/DPP
Application Type:	Detailed Planning Permission
Application Date:	19 October 2023
Applicant:	Mr Syd Marwick
Ward:	Bridge Of Don
Community Council:	Danestone

DECISION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

The application site consists of a horseshoe shaped area of former farmland which surrounds and has been incorporated into the residential curtilage of four dwelling houses without planning permission and is used as additional garden ground serving these dwellinghouses. The site is located within an area designated as Green Belt within the Aberdeen Local Development Plan 2023 and is approximately 300m to the west of the Parkway / Persley Bridge / Laurel Drive roundabout. Further housing lies directly opposite the site on the south side of Granitehill Terrace, but the wider characteristic of this area is open farmland.

The associated dwellings are located on a former haulage yard which has been developed into a residential development comprising of 4 detached 1½ storey dwellings, known as the Courtyard, and the existing original south facing granite 1½ storey dwelling which has been retained and converted into three flats. The application site, which surrounds these houses was included in the previous planning approval not as garden ground, but as strategic landscaping acting as a visual buffer (reference 190602/DPP). As such at no point has the application site considered to have been granted planning permission for a change of use from agricultural land to residential curtilage. Currently the application site has been formally incorporated into the gardens of the associated dwellings without permission for a change of use. It is further noted there has not been a submission of landscaping scheme as required by condition on the individual dwellinghouse plot permissions.

Previously the site was open farmland both at the road edge and surrounding the brownfield site. Under planning permission 171129/DPP and 190602/DPP this area was effectively approved for strategic landscaping but not considered as part of the residential development of the brownfield site.

The wider residential site has limited landscaping as the number of houses, and their orientation dominates the extents of the former haulage yard. The housing was approved on the basis that it

was a brownfield site allocated for residential development in previous local plans, the last reference to this was under opportunity site OP13 (Land at Persley) of the Aberdeen Local Development Plan 2012, which set out that the site was “an opportunity for a small housing development with substantial landscaping and careful high quality design being required to secure landscape renewal”.

In landscape terms the site is within the Lower Don Valley character area which is a river valley as described in the Aberdeen Landscape Character Assessment, surrounding the site is open farmland with tree lines along the ridgeline to the north of the site.

Relevant Planning History

230337/DPP - Erection of detached double garage with gym/workshop, home office and ancillary accommodation above – Refused – 25.08.2023.

190602/DPP – (Plot 4) Erection of 1.5 storey dwelling house – Approved - 10.06.2019.

171129/DPP – (Plot 3) Erection of 1.5 storey dwelling house – Approved - 08.12.2017.

171068/DPP – (Plot 2) Erection of 1.5 storey dwelling house – Approved - 08.12.2017.

171067/DPP – (Plot 1) Erection of 1.5 storey dwelling house – Approved - 23.11.2017

161045/DPP - Alterations/extension to existing 2 flats to form 3 flats complete with 6 No. off-street parking spaces and associated site works – Approved - 10.10.2016.

131534 - Change of use from haulage yard, offices & associated buildings to form residential development comprising 4 houses and associated infrastructure work – Approved - 13.10.2014.

APPLICATION DESCRIPTION

Description of Proposal

Retrospective planning permission is sought for the change of use of an area of farmland to residential curtilage. The land in question has already been enclosed and incorporated into the curtilage of the four houses which have been constructed on the former haulage yard.

As part of this planning application details of hard and soft landscaping, boundary treatment and ongoing maintenance have been included. The change of use of land corresponds to the U-shaped garden area directly to the north, east and west of plots 1 – 4. The southern extent of this horseshoe area of land between Granitehill Terrace and the side boundaries of Plots 3 and 4, the area is to be retained as landscaped open space rather than it proposed to be included in a residential curtilage.

In total an area of c.1715m² would be incorporated into garden ground of the four dwelling houses. The original site boundaries and garden ground would be extended to the west by approximately 9.5m, to the north by 13m, and 10m to the east into what had been agricultural land. The area to the south of the proposed garden ground alongside the road facing the former yard is retained as landscaping which would not be a material change of use of these areas.

The proposed landscaping would take the form of a variety of native species hedgerow and tree planting in the more visible aspects of the site, and lower-level garden shrubs and planting within the private gardens. In terms of the position and type of boundary treatments, internally there

would be timber panel fencing separating plots. On the flank boundaries post and wire fencing would demarcate the boundary until native hedgerows develop, and on the northern boundary this would be demarcated by post and wire fencing.

Amendments

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

Landscaping has been amended to reduce the extent of hard boundary treatments and hard surfacing and increase the extent of new planting. Information has also been submitted relating to the ongoing management of the proposed landscaping.

Supporting Documents

All drawings and supporting documents can be viewed on the Council's website at –

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=S2RKSZBZGSI00>

CONSULTATIONS

Environmental Health – No comments or observations.

Roads Development Management Team – No Roads objection.

Danestone 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)

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 2 (Climate Mitigation and Adaptation)
- Policy 3 (Biodiversity)
- Policy 6 (Forestry, Woodland and Trees)
- Policy 8 (Green Belts)
- Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings)
- Policy 14 (Design, Quality and Place)

Policy 16 (Quality Homes)
Policy 20 (Blue and Green Infrastructure)

Aberdeen Local Development Plan 2023 (ALDP)

Policy NE1 (Green Belt)
Policy NE3 (Our Natural Heritage)
Policy NE5 (Trees and Woodland)
Policy D1 (Quality Placemaking)
Policy D2 (Amenity)
Policy D4 (Landscape)
Policy D5 (Landscape Design)

Aberdeen Planning Guidance

Amenity
Landscape

EVALUATION

The key considerations relate to the appropriateness of this development within the green belt and whether the proposal complies with the principal policy, Policy NE1 (Green Belt) of the ALDP and Policy 8 (Greenbelt) of NPF4. Additionally, the Planning Service need to consider whether the landscaping scheme would be considered acceptable so as not to constitute harm to the appearance of the green belt contrary to Policy NE1 (Green Belt), Policy D1 (Quality Placemaking) and Policy D4 (Landscape) of the Aberdeen Local Development Plan 2023.

In this instance as well as the matters highlighted above, the Planning Service also need to consider the impact of a further development in terms of biodiversity impacts and whether there are any impacts upon amenity of neighbouring residential properties. The impact of the proposal on road safety has also been considered. All matters will be considered in the evaluation below.

Principle of Development

In respect of Policy NE1 (Green Belt) of ALDP and Policy 8 (Greenbelt) of NPF4, these policies set out what type of development is appropriate in the Greenbelt, with both policies being restrictive in nature. Policy NE1 outlines that development in areas defined as green belt on the proposals map associated with the local development plan will not be supported unless the development is considered to be one of a number of exceptions, 9 in total. In general, Policy NE1 seeks to protect the landscape setting of the city and more widely to maintain the distinct identity of Aberdeen and the communities within and around the city, by defining their physical boundaries clearly. Safeguarding the green belt helps to avoid coalescence of settlements and sprawling development on the edge of the city, maintaining Aberdeen's landscape setting and providing access to open space. Furthermore, the green belt directs planned growth to the most appropriate locations and supports regeneration.

Policy NE1 sets out nine specific exceptions where development could be considered acceptable. In this instance the development is not considered to meet any of the exceptions, in that the proposal is not related to agriculture, woodland or forestry (exception a), is not for leisure or recreational uses compatible with an agricultural or natural setting (exception b), is not for the

extraction of minerals (exception c), is not directly associated with essential infrastructure (exception e), is not related to the generation of renewable energy (exception f), is not for a replacement dwelling house (exception g), is not for the appropriate change of use of a building with a historic or architectural interest (exception h); nor is it for a conversion/ rehabilitation scheme of a historic building (exception i).

There is one remaining exception (exception d) that merits further consideration. Exception d states that development will be supported if it *'is associated with existing activities in the Green Belt and is within the boundary of that activity, is small-scale, does not significantly increase the intensity of the activity and the proposed built construction is subordinate to what already exists (including extensions to existing dwellings).'*

In this case, the Planning Service consider that the proposed extended gardens whilst associated with existing activities of the four houses, would not significantly increase the intensity of the activity within the greenbelt and does not propose built construction. However, by their nature are not within the original curtilages of the existing properties, nor in the case of Plots 1 and 2, located within the original application site for the construction of the properties, nor within the curtilage of the original brownfield development. As such, the extension of the curtilage would not fall within the boundary of the existing development. This means that the change of use of agricultural land to garden ground would not accord with any of the permitted exceptions for greenbelt development.

As such should this development be approved, the proposal would be a departure from Policy NE1. The application has been advertised as per regulation 20 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 as a departure and no objections to the scheme have been received. The application does not therefore need to be considered by the Council's Planning Development Management Committee and can be determined under delegated powers.

Policy 8 (Green Belts) of NPF4 is also relevant. This policy, along with Policy NE1 of the ALDP does allow for development in the green belt but is generally restrictive and development is only permitted when it is considered to fall within an exception as set out in the policy. The policy is restrictive to ensure that development and growth is controlled and directed to suitable locations whilst protecting the landscape and natural environment.

NPF4 Policy 8 sets out that intensification of established uses, including extensions to an existing building where that is ancillary to the main use is permitted subject to meeting a number of criteria. As such, as the gardens are associated with an existing use in the green belt, NPF4 Policy 8 is less restrictive than ALDP Policy NE1 in principle, subject to the following criteria being met.

1. Reasons are provided as to why a green belt location is essential and why it cannot be located on an alternative site outwith the green belt;
2. the purpose of the green belt at that location is not undermined;
3. the proposal is compatible with the surrounding established countryside and landscape character;
4. The proposal has been designed to ensure it is of an appropriate scale, massing and external appearance, and uses materials that minimise visual impact on the green belt as far as possible; and;
5. There will be no significant long-term impacts on the environmental quality of the green belt.

In assessing point one of the above, the gardens as shown on the approved drawings associated with the dwellings are relatively small, and the proposed extension of the private garden areas would allow for an increased level of amenity for the dwellings according to the application supporting statement whilst providing an extended area of landscaping over the earlier iterations of the development. The scale of the gardens proposed are not out of keeping with other properties located in countryside locations, neither would they be considered excessive in size. As four houses have been built in a formerly identified housing opportunity site, this justification is relevant as the brownfield area in which the houses are located is limited, and the proposed retention of garden space within the greenbelt would provide a good level of amenity for current and future residents, it would not be possible to locate this use within the extents of the original haulage yard site. Considering the original local development plan allocation in the 2012 ALDP set out that the site was suitable for a small housing development with substantial landscaping and careful high-quality design being required to secure landscape renewal the scope for landscaping could be delivered by the extension to the garden. On balance therefore, it is accepted that this use cannot be located outwith the greenbelt as the approved scheme has not provided large areas for landscaping. The ongoing management and provision of landscaping would be managed through the land being formally incorporated into garden ground and therefore the risk of an adverse visual impact on the green belt is minimal.

In regard to the purpose of the green belt, the infringement, when considered with the proposed landscaping is not considered to undermine the main function of the greenbelt. The existing dwellings to which this application relate were approved as part of a previous local development plan's housing allocation to develop a brownfield site. These houses, along with the 16 properties opposite (which are in the form of detached houses, semi-detached houses and a pair of traditional 6 flat tenement buildings), mean that this area of the greenbelt has a character which includes residential development. The gardens of the adjacent properties, as well as Quarry Cottage to the west have a degree of suburbanisation, but through screening planting, their impact is limited.

The proposed garden extensions, subject to the proposed amended landscaping being incorporated, would result in a far improved landscaping scheme which would soften the impact of the existing housing development which would have been difficult within the constraints of the former haulage yard site area. The agricultural land, and the boundaries with the former building yard do not, apart from being open land, offer any significant contribution to the landscape character as they are not bound by hedges or traditional stone dykes. The proposal would create space for significant additional native species planting which would, once established be an improvement over the existing site boundary. The screening element may be possible within the confines of the existing site, however the expanded area would allow for space for the trees and hedgerows to mature and not come under future pressure due to proximity to the approved dwellings. This additional space and planting would result in the creation of a larger area of habitat, with associated biodiversity improvements.

In regard to point 3 and 4 of the above, this will be assessed below in regards to landscape character, however as discussed above, in summary the impacts of the landscaped gardens subject to the details submitted are considered to comply with these conditions.

Finally, the inclusion of this relatively narrow strip of land as residential curtilage which also includes an increased level of landscape planting as part of formalised gardens, when compared to the unauthorised current layout of gardens with no planting and hard boundaries, or the previous agricultural use with no hedgerow would be an improvement in terms of environmental quality in the green belt. The increase in area and extent of the proposed landscaping, and the scheme's use of native species trees, hedge and shrub planting would be a significant

improvement in terms of biodiversity and would contribute to the requirement set out in parts A and C of Policy 3 (Biodiversity) of NPF4. This policy seeks development proposals to make a contribution to enhancing biodiversity and strengthening nature networks.

In this specific location the change of use to garden land, whilst contrary to the policy as development in the green belt, is considered acceptable as a minor departure in this instance. This is on the basis that the original development plot had been allocated for residential development which would have “substantial landscaping and careful high-quality design”. The area in question would extend the garden areas, however through amended designs, would form high quality landscaped areas. This would result in the improvement to both landscape character and biodiversity over what is there currently, or what could be achieved within the constraints of the approved existing site.

The improvement in biodiversity and landscaping would weigh in favour of the development as it would contribute to screening the approved housing on the former brown field site and would introduce a wider selection and amount of native planting. As such, on balance the proposal is considered to meet some of the criteria set out in Policy 8 (Greenbelt) and 3 (Biodiversity) of NPF4 whilst not strictly complying with the former, or with Policy NE1 (Greenbelt) of the ALDP.

Design, Landscaping and Amenity

Policy 8 of NPF4 (Green Belt) requires development to be compatible with the surrounding established countryside and landscape character and has been designed to ensure it is of an appropriate scale, external appearance, and uses materials that minimise visual impact on the green belt as far as possible.

In the context of the green belt and the open road fronting section of the site, the quality of the landscaping is imperative. Policy D1 (Quality Placemaking) requires that all development must ensure high standards of design, create sustainable and successful places and have a strong and distinctive sense of place, which is a result of detailed contextual appraisal.

This policy goes on to set out that 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.

Policy D4 (landscape) sets out that development should avoid adversely affecting the character of landscapes and seascapes which are important for the setting of the city, including the coast, river valleys and hill landscapes.

The proposed detailed landscaping scheme will ensure that the extended gardens also function as a landscaped buffer, rather than the current hard boundary treatment of timber fencing, which is not visually attractive to the site and setting. Over time the establishment of the landscaping scheme with native species hedges on each flank, tree planting to the front and no hard external boundary treatment would ensure that the visual impact of the four houses is softened. Whilst in principle the change of use of agricultural land is a departure from the Aberdeen Local Development Plan Policy NE1, this is not considered to have a detrimental effect or undermine the function of the greenbelt so long as the proposed landscaping is implemented and maintained which would be in accordance with Policy D1 and D4 of the ALDP.

No impact upon other neighbouring properties would be caused by the change of use by virtue of the separation distance to proposed tree and hedgerow planting. Therefore, amenity is protected, and the proposal is accords with Policy D2 (Amenity).

The proposal would be sited on an area that was approved and required for strategic landscaping for the development of four houses and subdivision of the original dwelling on site.

The proposal introduces an acceptable level of landscaping and screening in the position previously approved, although the extent of tree planting in the proposed garden areas would be less than indicated in indicative plans associated with the redevelopment of the site. The key areas of landscaping at the front of the site remain, and the hedgerows on the flanks once established would provide an attractive screen to the development from main views of the site which would be equivalent to the structural landscaping required under previous permissions. As such the proposal would not have an adverse impact upon the appearance of the site and would enable improvement to the setting of the wider landscape. As such this is considered to be in accordance with Policy D4 (Landscape) of ALDP and is a material planning consideration which on balance justifies the departure from Policy NE1 of the same plan.

To avoid unintended subsequent development and incongruous domestic paraphernalia within the application site affecting the landscaping buffer which could otherwise be permitted development a condition will be attached to remove permitted development rights. Whilst subsequent development may be acceptable, some forms of typical domestic buildings or garden works that may be accepted in a more sub-urban area would be incongruous in this location, this would include fencing, outbuildings or engineered hard landscaping.

A condition is also required to require the landscaping scheme to be implemented and thereafter maintained.

Road Safety and Sustainable Travel

The proposed development has been assessed by the Council's Roads Development Management Team who have not objected to the proposed change of use or landscaping.

The proposal would not alter existing access or parking arrangements and does not increase hardstanding. As such the proposal is considered to accord with the Transport and Accessibility APG, Policy 13 (Sustainable Transport) of NPF4 and Policy T2 (Sustainable Transport) of the ALDP.

National Planning Framework 4

Policy 1 and 2 of NPF4 gives significant weight to the global climate and nature crises to ensure that it is recognised as a priority in all plans and decisions and to encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change. The application would result in an increase in soft landscaping including native species hedgerow and trees which would result in a small extent of carbon sequestration and also provide green shading to the properties to which the proposed garden extensions are associated which would accord with the two policies.

Policy 3 (Biodiversity) looks for the enhancement of biodiversity. Considering the scheme would introduce a landscaping scheme with native species planting including hedgerows, trees and vegetation. This would introduce potential habitat and therefore would be positive in terms of the adjoining developments contribution to biodiversity which weighs in favour of allowing this

departure from the plan, subject to the landscape scheme being implemented and maintained, something that will be ensured through an addition of a condition.

The proposal is considered to be a departure from Aberdeen Local Development Plan Policy NE1 on Green Belt as it does not meet any of the exception criteria of this policy, the proposal does meet the exception test of Policy 8 (Greenbelt) of NPF4, however it is considered to meet the requirements as set out in part 2 of this policy. On balance therefore, considering the biodiversity enhancement, alongside the original allocation of the brownfield site requiring substantial landscaping, the departure is considered to be acceptable.

Policy 14 (Design, Quality and Place) and Policy 16 (Quality Homes) are relevant in so far as the proposed development is associated with the existing dwellings. The addition to the garden area suitable for the use by the four dwellings, whilst retaining good quality landscaping both as part of the change of use and in the retained open space would benefit the landscape considering the adjoining housing development and is considered to contribute to the six qualities of successful places.

DECISION

Approve Conditionally

REASON FOR DECISION

The proposal would result in a change of use of agricultural land in the Green Belt to garden ground associated with four recently constructed houses, representing a departure from Policy NE1 (Greenbelt) of the Aberdeen Local Development Plan 2023 (ALDP) and Policy 8 (Green belt) of NPF4, as it is not a form of development allowed in the exceptions set out within each policy. However, on balance the scale of the proposal and the quality of the proposed landscaping design and the biodiversity enhancement is considered to be in accordance with part 2 requirements of Policy 8 (Green Belt) of NPF4 and would not in this specific case result in harm to the character and appearance of the Green Belt or the purpose of the Green Belt and would comply with Policies D4 (Landscape) and D5 (Landscape Design) of ALDP.

Subject to the full implementation of the amended landscaping scheme the proposal is considered to be justified. By allowing the expansion of the garden areas to the four houses previously approved into the landscaping area as previously approved, this would ensure the dwellings benefit from an improved level of amenity which accords with Policy 14 (Design, Quality and Place) and Policy 16 (Quality Homes) of NPF4, as well as Policy D1 (Quality Placemaking) and Policy D2 (Amenity) of the ALDP.

The scheme as amended would in return ensure that landscaping is implemented which would have a high-quality appearance over what would be achievable within the original brownfield site and would not undermine the purpose of the greenbelt. The landscaping incorporates native species hedgerow, tree planting and soft landscaping which would improve the biodiversity of the land and screen the associated housing development in keeping with the wider landscape character. The trees and hedgerows would contribute to the sequestration of carbon and provide shade, form a wind break and slow surface water runoff from the land. This is considered to accord with Policies 1 (Tackling the Climate and Nature Crises), Policy 2 (Climate Mitigation and Adaptation), Policy 3 (Biodiversity), Policy 6 (Forestry, Woodland and Trees) Policy 8 (Green Belts), D1 (Quality Placemaking), D4 (Landscape) and NE3 (Our Natural Heritage) of the ALDP.

CONDITIONS

1) DURATION OF PERMISSION

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

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

2) Landscaping

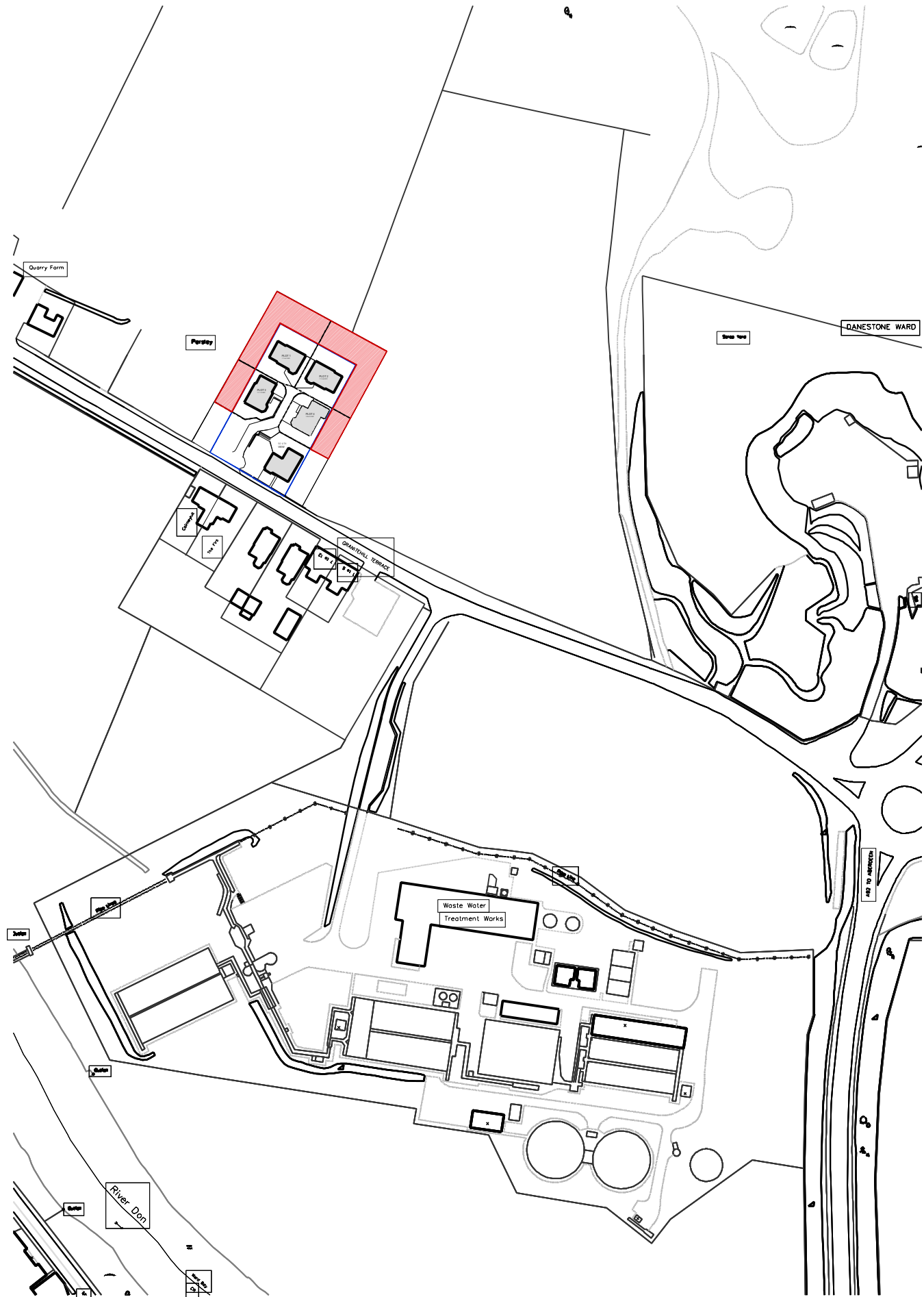
That all planting, seeding and turfing comprised in the approved scheme of landscaping (Heather Dale Garden Design Landscaping Plan 3 (M171-South View) dated 4th April 2024) shall be carried out in the first planting season following the date this permission and any trees or plants which within a period of 10 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority.

Reason - in the interests of the amenity of the area in accordance with Policies D4 (Landscape) and D5 (Landscape Design) of the Aberdeen Local Development Plan.

3) Removal of permitted development rights

That notwithstanding the provisions of Classes 3A, 3AA, 3B, 3C, 3D and 3E; of Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended) no building, hard surface and/or means of enclosure shall be erected within the additional curtilage of the dwellinghouses, defined as the entire area of land to which this planning permission relates, as hereby approved, without an express grant of planning permission from the Planning Authority.

Reason: In order to retain effective planning control of the character and appearance of the development.



LOCATION PLAN
Scale 1:2500

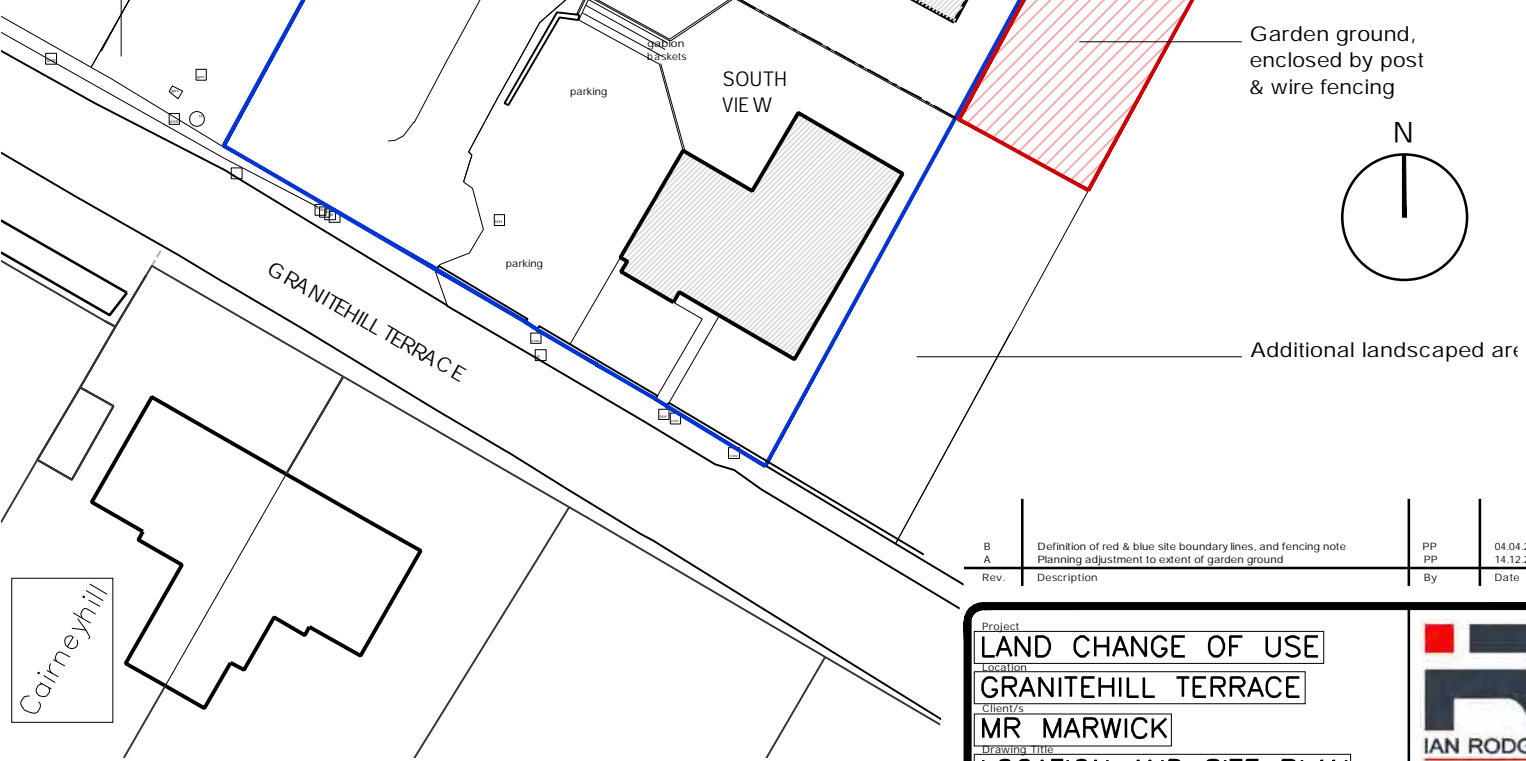


- Extent of site, as granted permission for housing development, 171129/DPP
- Agricultural land described as 'Additional Landscaped Area' in Planning Permission 190602, and now to have boundaries and landscaping as per the detailed drawings and report by Heather Dale Garden Design

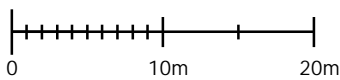
PLOT	OWNER
Plot 1	Syd Marwick
Plot 2	Steven Marwick
Plot 3	Kevin Chambers
Plot 4	Lee Marwick
South View	Barry Marwick

Garden ground, enclosed by post & wire fencing

Additional landscaped area



SITE PLAN
Scale 1:500

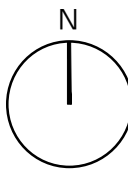


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Do not scale off this drawing: All dimensions to be checked on site, and any discrepancies to be brought to the attention of the architect before proceeding.

Garden ground, enclosed by post & wire fencing

Garden ground, enclosed by post & wire fencing

Additional landscaped area



Rev.	Description	By	Date
B	Definition of red & blue site boundary lines, and fencing note	PP	04.04.24
A	Planning adjustment to extent of garden ground	PP	14.12.23

Project	LAND CHANGE OF USE		
Location	GRANITEHILL TERRACE		
Client/s	MR MARWICK		
Drawing title	LOCATION AND SITE PLAN		
Job No.	Drawing No.	Revision	
M171	002	B	
Scale - at A3	Date	Drawn by	
1:500	OCT.'23	PP	

1b Ruthrie Terrace
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info@ir-architects.co.uk
www.ir-architects.co.uk

Client	Mr Syd Marwick
Project	M171- South View
Title	Landscaping Plan
Version	3
Drawn By	Heather Dale
Date	4 April 2024
Scale	1:350 at ISO A3

1. For full plant list see Report
2. For planting specifications see Report
3. Designer and Client to approve setting out of stree and shrubs on site prior to planting.
4. All works to be carried out in accordance with appropriate British Standards and codes of practice.

1. All grass lumps, weeds, roots, stones greater than 45mm, bricks and other deleterious material to be removed from the site and surface to be reduced to a fine tilth.
2. Prepare a fine seed bed and remove all perennial weeds such as nettles, thistles and docks, using a selective herbicide if necessary.
3. Mavis Bank Meadow Mix by Scotia Seed to be sown at a rate of 3g per sqm in two passes at right angles to each other in early Autumn. See suppliers instructions for more details.
4. Roll with a flat roller to produce a firm but not puddled surface.



Appendix 3: NPF4 and ALDP Policy Extracts

NPF4:

Policy 1: Tackling the climate and nature crises

- a) 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 3: Biodiversity

- a) 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.
- b) Development proposals for national or major development, or for development that requires an Environmental Impact Assessment will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. This will include future management. To inform this, best practice assessment methods should be used. Proposals within these categories will demonstrate how they have met all of the following criteria:
 - I. The proposal is based on an understanding of the existing characteristics of the site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats;
 - II. Wherever feasible, nature-based solutions have been integrated and made best use of;
 - III. An assessment of potential negative effects which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements;
 - IV. Significant biodiversity enhancements are provided, in addition to any proposed mitigation. This should include nature networks, linking to and strengthening habitat connectivity within and beyond the development, secured within a reasonable timescale and with reasonable certainty. Management arrangements for their long term retention and monitoring should be included, wherever appropriate; and
 - V. Local community benefits of the biodiversity and/or nature networks have been considered.
- c) Proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development. Applications for individual householder development, or which fall within scope of (b) above, are excluded from this requirement.
- d) Any potential adverse impacts, including cumulative impacts, of development proposals on biodiversity, nature networks and the natural environment will be minimised through careful planning and design. This will take into account the need to reverse biodiversity loss, safeguard the ecosystem services that the natural environment provides, and build resilience by enhancing nature networks and maximising the potential for restoration.

Policy 8: Green Belts

- a) Development proposals within a green belt designated within the LDP will only be supported if:
- I. they are for:
 - development associated with agriculture, woodland creation, forestry and existing woodland (including community woodlands);
 - residential accommodation required and designed for a key worker in a primary industry within the immediate vicinity of their place of employment where the presence of a worker is essential to the operation of the enterprise, or retired workers where there is no suitable alternative accommodation available;
 - horticulture, including market gardening and directly connected retailing, as well as community growing;
 - outdoor recreation, play and sport or leisure and tourism uses; and
 - developments that provide opportunities for access to the open countryside (including routes for active travel and core paths);
 - flood risk management (such as development of blue and green infrastructure within a “drainage catchment” to manage/mitigate flood risk and/or drainage issues);
 - essential infrastructure or new cemetery provision;
 - minerals operations and renewable energy developments;
 - intensification of established uses, including extensions to an existing building where that is ancillary to the main use;
 - the reuse, rehabilitation and conversion of historic environment assets; or
 - one-for-one replacements of existing permanent homes.
 - and
 - II. the following requirements are met:
 - reasons are provided as to why a green belt location is essential and why it cannot be located on an alternative site outwith the green belt;
 - the purpose of the green belt at that location is not undermined;
 - the proposal is compatible with the surrounding established countryside and landscape character;
 - the proposal has been designed to ensure it is of an appropriate scale, massing and external appearance, and uses materials that minimise visual impact on the green belt as far as possible; and
 - there will be no significant long-term impacts on the environmental quality of the green belt.

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 14: Design, quality and place:

- a) Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.
- b) Development proposals will be supported where they are consistent with the six qualities of successful places:
 - Healthy:** Supporting the prioritisation of women's safety and improving physical and mental health.
 - Pleasant:** Supporting attractive natural and built spaces.
 - Connected:** Supporting well connected networks that make moving around easy and reduce car dependency
 - Distinctive:** Supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity
 - Sustainable:** Supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions.
 - Adaptable:** Supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can be changed quickly to accommodate different uses as well as maintained over time.
- c) Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported.

Policy 16: Quality homes:

- a) Development proposals for new homes on land allocated for housing in LDPs will be supported.
- b) Development proposals that include 50 or more homes, and smaller developments if required by local policy or guidance, should be accompanied by a Statement of Community Benefit. The statement will explain the contribution of the proposed development to:
 - I. meeting local housing requirements, including affordable homes;
 - II. providing or enhancing local infrastructure, facilities and services; and
 - III. improving the residential amenity of the surrounding area.
- c) Development proposals for new homes that improve affordability and choice by being adaptable to changing and diverse needs, and which address identified gaps in provision, will be supported. This could include:
 - I. self-provided homes;
 - II. accessible, adaptable and wheelchair accessible homes;
 - III. build to rent;
 - IV. affordable homes;
 - V. a range of size of homes such as those for larger families;
 - VI. homes for older people, including supported accommodation, care homes and sheltered housing;
 - VII. homes for people undertaking further and higher education; and
 - VIII. homes for other specialist groups such as service personnel.
- d) Development proposals for public or private, permanent or temporary, Gypsy/Travellers sites and family yards and Travelling Showpeople yards, including on land not specifically allocated for this use in the LDP, should be supported where a need is identified and the proposal is otherwise consistent with the plan spatial strategy and other relevant policies, including human rights and equality.
- e) Development proposals for new homes will be supported where they make provision for affordable homes to meet an identified need. Proposals for market homes will only be

supported where the contribution to the provision of affordable homes on a site will be at least 25% of the total number of homes, unless the LDP sets out locations or circumstances where:

- I. a higher contribution is justified by evidence of need, or
 - II. a lower contribution is justified, for example, by evidence of impact on viability, where proposals are small in scale, or to incentivise particular types of homes that are needed to diversify the supply, such as self-build or wheelchair accessible homes. The contribution is to be provided in accordance with local policy or guidance.
- f) Development proposals for new homes on land not allocated for housing in the LDP will only be supported in limited circumstances where:
- I. the proposal is supported by an agreed timescale for build-out; and
 - II. the proposal is otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20 minute neighbourhoods;
 - III. and either:
 - delivery of sites is happening earlier than identified in the deliverable housing land pipeline. This will be determined by reference to two consecutive years of the Housing Land Audit evidencing substantial delivery earlier than pipeline timescales and that general trend being sustained; or
 - the proposal is consistent with policy on rural homes; or
 - the proposal is for smaller scale opportunities within an existing settlement boundary; or
 - the proposal is for the delivery of less than 50 affordable homes as part of a local authority supported affordable housing plan.
- g) Householder development proposals will be supported where they:
- I. do not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design and materials; and
 - II. do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.
- h) Householder development proposals that provide adaptations in response to risks from a changing climate, or relating to people with health conditions that lead to particular accommodation needs will be supported.

Policy 17: Rural homes.

- a) Development proposals for new homes in rural areas will be supported where the development is suitably scaled, sited and designed to be in keeping with the character of the area and the development:
- I. is on a site allocated for housing within the LDP;
 - II. reuses brownfield land where a return to a natural state has not or will not happen without intervention;
 - III. reuses a redundant or unused building;
 - IV. is an appropriate use of a historic environment asset or is appropriate enabling development to secure the future of historic environment assets;
 - V. is demonstrated to be necessary to support the sustainable management of a viable rural business or croft, and there is an essential need for a worker (including those taking majority control of a farm business) to live permanently at or near their place of work;
 - VI. is for a single home for the retirement succession of a viable farm holding;
 - VII. is for the subdivision of an existing residential dwelling; the scale of which is in keeping with the character and infrastructure provision in the area; or
 - VIII. reinstates a former dwelling house or is a one-for-one replacement of an existing permanent house.

- b) Development proposals for new homes in rural areas will consider how the development will contribute towards local living and take into account identified local housing needs (including affordable housing), economic considerations and the transport needs of the development as appropriate for the rural location.
- c) Development proposals for new homes in remote rural areas will be supported where the proposal:
 - I. supports and sustains existing fragile communities;
 - II. supports identified local housing outcomes; and
 - III. is suitable in terms of location, access, and environmental impact.
- d) Development proposals for new homes that support the resettlement of previously inhabited areas will be supported where the proposal:
 - I. is in an area identified in the LDP as suitable for resettlement;
 - II. is designed to a high standard;
 - III. responds to its rural location; and
 - IV. is designed to minimise greenhouse gas emissions as far as possible.

Aberdeen LDP 2023

Policy NE1: Green Belt:

Development in areas defined as Green Belt on the Proposals Map will not be supported. Exceptions to this general presumption will only be supported where the proposal:

- a) is directly associated with and required for agriculture, woodland or forestry; or
- b) is for leisure or recreational uses compatible with an agricultural or natural setting; or
- c) is for the extraction of minerals that meets an established need, if no other suitable site is available, or quarry restoration; or
- d) is associated with existing activities in the Green Belt and is within the boundary of that activity, is small-scale, does not significantly increase the intensity of the activity and the proposed built construction is subordinate to what already exists (including extensions to existing dwellings); or
- e) is directly associated with essential infrastructure such as telecommunications, electricity grid connections, transport proposals identified in the Plan or roads planned through masterplanning of sites, if they cannot be accommodated anywhere other than the Green Belt; or
- f) is related to the generation of renewable energy (wind turbine, solar farm, or hydro scheme) and/or heat; or
- g) is for a dwelling house to replace a dwelling house. This will be on a 'one for one' basis for development of a similar scale within the same footprint or existing curtilage of the site. This may be applicable to vacant properties in poor condition. All applications will be considered on a case by case basis; or
- h) is for the appropriate change of use of a building with a historic or architectural interest that makes a worthwhile contribution to the landscape character of the Green Belt; or
- i) is for a conversion/ rehabilitation scheme of a historic building. If extending, the original building will remain visually dominant to the new extension, the design and siting of the extension will be sympathetic in terms of massing, detailing and materials, and it will relate well to the original building.

Policy D1: Quality Palcemaking:

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.

Policy D2: Amenity:

In order to ensure provision of amenity the following principles will be applied.

Development will be designed to:

- make the most of any opportunities offered by the site to optimise views and sunlight through appropriate siting, layout and orientation;
- ensure that occupiers are afforded adequate levels of amenity in relation to daylight, sunlight, noise, air quality and immediate outlook;
- have a public face to the street to ensure natural surveillance, and active street frontages;
- ensure that refuse and recycling facilities, cycle storage, low and zero carbon technology, plant and services are sensitively integrated into the design;
- ensure that external lighting minimises light spillage into adjoining areas and the sky.

Residential developments will also:

- ensure that occupiers are afforded adequate levels of privacy;
- ensure minimum standards for internal floor space and private external amenity space in terms of quantity and quality;
- provide no less than 50% usable amenity space where it is necessary to provide car-parking within a private court. Underground and/or decked parking will be expected in higher density schemes;
- ensure minimal shading of external private and public spaces;
- ensure all residents have access to usable private/ semi-private open spaces and sitting-out areas provided by way of balconies, terraces, private or communal gardens;
- have a private face to an enclosed garden or court to ensure a sense of safety and enclosure.

Further guidance can be found within Aberdeen Planning Guidance: New Developments, and Landscape

Policy D4 Landscape:

Landscape / seascape / townscape character and existing elements which provide, or contribute to, a distinct 'sense of place' will not be adversely affected by development. Development will provide opportunities for conserving or enhancing existing landscape / seascape / townscape elements

(natural and built), including linear and boundary features or other components which contribute to character and 'sense of place'.

Development should avoid adversely affecting the character of landscapes and seascapes which are important for the setting of the city, including the coast, river valleys and hill landscapes.

Important views of the city's townscape, landmarks and features (including the coast, river valleys, and hills) when seen from busy or important publicly accessible vantage points such as roads, railways, recreation areas, and path networks and particularly from the main city approaches (gateways) will not be adversely affected by development. Where development is permitted on gateways routes it will be expected to enhance the gateway route frontage.

Development should avoid disturbance to, or loss or damage to important recreation, wildlife or natural resources (such as woodland, rivers, coast) or to the physical and functional links between them.

Green spaces between and around places or communities, and those which can provide opportunities for countryside activities, will not be eroded by development. The Council may require a Landscape and Visual Impact Assessment (LVIA) to be submitted with proposals, as is outlined in Aberdeen Planning Guidance.

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.

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 R2: Degraded and Contaminated Land;

The Council will require that all land that is degraded or contaminated, including visually, is either restored, reclaimed or remediated to a level suitable for its proposed use. This may involve undertaking site investigations and risk assessments to identify any actual or possible significant risk to public health or safety, or to the environment, including possible pollution of the water environment, that could arise from the proposals. Where there is potential for pollution of the water environment the Council will liaise with SEPA. The significance of the benefits of remediating a contaminated site, and the viability of funding this, will be taken into account when considering proposals for the alternative use of such sites.

Policy R5: Waste Management in New Developments; and

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.

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.

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.

	Strategic Place Planning
	Report of Handling by Development Management Manager

Site Address:	18C Golden Square, Aberdeen, AB10 1RH
Application Description:	Installation of replacement dormer windows to front (retrospective)
Application Ref:	250140/DPP
Application Type:	Detailed Planning Permission
Application Date:	12 February 2025
Applicant:	Mr Michael Armstrong
Ward:	Mid Stocket/Rosemount
Community Council:	City Centre

DECISION

Refuse

APPLICATION BACKGROUND

Site Description

The application site comprises a 2.5 storeys plus basement, terraced town house of traditional design and materials, located on the north west side of Golden Square, at the junction with Crimon Place. The property was built between 1810 and 1821, is category 'B' listed and is located within the City Centre Conservation Area. The application property relates to the first and second floors of the building. The north-east facing, principal elevation has three one-over-one white painted, timber framed sash and case windows on each of the ground and first floor levels, with two traditional 'piended' dormers at roof level. The piended dormers previously had white painted, timber-framed sliding sash & case windows, with the outer windows in each dormer of a one-over-one fenestration pattern and the central windows of a two-over-two pattern, with a 50/50 split (central meeting rail). The dormer windows were recently replaced, without consent, with white uPVC framed one-over-one sliding sash and case units with a c. 30/70 split, to which this retrospective application relates.

Relevant Planning History

- 131175 & 131176 – Detailed planning permission and listed building consent was approved in 2013 for replacement of all of the windows in the flat (first floor and dormers) with white painted, timber framed double glazed sliding sash & case units. The approved dormer windows were to be like-for-like with the existing units (50/50 split with two-over-two central units and traditional 'through' astragals) ;

- 250139/LBC – A corresponding listed building consent application, seeking permission retrospectively for the installation of the replacement PVC dormer windows, is pending determination at the time of writing

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought, retrospectively, for the removal of the previous timber-framed sash & case front elevation dormer windows and their replacement with white uPVC framed double glazed sash & case windows. The recently installed uPVC framed windows (installed late 2022) are one-over-one sliding sash and case units with a c. 30/70 split and external trickle vents.

Amendments

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

- Plans updated to include trickle vents and to clarify the opening mechanism (initially depicted as casement).

Supporting Documents

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SRIS4QBZG1H00>

CONSULTATIONS

Historic Environment Scotland – No comments to make on the proposals. Their decision not to comment should not be taken as their support for the proposals, which should be determined in accordance with national and local policy on listed building/conservation area consent, together with related policy guidance.

City Centre Community Council – No comments received

REPRESENTATIONS

One representation has been received, from the Aberdeen Civic Society, who object to the works. The matters raised can be summarised as follows –

- Object to the design of the windows. Golden Square is an important and significant space in the centre of Aberdeen. The new windows are not of a consistent glazing pattern to what existed before and what exists in other buildings overlooking the square.

MATERIAL CONSIDERATIONS

Legislative Requirements

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

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

Development Plan

National Planning Framework 4 (NPF4)

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 2 (Climate Mitigation and Adaptation)
- Policy 7 (Historic Assets and Places)
- Policy 14 (Design, Quality and Place)

Aberdeen Local Development Plan 2023 (ALDP)

- Policy D1 (Quality Placemaking)
- Policy D6 (Historic Environment)
- Policy D8 (Window and Doors)
- Policy H2 (Mixed Use Areas)
- Policy VC1 (Vibrant City)

Aberdeen Planning Guidance

- Repair and Replacement of Windows and Doors

Other National Policy and Guidance

- Historic Environment Policy for Scotland (HEPS)
- Historic Environment Scotland Managing Change guidance:
 - Windows

Other Material Considerations

- Conservation Area Character Appraisal – City Centre
- City Centre and Beach Masterplan (CCMP)

EVALUATION

Key determining factors

The key determining factor in the assessment of this application are whether the proposed

development would preserve or enhance the special character and interest of the listed building and the character and appearance of the conservation area.

City Centre development

The application site lies within the city centre, as defined in the Aberdeen Local Development Plan (ALDP) Proposals Map. Policy 27 (City, Town, Local and Commercial Centres) of National Planning Framework 4 (NPF4) and Policy VC1 (Vibrant City) of the ALDP are both supportive of a mix of uses in the city centre, particularly those that would enhance the vitality and vibrancy of the city centre. Policy VC1 requires new development in the city centre to comply with the vision for the city centre as set out in the City Centre and Beach Masterplan (CCBMP). The application relates to retrospective works to a flatted dwelling, through the replacement of dormer windows situated on the principal elevation of the dwelling. The works relate to the ongoing residential use of the building and therefore do not conflict with the CCBMP, Policy 27 of NPF4 or Policy VC1 of the ALDP.

The application site also lies within a Mixed Use Area, as defined in the ALDP Proposals Map. Policy H2 (Mixed Use Areas) of the ALDP states that development in such areas must take into account the existing uses and character of the surrounding area, and avoid direct conflict with adjacent land uses and amenity. Owing to the nature of the works, the replacement windows do not conflict with the adjacent land uses. The windows have replaced those previously in place and there is no alteration to existing levels of amenity, thus the works are compliant with the requirements of Policy H2.

Impact on the listed building and the character and appearance of the conservation area

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

The application property is category 'B' listed and lies within the City Centre Conservation Area. Historic Environment Policy for Scotland (HEPS), Policy 7 (Historic Assets and Places) of NPF4 and Policy D6 (Historic Environment) of the ALDP all seek to ensure that works to listed buildings either preserve or enhance the special character, historic and architectural interest of the listed building and that development in conservation areas either preserves or enhances the character and appearance of the conservation area. In terms of ensuring replacement windows within the historic environment are appropriate, Historic Environment Scotland's 'Managing Change in the Historic Environment' (MCHE) guidance on 'Windows' provides detailed advice for assessing such proposals.

Significance of windows towards the special character of listed buildings

The Council's Repair and Replacement of Windows and Doors Aberdeen Planning Guidance (APG) notes that historic and original windows and doors add to the overall pleasant experience of buildings and their wider surroundings and that inappropriate designs, proportions or materials can detract from a building and the wider streetscape and setting. On listed buildings and public elevations in conservation areas, the introduction of new uPVC-framed windows as a replacement for timber windows is not acceptable. Historic Environment Scotland's MCHE guidance on Windows outlines that windows form an important element in defining the special interest and character of historic buildings. Replacement windows should seek to match the original windows in

design, form, fixing, method of opening and materials. In replacing sash & case windows, materials other than timber, e.g. uPVC, will rarely be acceptable.

Principle of replacement

Policy D8 (Windows and Doors) of the ALDP details that the first consideration in determining the merits of the proposal is to assess whether or not the existing (previous) windows are original or historic and, if so, if they are beyond reasonable economic repair. This is because the repair of the existing windows, if they are original or historic, would preserve the historic fabric of the building and result in the preservation of the listed building's special character and interest. This presumption in favour of the retention of historic windows is reiterated in the Council's Aberdeen Planning Guidance on The Repair and Replacement of Windows and Doors (APG). Where windows are either original or historic, their replacement will only be supported where it can be demonstrated, via a window condition survey, that they have deteriorated beyond practicable/economic repair, in line with Policy D8.

In this instance, the applicant has advised that the windows have been replaced owing to the deterioration of those previously in place. As consent is being sought retrospectively, a window condition survey has not been presented. However, planning permission and listed building consent were both granted in 2013 for the replacement of the previous, timber-framed windows, with a window condition survey having been submitted as part of both those applications. As such, the principle of the replacement of the previous windows had already been established and accepted in 2013. .

Impact of the replacement windows on the listed building and the conservation area

Whilst the replacement windows have used the existing openings, and thus the scale of the windows has not been altered, the design of the new windows, being one-over-one with a c. 30/70 split and external trickle vents, is a significant alteration to what was previously in place (timber-framed 50/50 split windows with two-over-two central units). Furthermore, the material finish, with uPVC framing, has replaced the previously installed timber windows, which undermines the special character, architectural and historic interest of the listed building and the character and appearance of the conservation area. The use of traditional materials that are sympathetic to, and in keeping with, the special character and interest of the listed building is key to preserving the special character of these historic buildings.

Although the windows are sliding sash and case, they deviate significantly from those previously in place in terms of their design, form and materials. As well as the use of inappropriate, modern uPVC framing with external trickle vents, the new windows have also altered the principal elevation of the listed building which overlooks Golden Square, a prominent and relatively unaltered (architecturally) historic part of the City Centre Conservation Area. Although there are a mix of dormer designs and fenestration patterns on Golden Square, the vast majority of the dormers on the remainder of the square have timber-framed sliding sash & case windows, with multi-paned central units, including two-over-two. There is a general absence of one-over-one dormer windows with the exception of some windows in more modern (c. late 20th century) dormers on the eastern side of the square. The vast majority of the traditional dormers on Golden Square also have windows with a 50/50 fenestration split, with centrally aligned horizontal meeting rails. The previous dormer windows in the application property also had a 50/50 split and multi-paned central units, which were characteristic of the wider square, which forms a unified architectural composition at the heart of the city.

The replacement uPVC-framed windows, with surface-mounted trickle vents, c. 30/70 split and one-over-one central units have thus altered, in a detrimental manner, the appearance of the

building's principal elevation and have thus caused harm to the special character, architectural and historic interest of the listed building and the character and appearance of the wider conservation area. .

Summary

To summarise, the replacement dormer windows are of an inappropriate, modern design, fenestration pattern and framing material for their setting. The design and material finish does not match that of the traditional windows previously in place and the use of uPVC framing with external trickle vents, and an alternative fenestration pattern that does not resemble the prevailing pattern of the dormer windows in the remainder of Golden Square, has altered the principal elevation of the listed building. The windows installed therefore do not preserve the character and appearance of the existing dwelling or the surrounding area and thus conflict with Policy 14 of NPF4 and Policy D1 of the ALDP. Furthermore, the windows detract from, and thus fail to either preserve or enhance, the special character and interest of the listed building and the character and appearance of the conservation area, contrary to the aims of HEPS, Policy 7 of NPF4 and Policies D6 and D8 of the ALDP, as well as the guidance set out in Historic Environment Scotland's MCHE guidance on Windows and the Council's Repair and Replacement of Windows and Doors APG.

Matters raised in representations

The comments raised within the submitted representation are addressed in the foregoing evaluation.

Tackling the climate and nature crises, climate mitigation and adaptation

Policy 1 (Tackling the Climate and Nature Crises) of NPF4 requires significant weight to be given to the global climate and nature crises in the consideration of all development proposals. Policy 2 (Climate Mitigation and Adaptation) of NPF4 requires development proposals to be designed and sited to minimise life-cycle greenhouse gas emissions as far as possible, and to adapt to current and future risks from climate change.

The installation of double glazed windows may have made some minor, localised enhancement to addressing the global climate and nature crises by potentially improving thermal efficiency and thus reducing lifecycle greenhouse gas emissions, therefore the proposals are compliant with Policies 1 and 2 of NPF4. Nevertheless, the same improvements to thermal efficiency could also be made via the installation of timber-framed double glazed windows of an acceptable design for the context of the building and the wider square.

DECISION

Refuse

REASON FOR DECISION

The installation of modern uPVC framed windows that do not match the design, form and fenestration pattern of either the previous, traditional windows or the majority of other windows on Golden Square, has adversely impacted upon the special character and interest of the listed building and the character and appearance of the conservation area. The windows therefore fail to comply with the aims and requirements of Policies 7 (Historic Assets and Places) and 14 (Design, Quality and Place) of National Planning Framework 4, Historic Environment Policy for Scotland

and Policies D1 (Quality Placemaking), D6 (Historic Environment) and D8 (Windows and Doors) of the Aberdeen Local Development Plan 2023, as well as the guidance set out in the Repair and Replacement of Windows and Doors Aberdeen Planning Guidance and Historic Environment Scotland's Managing Change in the Historic Environment guidance on Windows.

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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 100700710-001

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.

Description of Proposal

Please describe accurately the work proposed: * (Max 500 characters)

Proposed replacement dormer windows - retrospective

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): *

07/12/2022

Please explain why work has taken place in advance of making this application: *
(Max 500 characters)

Applicant wasn't aware that he could not replace the defective windows without permission

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:	Mantell Ritchie		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Michael	Building Name:	
Last Name: *	Ritchie	Building Number:	27A
Telephone Number: *	01261 812267	Address 1 (Street): *	High Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Banff
Fax Number:		Country: *	Scotland
		Postcode: *	AB45 1AN
Email Address: *	admin@mantellritchie.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:	
First Name: *	Michael	Building Number:	18C
Last Name: *	Armstrong	Address 1 (Street): *	Golden Square
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Aberdeenshire
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	AB10 1RH
Fax Number:			
Email Address: *	admin@mantellritchie.co.uk		

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

18C GOLDEN SQUARE

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB10 1RH

Please identify/describe the location of the site or sites

Northing

806108

Easting

393691

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)

Applicant received a letter from planning enforcement alerting to him to the need to apply for planning and listed building consent

Title:

Mr

Other title:

First Name:

Stuart

Last Name:

Morrice

Correspondence Reference
Number:

ENF240219

Date (dd/mm/yyyy):

12/12/2024

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.

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.

Access and Parking

Are you proposing a new or 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 proposed to make. You should also show existing footpaths and note if there will be any impact on these.

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: Michael Ritchie

On behalf of: Mr Michael Armstrong

Date: 07/02/2025

☒ Please tick here to certify this Certificate. *

Checklist – Application for Householder Application

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) Have you provided a written description of the development to which it relates?. * ☒ Yes ☐ No
- b) Have you provided the postal address of the land to which the development relates, or if the land in question has no postal address, a description of the location of the land? * ☒ Yes ☐ No
- c) Have you provided the name and address of the applicant and, where an agent is acting on behalf of the applicant, the name and address of that agent.? * ☒ Yes ☐ No
- d) Have you provided a location plan sufficient to identify the land to which it relates showing the situation of the land in relation to the locality and in particular in relation to neighbouring land? *. This should have a north point and be drawn to an identified scale. ☒ Yes ☐ No
- e) Have you provided a certificate of ownership? * ☒ Yes ☐ No
- f) Have you provided the fee payable under the Fees Regulations? * ☒ Yes ☐ No
- g) Have you provided any other plans as necessary? * ☒ Yes ☐ No

Continued on the next page

A copy of the other plans and drawings or information necessary to describe the proposals (two must be selected). *

You can attach these electronic documents later in the process.

- ☒ Existing and Proposed elevations.
- ☐ Existing and proposed floor plans.
- ☒ Cross sections.
- ☒ Site layout plan/Block plans (including access).
- ☐ Roof plan.
- ☐ Photographs and/or photomontages.

Additional Surveys – for example a tree survey or habitat survey may be needed. In some instances you may need to submit a survey about the structural condition of the existing house or outbuilding. ☐ Yes ☒ No

A Supporting Statement – you may wish to provide additional background information or justification for your Proposal. This can be helpful and you should provide this in a single statement. This can be combined with a Design Statement if required. * ☐ Yes ☒ No

You must submit a fee with your application. Your application will not be able to be validated until the appropriate fee has been Received by the planning authority.

Declare – For Householder Application

I, the applicant/agent certify that this is an application for planning permission as described in this form and the accompanying Plans/drawings and additional information.

Declaration Name: Mr Michael Ritchie

Declaration Date: 11/02/2025

Payment Details

Online payment: ABSP00011700
Payment date: 11/02/2025 12:34:00

Created: 11/02/2025 12:34



DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Michael Ritchie
Mantell Ritchie
27A High Street
Banff
AB45 1AN

on behalf of **Mr Michael Armstrong**

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.

Application Reference Number	250140/DPP
Address of Development	18C Golden Square Aberdeen AB10 1RH
Description of Development	Installation of replacement dormer windows to front (retrospective)
Date of Decision	9 April 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 –

- Plans updated to include trickle vents and to clarify the opening mechanism (initially depicted as casement)

REASON FOR DECISION

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

The installation of modern uPVC framed windows that do not match the design, form and fenestration pattern of either the previous, traditional windows or the majority of other windows on Golden Square, has adversely impacted upon the special character and interest of the listed building and the character and appearance of the conservation area. The windows therefore fail to comply with the aims and requirements of Policies 7 (Historic Assets and Places) and 14 (Design, Quality and Place) of National Planning Framework 4, Historic Environment Policy for Scotland and Policies D1 (Quality Placemaking), D6 (Historic Environment) and D8 (Windows and Doors) of the Aberdeen Local Development Plan 2023, as well as the guidance set out in the Repair and Replacement of Windows and Doors Aberdeen Planning Guidance and Historic Environment Scotland's Managing Change in the Historic Environment guidance on Windows.



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

25008 LP	Location Plan
25008 01 A	Proposed Plans, Elevations and Sections
25008 02 A	Window Elevation

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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Comments for Planning Application 250140/DPP

Application Summary

Application Number: 250140/DPP

Address: 18C Golden Square Aberdeen AB10 1RH

Proposal: Installation of replacement dormer windows to front (retrospective)

Case Officer: Jennifer Keohane

Customer Details

Name: Honorary Secretary Aberdeen Civic Society

Address: c/o 1 Mackie Place Aberdeen AB10 1PF

Comment Details

Commenter Type: Amenity Body

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Aberdeen Civic Society objects to the design of the new windows. Golden Square is an important and significant space in the centre of Aberdeen and it is a shame that the new windows are not of a consistent glazing pattern to what existed before and what exists in other buildings overlooking the square.

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**Application for review: Refusal of 250140/DPP:
Replacement dormer window at front of 18C Golden
Square**

[Link to LDP and Green Space Audit Interactive online
maps](#)

Category B listed: Listed Description

National Planning Framework 4 (NPF4)

Policy 1 (Tackling the Climate and Nature Crises)

Policy 2 (Climate Mitigation and Adaptation)

Policy 7 (Historic Assets and Places)

Policy 14 (Design, Quality and Place)

Aberdeen Local Development Plan (2023)

Policy D1 (Quality Placemaking)

Policy D6 (Historic Environment)

Policy D8 (Window and Doors)

Policy H2 (Mixed Use Areas)

Policy VC1 (Vibrant City)

Aberdeen Planning Guidance

Repair and Replacement of Windows and Doors

Other National Policy and Guidance

[Historic Environment Policy for Scotland \(HEPS\)](#)

[Historic Environment Scotland Managing Change guidance](#): Windows

Other Material Considerations

[Conservation Area Character Appraisals](#) – City Centre

[City Centre and Beach Masterplan \(CCMP\)](#)

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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 100700710-005

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="Mantell Ritchie"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Michael"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="Ritchie"/>	Building Number:	<input type="text" value="27A"/>
Telephone Number: *	<input type="text" value="01261 812267"/>	Address 1 (Street): *	<input type="text" value="High Street"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Banff"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
		Postcode: *	<input type="text" value="AB45 1AN"/>
Email Address: *	<input type="text" value="admin@mantellritchie.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" value="Mr"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text"/>
First Name: *	<input type="text" value="Michael"/>	Building Number: <input type="text" value="18C"/>
Last Name: *	<input type="text" value="Armstrong"/>	Address 1 (Street): * <input type="text" value="Golden Square"/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="AB10 1RH"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text" value="admin@mantellritchie.co.uk"/>	

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" value="18C GOLDEN SQUARE"/>
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" value="ABERDEEN"/>
Post Code:	<input type="text" value="AB10 1RH"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="806108"/>	Easting	<input type="text" value="393691"/>
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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)

Installation of replacement dormer windows to front (retrospective)

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.

See attached 'Statement of Appeal'

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)

Drawing Nos. 25008 LP, Ex, 01A and 02A; photographs of neighbouring properties in Conservation Area; Statement of Appeal.

Application Details

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

250140/DPP

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

11/02/2025

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

09/04/2025

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

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure *

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

This is the only way to really see 18C Golden Square in context as photographs do not show context.

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 Michael Ritchie

Declaration Date: 11/06/2025

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18C Golden Square, Aberdeen, AB10 1RH

Proposed Installation of Replacement Dormer Windows to Front (Retrospective)

Planning Ref No: 250140/DPP

STATEMENT OF APPEAL

The planning application is for the replacement of the previous timber framed sash and case windows (installed c. 2013), with UPVC framed sash and case ones. The windows have already been replaced so the application is retrospective. The previous timber framed windows were in a poor condition and required replacement. These windows were not original as they were installed about 12 years ago.

These earlier windows were approved at the time as being an appropriate type of development, as the original windows were in a poor condition (PP Ref. No. 131175).

The reason for the new windows being of UPVC construction is that, due to their height, the dormer windows are difficult and expensive to maintain, hence the reason the windows they are a replacement for being in such a poor condition within a relatively short period.

In addition to the maintenance difficulties, another justification for the UPVC is that at the height the dormer windows are at, it is almost impossible to differentiate between UPVC and timber so there is no negative impact on the Listed Building nor the Conservation Area from the UPVC ones.

We can confirm that historically, there has been a precedent set for approval of UPVC windows units in the Conservation Area in that 12 Golden Square, Aberdeen received unconditional approval for replacement UPVC windows (Planning Ref. No. 041526).

With regards the design and layout of the replacement dormer windows, we accept that they do not reflect the earlier ones (being a 50/50 split) but there is no uniformity of style and proportion of windows in Golden Square, so the proportions do reflect other ones in Golden Square (being a 30/70 split). We attach various photographs to Golden Square showing there are various styles and proportions to the windows. Some properties have Velux rooflights which would not be classed as traditional, nor of traditional proportions.

We would therefore state the following:-

- It is virtually impossible to tell the windows are UPVC.
- UPVC windows are virtually maintenance free and will retain their look throughout their installation unlike timber windows which, if not properly maintained, can become unsightly and distract from the Conservation Area, as can be seen in some of the attached photographs.
- The 30/70 split of the sash and case windows is similar to other ones in the Conservation Area.
- The installed windows do not detract or have a negative impact on the Conservation Area.
- Historic Environment Scotland (HES) have not objected to the window installations, and it is their guidance that is used for Policy 7 (Historic Assets and Places) of NPF4 and Policy D6

(Historic Environment) of the Aberdeen Local Development Plan 2023 (ALDP) so HES do not construe the windows as having a negative impact on the Listed Building or Conservation Area.









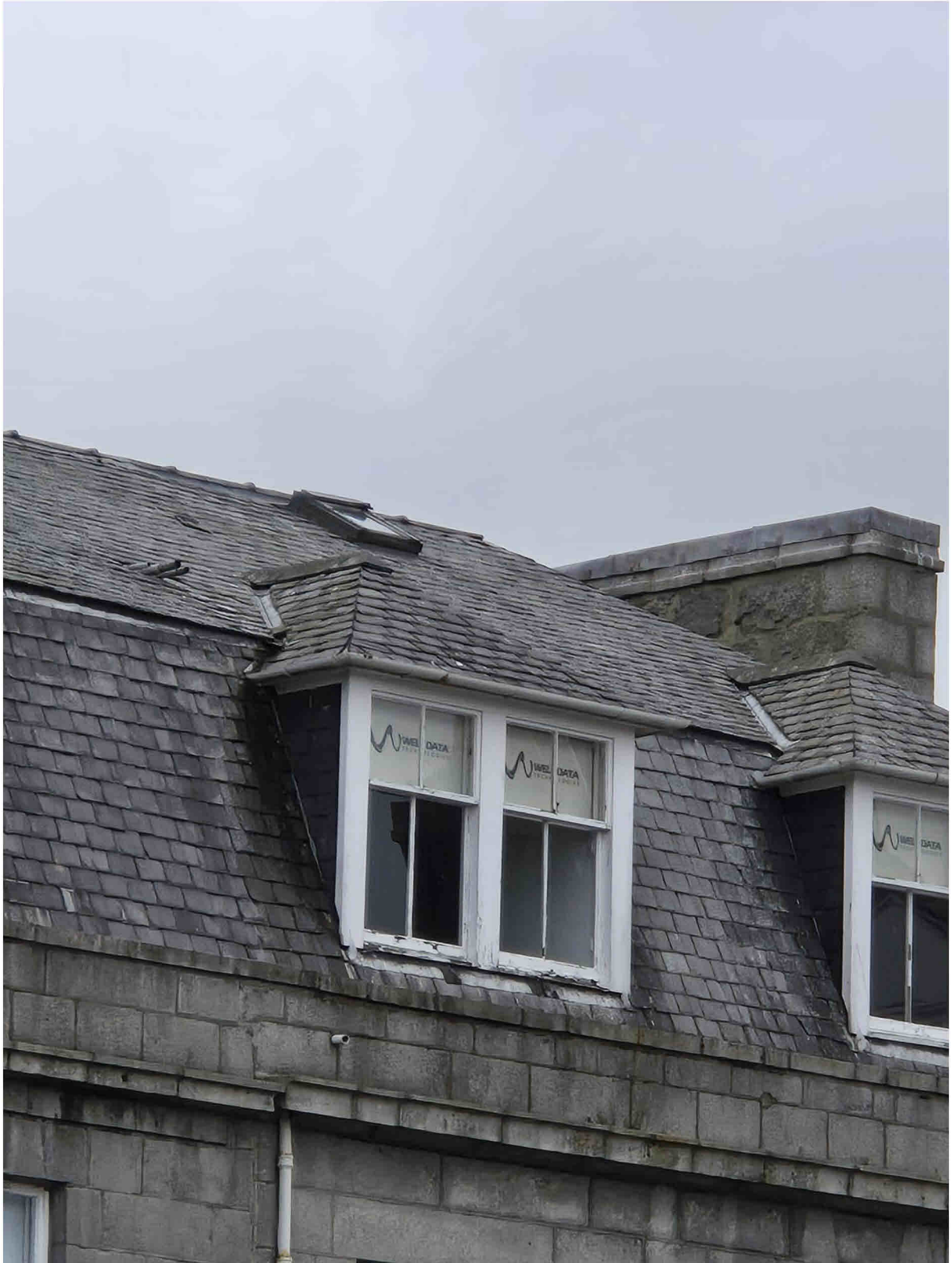


















Strategic Place Planning

Report of Handling by Development Management Manager

Site Address:	The James Hutton Institute, Countesswells Road, Aberdeen AB15 8QH
Application Description:	Formation of car park
Application Ref:	241146/DPP
Application Type:	Detailed Planning Permission
Application Date:	9 October 2024
Applicant:	The James Hutton Institute
Ward:	Hazlehead/Queen's Cross/Countesswells
Community Council:	Craigiebuckler and Seafield

DECISION

Refuse

APPLICATION BACKGROUND

Site Description

The application site comprises an approximate 2620 sqm area of land to the north of the James Hutton Institute. The site previously comprised undeveloped informal open space, contained grass and shrubs and a minor area of hardcore gravel. Google Streetview images from 2019 show that there were mature trees along its northern boundary, which have since been cleared.

The supporting documents submitted with the application state that it was previously used for storage associated with the James Hutton Institute. It is understood that the site was cleared, covered with aggregate to be used as a temporary car park for both construction and staff vehicles while the new access and reconfigured car park for the James Hutton Institute was being constructed (which was granted planning permission by application 221419/DPP). It has since remained in this condition.

The application site is bounded by ancillary buildings associated with the James Hutton Institute to the south and east. To the west it is bounded by a public footpath which connects Craigiebuckler Drive and Macaulay Drive, beyond which are dwellings fronting Macaulay Drive. The Craigiebuckler Scout Hut is located to the north of the site.

The application site is accessed from a private road that connects to Macaulay Drive to the southwest. This private road serves the Cunningham Building (in Class 10 – Non-Residential Institution) by First Class Nursery, a glass house and storage buildings associated with the institute. The James Hutton Institute, First Class Nursery, and the Scout Hut each have dedicated off-street car parking provision.

Relevant Planning History

230791/DPP - Detailed planning permission for the change of use of part of the Cunningham Building from Class 7 - Hotels and Hostels to Class 10 - Non-Residential Institutions with associated fencing and landscaping works was granted under delegated powers in August 2023. The permission enabled the whole of the Cunningham Building to be in Class 10 use. This has been completed, and the building is occupied by First Class Nursery.

221419/DPP - Detailed planning permission for the formation of a new access road for the James Hutton Institute from Countesswells Road, amended car parking provision and associated drainage was granted by the Planning Development Management Committee in August 2023. The permission has been implemented, and the development has been completed.

231370/DPP - Detailed planning permission for alterations to the main James Hutton Institute building comprising the erection of an extension to form a conferencing area, the erection of an infill extension to form entrance vestibule and for the formation of an associated terrace and landscaping works was granted under delegated powers in May 2024. The permission has not been implemented but remains valid.

240842/DPP - Detailed planning permission for alterations to the main James Hutton Institute building comprising the erection of a single storey link extension was granted under delegated powers in September 2024. This permission is a material variation of the alterations granted by application 231370/DPP, albeit of a lesser scale. A notice of initiation of development has been received.

ENF240044 – A planning enforcement case for the formation of the car park that is the subject of the current planning application was opened in March 2024. Enforcement action has been paused whilst this planning application is pending.

APPLICATION DESCRIPTION

Description of Proposal

Detailed Planning permission is sought retrospectively for the formation of the car park. The area is primarily finished in hardcore aggregate and the access from the site to the private road to the south is covered by matting. The car park is not delineated. However, the site plan notes that the car park provides approximately fifty car parking spaces.

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=SKMH9LBZK2G00>

- Craigiebuckler Biodiversity Action Plan 2017 - 2020
- Green Travel Plan - Craigiebuckler 2021 – 2025

- Planning Supporting Statement (30 September 2024)
- Letter from First Class Nursery (14 March 2025)
- Letter from The James Hutton Institute (14 March 2025)
- HFM Response to Planning Comments (14 March 2025)
- Craigiebuckler Car Park - Open Space Response (6 May 2025)
- HFM Supporting Correspondence (14 May 2025)

CONSULTATIONS

Aberdeen City Council (ACC) Internal Consultees

ACC - Roads Development Management Team – Objection – A stand-alone car park application should not be supported, in line with Policy T3 (Parking) of the Aberdeen Local Development Plan 2023 (ALDP).

This policy states that *“proposals for car parking that are not directly related to new developments will not be supported.”* This parking area was created to temporarily offset parking spaces lost whilst works were being undertaken, which have since been completed. As the car park is not associated with or directly linked to new development and is instead new parking created to service existing uses and potential future uses, the proposal is contrary to this policy.

Given an application for a large-scale access road with associated parking provision was recently granted detailed planning permission, any need for overspill parking should have been considered as part of that application and not separately / retrospectively. The transport impacts and parking requirements were considered through the determination of 231370/DPP, and additional car parking provision was neither proposed, nor considered necessary at that time. It is understood that the scale of the proposed works to the main building by application 240842/DPP is lesser than those approved by application 231370/DPP, which would reduce the parking requirement further.

Whilst it is acknowledged there may be development proposals at the James Hutton Institute in the future, it would be appropriate for parking requirements for the entire site to be considered, justified with evidence and weighed against planning policies at the time those come forward.

With respect to the letter from First Class Nursery (dated 4 March 2025), which states *“I have a team of forty staff and nearly all my staff drive. My staff and families are forced to park on Macaulay Drive...”*, transport policies encourage alternative sustainable measures to discourage the use of private vehicles rather than cater to all possible parking demands, as this does little to dissuade indiscriminate use.

The applicant states both *“the proposal does not generate an increase in traffic and thus would not impact on the local transport network”* and that *“the proposed car park would directly support the new Hub development”*. It is unclear how the proposals can necessitate increased parking provision, whilst not increasing the level of traffic visiting the site.

External Consultees

- **Craigiebuckler and Seafield Community Council** – Objection. This is for the following reasons:
 - The temporary car park was formed without planning permission.
 - The proposed car park is not linked to a new development and is, instead, new parking created to service existing uses and potential future uses. Therefore, it is not supported by Policy T3 (Parking) of the ALDP. The community council considers this sufficient reason to refuse the planning application.
 - Planning permission was granted to construct an access road to provide a direct link between the campus and Countesswells Road, which has been completed. It is raised that the objective was to divert traffic from Macaulay Drive. If permission is granted to make the temporary car park permanent, the result would be an increase of traffic on Macaulay Drive, undermining the objective of forming the direct access road to Countesswells Road.
 - Macaulay Drive is in a residential area with many young children and dog walkers. The increase in traffic generated by a permanent car park would increase the risk of a road traffic incident involving a pedestrian.
 - The increases in noise and pollution would impact the outdoor amenities of the homes.
 - The invasive glare of the lighting of the car park would impact upon the quiet residential area.
 - Owls could be heard at night around the proposed car park and there have been many sightings of roe deer, squirrels and foxes. The community council contends that the noise and light pollution associated with the car park would reduce the numbers (or the extinction on the site) of deer, squirrels and foxes.
 - The car park would encourage motorised transport, contrary to the Local Transport Strategy, which aims to reduce the dependence on the private car in favour of sustainable forms of transport, the objective being to achieve a target of zero carbon emissions.
 - It is considered that the car park is an eyesore, and it is contended that, instead of constructing a permanent car park, the applicant should restore the site to its former natural condition as green space.

It is considered that is not an appropriate area for a car park. This application should be refused, and the area should be restored to its former natural condition as a green space.

The community council has been notified of the submission of the additional supporting information in March 2025 and confirmed that the objection stands, adding that if any future demand for car parking should be required it must be via the new access road and not via Macaulay Drive.

REPRESENTATIONS

Two representations, both objections, have been received. The matters raised can be summarised as follows –

Material Considerations

- 1) Additional car parking is not necessary, and the James Hutton Institute already has a car park which is much more suitable and gives direct access.
- 2) Residents have been against the increased use of Macaulay Drive for business traffic as it is a no-through road in a residential area with many young children and dog walkers.
- 3) The temporary car park is an eyesore.
- 4) The development increases noise levels in the area and in neighbouring homes.
- 5) The development increases pollution in the area.
- 6) The site supports wildlife and there has been an adverse impact on wildlife seen and heard on a frequent basis.
- 7) The site is not suitable for a car park because it supports wildlife and in a quiet residential area.
- 8) The site previously contained trees, which have been removed, noting the ethos and business of the James Hutton Institute and their biodiversity action plan which states it implements a tree health monitoring programme.
- 9) The area should be returned to its former condition, whereby there was low traffic.

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 13 (Sustainable Transport)

- Policy 14 (Design, Quality and Place)
- Policy 20 (Blue and Green Infrastructure)

Aberdeen Local Development Plan 2023 (ALDP)

- Policy CF1 (Existing Community Sites and Facilities)
- Policy D1 (Quality Placemaking)
- Policy D2 (Amenity)
- Policy D5 (Landscape Design)
- Policy NE2 (Green and Blue Infrastructure)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)

Aberdeen Planning Guidance

- Transport and Accessibility

Other Material Considerations

- The Craigiebuckler Planning Brief 2005

EVALUATION

Key Considerations

The key determining factors in the assessment of this application are the following:

- The requirement of Policy 1 (Tackling the Climate and Nature Crises) of NPF4, when considering all development proposals, to give “*significant weight*” to the global climate and nature crises.
- The principle of forming the car park not associated with any new development in the context of sustainable and active travel objectives;
- The principle of a development supporting the James Hutton Institute and the Just Transition Hub;
- The impact on open space; and
- The impact on the character and visual amenity of the area.

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.

Policy 1 requires the planning authority to give “*significant weight*” to the global climate and nature crises and to “*minimise life-cycle greenhouse gas emissions as far as possible*”. Commensurate with its scale, the principle of a car park not associated with any development incentivises and thus likely increases reliance on private car travel to the surrounding uses, disincentivising the use of more sustainable modes of travel, including local public transport (which is available in this

area). As discussed under the 'Sustainable Transport and Parking' heading below, both at a national and local policy level, the Sustainable travel hierarchy promotes walking, wheeling, cycling, public transport and shared transport options in preference to single occupancy private car use for the movement of people. Other than this car park being available for attendees to the Just Transition Hub, there are otherwise no material considerations in assessing this proposal for a car park whereby weight is being given to the global climate crisis.

In placing significant weight on the global nature crises, Policy 3 (Biodiversity) of NPF4 is of relevance. It 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.

The loss of the formerly undeveloped open space and formation of the car park is to the detriment of biodiversity. If the ground were to be reinstated and the site were to return to being public open space, the adverse impact on biodiversity from the works could be reversed.

Whilst the biodiversity action plan for the wider James Hutton Institute grounds is welcomed and it is recognised that the Just Transition Hub seeks enable collaboration to develop nature-based, net-zero solutions, it does not address the specific biodiversity or climate impact of this development. Landscaping and biodiversity enhancements are not proposed on the site of the car park itself.

It is recognised that the site previously contained trees (*issue 8*), which were felled prior to the development taking place. The ArcGIS satellite images demonstrate that there were trees on the site in 2019 and they had been removed by 2022. Given the time since those trees have been removed, there is no evidence to suggest that those trees have been deliberately pre-emptively felled for this development.

Consideration has been given as to whether a condition could have been applied to require biodiversity enhancements and a landscape scheme that includes compensatory planting to offset and enhance biodiversity as a means of addressing this matter and the agent has advised that such an arrangement would be accepted by them, particularly around Couper's Pond to the south of the site, which the applicant intends to undertake). However, the car park is itself an area of open space which could be used for local wildlife within the locality (*issue 7*), which connects to the open spaces to the north. Whilst biodiversity enhancements are welcomed, these would not be sufficient to outweigh the permanent loss of the area of open space.

As such, commensurate with its scale, the proposal incentivises and thus likely increases reliance on private car travel to the surrounding uses, disincentivising the use of more sustainable modes of travel, including local public transport. Despite other biodiversity enhancements taking place on the James Hutton Institute unrelated to this development, the development results in the permanent loss of open space, to the detriment of biodiversity. There are no material considerations in assessing this development proposal whereby it can be considered that the development is placing significant weight on the global climate and nature crises. As such, proportionate to the scale of the development, the proposal conflicts with the aims of policies 1, 2 and 3 of NPF4.

Sustainable Transport and Parking

The intent of Policy 13 (Sustainable Transport) of NPF4 is to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably. Paragraph d) of this policy states *that "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.”

Policy T2 (Sustainable Transport) of the ALDP states that *“proportionate to the scale and anticipated impact, new developments must demonstrate that sufficient measures have been taken to minimise traffic generated.”*

In relation to car parking, Paragraph 11.24 of the ALDP states that *“The Council recognises that parking is an essential facility for many developments but will ensure that the level of parking complements its commitment to sustainable transport, through reducing emissions and congestion.”*

Policy T3 (Parking) of the ALDP sets out the parking requirements for new development and is supported by the Transport and Accessibility Aberdeen Planning Guidance. This guidance recognises that the over-provision of parking can reduce travel by alternative forms of transport through the promotion of car use, resulting in the worsening of congestion and air quality problems. Policy T3 unambiguously states that *“proposals for car parking that are not directly related to new developments will not be supported.”*

As the proposal comprises a permanent car park not associated with any new development, the proposal directly conflicts with Policy T3 of the ALDP.

Whilst not formally delineated, the proposed site plan notes that there is space for approximately fifty spaces on the site. The Planning Supporting Statement sets out that the car park is to be made available for public use, notably by the James Hutton Institute (as an overspill car park when there are events or conferences), First Class Nursery, the scout hut, glasshouse buildings and for access to nearby open spaces. The James Hutton Institute, Scout Hut and First Class Nursery each have existing car parks and notwithstanding ongoing development within the James Hutton Institute, there is no development directly associated with this proposal that requires additional parking provision.

The recently constructed access road and reconfigured car park granted by detailed planning permission 221419/DPP was granted on the basis that that development would serve the existing use and future proposals associated with the James Hutton Institute. The alterations to the parking layout approved by that application resulted in the reduction in the number of parking spaces for the James Hutton Institute as it was considered by the applicant in the planning statement submitted with the application, and confirmed by the planning authority in its report of handling, that the number of spaces would more than meet the demand at the site. That permission was also subject to a condition requiring a travel plan with sustainable measures to deter the use of private cars, as well as targets to reduce car parking at the site, albeit this focuses on staff and business travel. The Green Travel Plan found that 49% of the staff in 2023 were solo car driving to the campus. It targets a 9% reduction by 2025 offset by increased sustainable and active travel methods. The presence of the car park would increase car parking for the site and would likely encourage private car use. The proposed car park would thus be a departure from the aims of the travel plan approved as part of the granting of detailed planning permission 221419/DPP.

The Planning Supporting Statement sets out that the car park on a permanent basis is to support the James Hutton Institute’s plans to create an open science campus. It highlights that the events hosted by the James Hutton Institute which the car park facilitates are intended for collaboration between stakeholders to develop nature-based net-zero matters for vehicles associated with the ‘Just Transition Hub’. Indicative internal layouts suggest that the three conference rooms in the building would have a total capacity of 204 seats. The need for parking provision was assessed in

granting planning applications for the extensions (Ref: 231370/DPP and 240842/DPP) associated with the formation of the Just Transition Hub, neither of which were determined to have any requirement for further parking provision, nor was further parking provision proposed. There is, however, limited detail regarding the parking requirements of this and the number of staff that would be working in the building whilst events are taking place. The Planning Supporting Statement expects that it would be on infrequent occasions. The need for this car park for the events has not been sufficiently evidenced to a degree whereby it warrants a departure from Policies T2 and T3 of the ALDP.

Whilst not delineated, the scout hut also has a hard surface that can be used as a car park with several parking spaces. There is furthermore on-street parking provision in the wider area, which is not a controlled parking zone. The Planning Supporting Statement sets out that the access road has been the subject of indiscriminate parking and this has been demonstrated by large rocks having been placed on the grass adjacent to the access to prevent it.

First Class Nursery has a car park with approximately twenty spaces. Detailed planning permission 230971/DPP granted the change of use of part of the Cunningham Building to form part of existing class 10 (non-residential institution) to form First Class Nursery and likewise the parking provision was assessed as being sufficient for the expanded Class 10 use of the site in the determination of that application. The letter from First Class Nursery (dated 4 March 2025) states that there are 40 staff on the site, nearly all of them drive and the staff and families park on Macaulay Drive. This statement has, however, not been supported by evidence.

The Planning Supporting Statement has suggested that a condition be applied to limit the use of the car park for overflow parking for the Just Transition Hub, First Class Nursery and the scout hut. This would mean the space would not be available for public use to access nearby open spaces, presented as one of the reasons for the car park. Although there is insufficient evidence to demonstrate the need for the car park, such a condition would likely not meet the tests set out in Planning Circular 4/1998: the use of conditions in planning permissions in that enforceability would be difficult given the likely challenges of monitoring what would be a car park for visiting members of the public for the specific adjacent uses.

In terms of whether there is a need for additional parking provision, Paragraph 11.25 of the ALDP states that the Council will consider whether there are any circumstances, related either to the site or operation of the development, which warrant an alternative level of parking. As the Roads Development Management Team has advised in its consultation response, transport policies encourage alternative sustainable measures to discourage the use of private vehicles rather than cater to all possible parking demands, as this does little to dissuade indiscriminate use. Policy 13 of NPF4 supports development where it can be demonstrated that the transport requirements generated are considered in line with the sustainable travel and investment hierarchies. The sustainable travel hierarchy referred to in this policy relates to National Transport Strategy 2, which prioritises travel as follows:

1. Walking and wheeling
2. Cycling
3. Public transport
4. Taxis and shared Transport
5. Private Car.

There is not sufficient evidence to demonstrate that the James Hutton Institute, First Class Nursery or the scout hut require parking provision. If it were, it would be expected that measures to address any identified parking demand would be addressed in line with this hierarchy. Given the

number of vehicles it can accommodate, the development facilitates and incentivise travel by private car to the surrounding uses. It has thus likely increased, or would likely increase in the future, traffic in the area. It thus conflicts with Policy 12 (Sustainable Transport) of NPF4 and Policy T2 (Sustainable Transport) of the ALDP.

In terms of road safety, the Planning Supporting Statement notes that the additional parking provision in the area negates road safety concerns regarding users of facilities parking having to park on the surrounding streets in the event the car parks were over capacity. On the contrary, road safety concerns have been raised in the representations (*issue 2 in representations*) relating to the car park increasing traffic in the surrounding residential streets. It is raised in the response from the Craigiebuckler and Seafield Community Council that the proposal is contrary to the objective of the access road, which was to divert traffic from Macaulay Drive. Whilst, in assessing planning application 221419/DPP for the access road, that that had the benefit, albeit a minor one of redistributing traffic away from a quieter residential street, that was not a determining issue in the assessment of that application. The ACC - Roads Development Management Team has not identified any road safety concerns with on-street parking in the area or traffic in the area, nor is there evidence of this as an issue. The proposal does not impact road safety by any significant degree and the impact on road safety is not a determining factor in the assessment of this application.

Whilst the car park would increase parking provision for the adjacent uses, the car park of fifty spaces is not directly associated with any new development, nor is there evidence to demonstrate that it is necessary (*issue 1*). The proposal has not been considered by the applicant in line with the sustainable and active travel hierarchy. Commensurate with its scale, the proposal incentivises and thus likely increases reliance on private car travel to the surrounding uses, disincentivising the use of more sustainable modes of travel, including local public transport. The development therefore conflicts with Policies 13 (Sustainable Transport) of NPF4 and T2 (Sustainable Transport) and T3 (Parking) of the ALDP.

Loss of Open Space

There is a presumption in both national and local planning policy in retaining and improving open space and therefore the proposal to remove the area from the public is contrary to these aims. 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.

Policy NE2 (Green and Blue Infrastructure) of the ALDP states that *'we will protect, support and enhance the city's Urban Green Space (parks, playing fields, sports pitches, outdoor sport facilities, woods, food-growing spaces, or all other areas including smaller spaces not identified on the Proposals Map such as amenity space or garden ground). Development proposals that do not achieve this will not be supported.'*

The Craigiebuckler Car Park - Open Space Response document from the applicant sets out that the application site has been limited in its use, apart from temporary storage and laydown of materials for research activities. Whilst it is acknowledged that the space may have been used for storage purposes, ArcGIS satellite and Google Streetview images from 2022 evidence that the area was previously undeveloped and contained grass and shrubs. The Craigiebuckler Car Park - Open Space also includes photographs dating back to 1977 that it was undeveloped. The site was included in the most recently published Open Space Audit 2010 and defined as 'amenity –

business' open space. Whilst not forming part of mature landscaped institutional grounds associated with the main building, the site was an area of publicly accessible open space and had informal recreational value. The site connects to the public footpath to the west of the site, which connects to the wider area. The space had a mown/low-cut area of grass which linked to the ancillary buildings and open space beyond to the east. As open space, it provided visual amenity by separating the built structures of the ancillary buildings of the institute and the Scout Hut. It furthermore provided an area of undeveloped grassland for local wildlife (*issue 6*).

Although the space remains publicly accessible, the car park results in the loss of the open space as a public amenity, in conflict with the aims of Policy 20 (Blue and Green Infrastructure) of NPF4 and NE2 (Green and Blue Infrastructure) of the ALDP.

Supporting Existing Community Sites and Facilities

The site is zoned on the Proposals Map of the Aberdeen Local Development Plan 2023 (ALDP) as Policy CF1 (Existing Community Sites and Facilities). This policy states that new or extensions of health, education and other community facility uses on such land will be supported in principle. It is acknowledged that as a public car park on land owned and operated by the James Hutton Institute, the space would provide additional parking provision for the adjacent community facilities, comprising the James Hutton Institute, the nearby nursery and the scout hut to the north.

In terms of national policy, 'Just Transition' is one of the spatial principles of NPF4. This principle states that *'We will empower people to shape their places and ensure the transition to net zero is fair and inclusive.'* The Regional Spatial Strategy set out in NPF4 for the North East of Scotland states *'this area will evolve, through a just transition, to move industry and business away from the oil and gas sector towards a cleaner, greener future'* and that will play a crucial role in achieving Just Transition to net zero through planning infrastructure and investment to support the transition from oil and gas to net zero.

In October 2022, the James Hutton Institute was awarded £7.19 million from the Scottish Government's Just Transition Fund to establish a new facility at the campus known as the 'Just Transition Hub', a committed project in line with the spatial principles and regional spatial strategy for the North East of Scotland in NPF4. The hub would see collaboration with a range of stakeholders to develop nature-based, net-zero solutions for issues such as community renewable energy development, flood management, sustainable groundwater access, biodiversity enhancement and peatland restoration.

The supporting documents set out that the retention of the car park on a permanent basis is to support the James Hutton Institute's plans to create an open science campus, including a café. It highlights that the events hosted by the James Hutton Institute which the car park facilitates are intended for collaboration between stakeholders.

The car park enables additional numbers of people to travel to the institute beyond the capacity of the existing car park and available on-street parking spaces. It thus indirectly supports the James Hutton Institute as an existing community facility, in accordance with Policy CF1 of the ALDP in principle. However, as detailed under the 'Sustainable Transport and Parking' heading, there is not a demonstrated need for this car park and, if there was, transport demands should be considered in line with the sustainable travel and investment hierarchy. The compliance with Policy CF1 of the ALDP is of limited weight relative to the significant policy conflicts, particularly those relating to the climate and nature crises, sustainable transport and loss of open space.

Visual Amenity and Placemaking

Policy 14 (Design, Quality and Place) of NPF4 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. Policy D5 (Landscape Design) states that '*development proposals will be designed with an effective, functional and attractive landscape framework supported by clear design objectives*', appropriate to the scale of development.

The site was previously undeveloped open space readily visible from the north, west and east in the context of wider open spaces and the mature trees to the west and formed part of the open local landscape character. Whilst the site is not in a prominent location, the absence of soft and hard landscape design, finish in hardcore aggregate and mats have an informal appearance that detract from the visual amenity of the area (*issue 3*), in conflict with the aims of Policies 14 of NPF4, and Policies D1 and D5 of the ALDP.

Other Material Considerations

The Craigiebuckler Planning Brief which covers the James Hutton Institute was agreed between the institute and Council in December 2005. It is a non-statutory document and no longer has any particular status. It does, however, represent an agreed position between the Council and James Hutton Institute on matters surrounding the future development of the campus. The brief included plans for improved access arrangements and new office and laboratory buildings. It is recognised that this document also envisioned the wider area to the east of Macaulay Drive, which is served by the private road as an area of additional car parking provision, albeit any parking provision would have needed to comply with the national transportation policy that was applicable at the time (Scottish Planning Policy 17) and be linked to sustainable transportation initiatives.

Whilst the Craigiebuckler Planning Brief envisioned the wider area to the east of Macaulay Drive as having additional car parking, it also recognised that parking provision should be considered in line sustainable transportation initiatives. The weight that can be placed on this document is very limited compared to the conflicts the development has with the Development Plan for the reasons set out above.

Matters Raised in Representations

Whilst the formation of the car park has likely increased, or would likely increase in the future, traffic in the area, the development is not of a scale whereby it materially increases light (raised by the Craigiebuckler and Seafeld Community Council), noise (*issue 4*) and pollution (*issue 5*) to the local residential area to a significant degree relative to the previous situation. No external lighting has been proposed, and this has been confirmed in the Supporting Planning Statement.

ADMINISTRATIVE MATTERS

One of the grounds for the objection made by Craigiebuckler and Seafeld Community Council is that the car park was formed without planning permission and the planning permission is sought retrospectively. That this application has been made retrospectively has no material bearing on the assessment of this planning application. The application is assessed in the context as if the works had not taken place.

There remains a live planning enforcement case in relation to the application, which has been paused whilst this application has been pending. The planning authority could pursue formal

planning enforcement action in relation to the development to return the area to its previous condition as open space (*issue 9*).

The Craigiebuckler and Seafield Community Council was notified of the additional supporting documents submitted in March 2025, following its initial objection received in November 2024. Whilst further supporting documents and correspondence have been received since March 2025, there have been no significant changes to the application that materially increase the impact of the development proposed. As such, it has not been necessary to renotify the community council of that information.

DECISION

Refuse

REASON FOR DECISION

The formation of a car park not associated with any new development on an area of informal open space, conflicts with the requirements of Policy 1 (Tackling the Climate and Nature Crises) of National Planning Framework 4 (NPF4), which requires significant weight to be given to the global climate and nature crises. It furthermore conflicts with Policy 2 (Climate Mitigation and Adaptation), which requires development proposals to be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible.

The proposal comprises a permanent car park not associated with any new development, in direct conflict with Policy T3 (Parking) of the Aberdeen Local Development Plan 2023. There is insufficient evidence to demonstrate that it is necessary to address existing and future transport requirements, taking into account the requirement of Policy 13 (Sustainable Transport) of NPF4 for proposals to be considered in line with the sustainable and active travel hierarchy, which promotes walking, wheeling, cycling, public transport and shared transport options in preference to single occupancy private car use for the movement of people. Commensurate with its scale, the proposal incentivises and thus likely increases reliance on private car travel to the surrounding uses, disincentivising the use of more sustainable modes of travel, including local public transport. The development therefore conflicts with Policy 13 (Sustainable Transport) of NPF4 and Policy T2 (Sustainable Transport) of the ALDP.

The car park results in the loss of the open space as a public amenity, which supported local biodiversity and contributed to the local landscape character, in conflict with the aims of Policy 20 (Blue and Green Infrastructure) of NPF4 and Policy NE2 (Green and Blue Infrastructure) of the ALDP.

Whilst the site is not in a prominent location, the absence of soft and hard landscape design, and the finish in hardcore aggregate and mats, have an informal appearance that detract from the visual amenity of the area, in conflict with the aims of Policies 14 (Design, Quality and Place) of NPF4, and Policies D1 (Quality Placemaking) and D5 (Landscape Design) of the ALDP.

Despite other biodiversity enhancements taking place on the James Hutton Institute unrelated to this development, the car park results in the permanent loss of open space, to the detriment of biodiversity. Proportionate to the scale of the development, the proposal conflicts with the aims of Policy 3 (Biodiversity) of NPF4.

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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 100683723-001

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)

Application for detailed planning permission to formalise an intermittent overflow and community use car park

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): *

01/12/2023

Please explain why work has taken place in advance of making this application: * (Max 500 characters)

The temporary car park was used for both construction and staff vehicles while the new access and reconfigured car park was being constructed under 221419/DPP

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	The James Hutton Institute	Address 2:	
Telephone Number: *		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:

THE JAMES HUTTON INSTITUTE

Address 2:

COUNTESSWELLS ROAD

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB15 8QH

Please identify/describe the location of the site or sites

Northing

804726

Easting

390515

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)

Correspondence with Scott Leitch to confirm that JHI will be lodging a planning application to retain the temporary car park as a permanent overflow and community use car park.

Title:

Mr

Other title:

First Name:

Scott

Last Name:

Leitch

Correspondence Reference
Number:

N/A

Date (dd/mm/yyyy):

15/08/2024

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:

0.26

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)

Outdoor storage

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?

50

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)? *

50

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)

The proposed car park does not generate any need for waste storage

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: Halliday Fraser Munro Planning

On behalf of: The James Hutton Institute

Date: 30/09/2024

☒ 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: . Halliday Fraser Munro Planning

Declaration Date: 29/09/2024

Payment Details

Pay Direct

Created: 30/09/2024 11:28



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 **The James Hutton Institute**

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.

Application Reference Number	241146/DPP
Address of Development	The James Hutton Institute Countesswells Road Aberdeen AB15 8QH
Description of Development	Formation of car park
Date of Decision	27 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 –

The formation of a car park not associated with any new development on an area of informal open space, conflicts with the requirements of Policy 1 (Tackling the Climate and Nature Crises) of National Planning Framework 4 (NPF4), which requires significant weight to be given to the global climate and nature crises. It furthermore conflicts with Policy 2 (Climate Mitigation and Adaptation), which requires development proposals to be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible.

The proposal comprises a permanent car park not associated with any new development, in direct conflict with Policy T3 (Parking) of the Aberdeen Local Development Plan 2023. There is insufficient evidence to demonstrate that it is necessary to address existing and future transport requirements, taking into account the requirement of Policy 13 (Sustainable Transport) of NPF4 for proposals to be considered in line with the sustainable and active travel hierarchy, which promotes walking, wheeling, cycling, public transport and shared transport options in preference to single occupancy private car use for the movement of people. Commensurate with its scale, the proposal incentivises and thus likely increases reliance on private car travel to the surrounding uses, disincentivising the use of more sustainable modes of travel, including local public transport. The development therefore conflicts with Policy 13 (Sustainable Transport) of NPF4 and Policy T2 (Sustainable Transport) of the ALDP.

The car park results in the loss of the open space as a public amenity, which supported local biodiversity and contributed to the local landscape character, in conflict with the aims of Policy 20 (Blue and Green Infrastructure) of NPF4 and Policy NE2 (Green and Blue Infrastructure) of the ALDP.

Whilst the site is not in a prominent location, the absence of soft and hard landscape design, and the finish in hardcore aggregate and mats, have an informal appearance that detract from the visual amenity of the area, in conflict with the aims of Policies 14 (Design, Quality and Place) of NPF4, and Policies D1 (Quality Placemaking) and D5 (Landscape Design) of the ALDP.

Despite other biodiversity enhancements taking place on the James Hutton Institute unrelated to this development, the car park results in the permanent loss of open space, to the detriment of biodiversity. Proportionate to the scale of the development, the proposal conflicts with the aims of Policy 3 (Biodiversity) of NPF4.



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

12767-HFM-ZZ-ZZ-PL-A-00 003
12767-HFM-ZZ-ZZ-PL-A-00 001

Proposed Site Plan
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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Consultee Comments for Planning Application 241146/DPP

Application Summary

Application Number: 241146/DPP

Address: The James Hutton Institute Countesswells Road Aberdeen AB15 8QH

Proposal: Formation of car park

Case Officer: Roy Brown

Consultee Details

Name: Scott Lynch

Address: Marischal College, Gallowgate, Aberdeen AB10 1YS

Email: Not Available

On Behalf Of: ACC - Roads Development Management Team

Comments

I note that this application is for the Formation of car park. The site is located in the outer city, outwith any controlled parking zone.

In the submitted Planning Supporting Statement the applicant makes a case for the retention of the car park for intermittent overflow and community use parking, and how this would benefit members of the public, JHI staff, and visitors. However, the Aberdeen City Council Local Development Plan 2023 states that "proposals for car parking that are not directly related to new developments will not be supported". It should be noted that this parking was created to offset parking temporarily lost due to works, which have since been completed. The proposed car park is not associated with or directly linked to new development, and is instead new parking created to service existing uses and potential future uses. In that regard, this proposal is contrary to policy T3.

The applicant states that both "the proposal does not generate an increase in traffic and thus would not impact on the local transport network" and that "the proposed car park would directly support the new Hub development" - it is unclear how the proposals can necessitate increased parking provision, whilst not increasing the level of traffic visiting the site. The applicant also states "the proposed intermittent overflow and community use car park will support the operations of the existing further research institute use and future developments on the campus, in particular the Just Transition Hub (application reference: 231370/DPP)" - If the parking is for existing use, and potential future use (which is not guaranteed to occur) it still seems to be contrary to policy T3 as it is not directly associated with new development. It is understood that the scale of the works proposed as part of 231370 have since been reduced, which would reduce the parking requirement relative to what is existing / has already been approved.

It should be noted that the transport and parking impacts were considered through the

determination of 231370, and that additional car parking was neither proposed, nor considered necessary at that time. As noted by the applicants agents, as part of that application: "There are no changes proposed to the car parking provision already agreed and consented through the new access road application. The proposed building extension and associated internal works do not result in any change of use and are ancillary to the existing JHI site."

For the above reasons, Roads Development Management object to this application.

Consultee Comments for Planning Application 241146/DPP

Application Summary

Application Number: 241146/DPP

Address: The James Hutton Institute Countesswells Road Aberdeen AB15 8QH

Proposal: Formation of car park

Case Officer: Roy Brown

Consultee Details

Name: Scott Lynch

Address: Marischal College, Gallowgate, Aberdeen AB10 1YS

Email: Not Available

On Behalf Of: ACC - Roads Development Management Team

Comments

The applicant has responded to Roads comments highlighting their justification for this car park which predominantly states that this proposal is to provide overspill carparking for the wider site, and that existing adjacent businesses can also utilise it.

Having recently had a fairly large scale application for an access road with associated parking - if there was a need for overspill parking this should have been considered as part of that application, and not separately / retrospectively.

One of the letters of support provided by the applicant on behalf of the nursery states that "I have a team of forty staff and nearly all my staff drive. My staff and families are forced to park on Macaulay Drive..." - it should be noted that transport policies lean more towards providing alternative sustainable measures to discourage the use of private vehicle and not simply catering to all possible parking demands, as this does little to dissuade indiscriminate use.

It is also understood that there is potential for future development proposals on the site - if these come forward then this would be an appropriate time to consider the parking requirements of the site as a whole and to justify this with evidence, and weighing any requirement against relevant planning policies.

As such, the submission by the applicant has not changed the stance of Roads Development Management, which is that a stand-alone car park application should not be supported in line with policy T3.

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From: [REDACTED]

Sent: 19 March 2025 11:28

To: Roy Brown <RoyBrown@aberdeencity.gov.uk>

Subject: Re: 241146/DPP - James Hutton Institute - Timescales for Local Community Council Response

Good morning Roy,

I have discussed with William Sell and we would like to make the following comments:

Our objection to planning application 241146 still stands. If any future demand for car parking should be required it must be via the new access road and not via Macaulay Drive. The current temporary car park was constructed without planning permission and the site should be restored to its former natural condition as a green space.

Best regards

Robert Frost

Planning Officer

Craigiebuckler & Seafield Community Council

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Craigiebuckler and Seafield Community Council

Development Management
Strategic Place Planning
Aberdeen City Council
Business Hub 4
Marischal College
Broad Street
Aberdeen
AB10 1AB

10 Craigiebuckler Drive
Aberdeen AB15 8ND

8th November 2024

Dear Mr Brown

Planning Application Reference 241146/DPP

The James Hutton Institute, Countesswells Road, Aberdeen, AB15 8QH
Formation of a car park.

We object to the above referenced planning application for the following reasons: -

- The Applicant formed a temporary car park on the proposed site without planning permission.
- The proposed car park is not linked to a new development and is, instead, new parking created to service existing uses and potential future uses. Therefore, according to the Aberdeen City Council's Local Development Plan, policy T3, it is not supported. That, in our opinion, is sufficient reason to refuse the planning application.
- The applicant was given planning permission to construct an access road to provide a direct link between the Research Institute's campus and Countesswells Road. The objective being to divert the institute's traffic from Macaulay Drive. This project is now completed. If permission is granted to make the temporary car park permanent, the result will be an increase of traffic on Macaulay Drive, thus defeating the purpose of forming the road that is a direct access to Countesswells Road.
- Macaulay Drive is in a residential area with many young children and dog walkers coming through. The increase in traffic, generated by a

permanent car park on the proposed site, will increase the risk of a road traffic incident involving a pedestrian.

- The increases in noise and pollution will impact upon the outdoor amenities of the homes.
- The invasive glare of car park lighting will further impact upon this quiet residential development.
- Owls could be heard at night around the proposed car park and there have been many sightings of roe deer squirrels and foxes. We contend that the noise and light pollution associated with the planned car park would result in the reduction in numbers (or the extinction on the site) of deer, squirrels and foxes.
- The proposed car park would encourage motorised transport, contrary to Aberdeen City Council's Local Transport Strategy, which aims to reduce the dependence on the private car in favour of sustainable forms of transport, the objective being to achieve a target of zero carbon emissions.
- The 'temporary' car park is an eyesore, in our opinion, and we contend that, instead of constructing a permanent car park, the applicant should restore the site to its former natural condition as greenspace.

We conclude that this is not an appropriate area for a car park. This application should be refused and the area reinstated.

Yours sincerely,

William Sell

Chair.

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Comments for Planning Application 241146/DPP

Application Summary

Application Number: 241146/DPP

Address: The James Hutton Institute Countesswells Road Aberdeen AB15 8QH

Proposal: Formation of car park

Case Officer: Roy Brown

Customer Details

Name: Mr HUGH KEIR

Address: 6 Macaulay Drive Aberdeen AB15 8FL

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: A significant negative impact has been felt by residents of Macaulay Drive over the preceding months as staff of the James Hutton Institute have parked along a stretch of the only access road to a cul de sac while a new access road and upgraded car park were constructed. During this time the proposed site was used as a temporary car park which in addition to being an eyesore increased the noise and pollution which was audible and in close proximity to our home, garden and surrounding areas.

A line of mature trees previously occupied the area of the site identified for parking. The image in this link <https://ibb.co/851bSLF> shows that much of the planning application area covers the area where the trees were removed. This image shows the scorched earth following the removal of the trees <https://ibb.co/k8cqR5c>. These mature trees were cut down on a Sunday, negating the opportunity to alert the council about the unwarranted destruction of important habitat for the multitude of wildlife. Owls, deer, foxes, red squirrels and bats were seen and heard on a daily/nightly basis and there has been a distinct change in this following the removal of the trees and the increased light, noise and traffic.

Interestingly our understanding is that trees within our property boundaries are protected and any change to them, eg. if they fall or rot, is notifiable to the council therefore we are surprised that destruction of healthy mature trees and the habitat they offered to a variety of wildlife was authorised. This has particular resonance given the ethos and business of the James Hutton Institute and their Biodiversity Action Plan listed in the application documents (section 3. Maintain and enhance, page 10) which states they implement a tree health monitoring programme and replace felled trees, where appropriate.

Having planned, resourced and recently completed the new car park accessed off Countesswells

Rd, it is difficult to understand why further additional car parking and increased business traffic is required and even more so in an area that is both significant to supporting wildlife and a quiet residential area.

In conclusion the underhand removal of established trees, would appear to have been in anticipation of this planning application. This is not an appropriate area for a car park, this application should be refused and the area reinstated.

Comments for Planning Application 241146/DPP

Application Summary

Application Number: 241146/DPP

Address: The James Hutton Institute Countesswells Road Aberdeen AB15 8QH

Proposal: Formation of car park

Case Officer: Roy Brown

Customer Details

Name: Mrs jackie Hodzic

Address: 4 Macaulay Drive, Craigiebuckler aberdeen ab158fl

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: We have just had several months of the James Hutton Institute parking along Macaulay Drive and using the area requested for a permanent car park while using it as a temporary car park - this was done while a new access road and car park upgrade was completed and brought MANY NEGATIVE CONSEQUENCES.

Having completed their new access and car park it makes no sense why they need more car parking at this area. Residents were all against the increased use of Macaulay Drive for business traffic. It's a dead end road in a residential area with many young children and dog walkers coming through. The temporary car park was an eye sore and had increased noise all of which was audible from the living areas of houses. We used to hear owls every night in this area, the increased lighting and traffic seems to have scared them off. This is not a suitable area for a car park and they already have a car park that has much more suitable and direct access, this application should be refused and the area returned to a low traffic area.

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Application for review: Refusal of 241146/DPP: Form car park at James Hutton Institute, Countesswells Road

[Link to LDP and Green Space Audit Interactive online maps](#)

National Planning Framework 4 (NPF4)

Policy 1 (Tackling the Climate and Nature Crises)

Policy 2 (Climate Mitigation and Adaptation)

Policy 3 (Biodiversity)

Policy 13 (Sustainable Transport)

Policy 14 (Design, Quality and Place)

Policy 20 (Blue and Green Infrastructure)

Aberdeen Local Development Plan (2023)

Policy CF1 (Existing Community Sites and Facilities)

Policy D1 (Quality Placemaking)

Policy D2 (Amenity)

Policy D5 (Landscape Design)

Policy NE2 (Green and Blue Infrastructure)

Policy T2 (Sustainable Transport)

Policy T3 (Parking)

Aberdeen Planning Guidance

Transport and Accessibility

Other

The Craigiebuckler Planning Brief 2005

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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 100683723-004

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:	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? *

☐ 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="The James Hutton Institute"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	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="Planning@hfm.co.uk"/>		

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" value="THE JAMES HUTTON INSTITUTE"/>
Address 2:	<input type="text" value="COUNTESSEWELLS ROAD"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Post Code:	<input type="text" value="AB15 8QH"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="804726"/>	Easting	<input type="text" value="390515"/>
----------	-------------------------------------	---------	-------------------------------------

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)

Formation of car park

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 Notice of Review Statement of Case located in the Supporting 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)

Notice of Review Statement of Case (including appendices) and full suite of planning application material lodged under application 241146/DPP

Application Details

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

241146/DPP

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

30/09/2024

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

27/05/2025

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

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)

There are no barriers to access the site for an inspection

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: 06/06/2025

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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

Formation of car park at The James Hutton Institute,
Countesswells Road, Aberdeen, AB15 8QH

Application Reference: 241146/DPP

Appellant: The James Hutton Institute

Rev		Date	Author	Signed
P01	First Issue	30 May 2025	HH	SC
P02	Second Issue	5 June 2025	HH	SC

The copyright of this document subsists in Halliday Fraser Munro Ltd.

Registered Office:

8 Victoria Street

Aberdeen

AB10 1XB

T: 01224 388 700

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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 appellant, The James Hutton Institute. 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 James Hutton Institute, Countesswells Road, Aberdeen, AB15 8QH.

Description of Development: *Formation of car park*

- 1.2 The application was validated on 9th October 2024 under 241146/DPP and refused on 27th May 2025. Based on our review of the Decision Notice, there are four main reasons for refusal, the headlines of which are listed below:
1. Tackling the Climate and Nature Crisis (National Planning Framework 4 (NPF4) Policies 1, 2 and 3)
 2. Sustainable Transport and Parking (NPF4 Policy 13 and Aberdeen Local Development Plan (ALDP) Policies T2 and T3)
 3. Loss of Open Space (NPF4 Policy 20 and ALDP Policy NE2)
 4. Visual Amenity and Placemaking (NPF4 Policy 14 and ALDP Policies D1 and D5)
- 1.3 In deciding to refuse the application, the Report of Handling placed significant weight on the NPF4 policies relating to the global climate and nature crises and minimising life-cycle greenhouse gas emissions. The application of these policies is disproportionate to the nature and scale of the proposal and context of the site. It also conflicts with the Chief Planner's instructions to consider NPF4 as a whole rather than as a set of standalone policies (Appendix 3). The Report of Handling also takes a rigid stance on the application of ALDP Policies T2 and T3 by not supporting the proposal because it is not associated with 'new development' and does not incentivise sustainable transport options. It gives limited consideration toward the wider public benefits of the scheme, including the contribution it would provide toward supporting the parking needs of the existing community (e.g. dog walkers) and surrounding community facilities (e.g. First Class Nursery and Scout Hut). Lastly, the decision purports that the proposal would result in the loss of the open space as public amenity and detract from the visual amenity of the area. This contradicts the statement submitted by the James Hutton Institute on 6th May 2025, which confirmed that this part of the campus has never been used as open space or for public amenity.
- 1.4 The proposal is for a car park that will support the parking needs of the existing surrounding community uses, including the First Class Nursery and Scout Hut, all the while providing intermittent overflow parking for future events and conferences that will be conducted at the Just Transition Hub development (application reference: 221419/DPP). The statement by First Class Nursery (4th March 2025) emphasised the lack of off-street parking available to the nursery and emphasised the safety hazard this has on families picking up and dropping off children. The proposed overflow car park solves that issue. It will also provide publicly accessible car parking for the general community (e.g. for dog walkers accessing the surrounding core path network and green spaces such as Couper's Pond). The benefits the appeal scheme deliver thus extends far beyond supporting the James Hutton Institute operations to facilitating greater community access to the campus and the wider area in accordance with the James Hutton Institute Open Science Campus vision and in line with ALDP Policy CF1.
- 1.5 The consequence of removing this car parking area is the loss of this overflow parking area for the community which will ultimately result in continued on-street parking pressures along Macaulay Drive. There are therefore significant planning merits for retaining this overflow car

park to prevent uncontrolled and indiscriminate on-street parking and the consequential impacts that this causes on road safety and residential amenity.

- 1.6 The appeal site is located at the back of the Craigiebuckler Campus behind existing greenhouses and storage sheds and thus would have a negligible impact on visual amenity and placemaking and does not result in the loss of open space or public amenity given it has never been used for these purposes. The appeal site has historically been used by the institute for outdoor storage and already contained areas of hardcore base before it was converted to a car park. It therefore contains little to no ecological value. The appellant is however committed to making the necessary improvements to the car park to ensure that is more permanent in nature and incorporates sufficient landscape and biodiversity planting, the details of which could be provided subject to a reasonable pre-commencement condition.
- 1.7 Within this Statement of Case, we provide considered justification to demonstrate the nature and scale of the proposed carpark is suitable for the site in respect of the surrounding area and would deliver a significant community benefit. 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:** NPF4 and ALDP Policies
 - **Appendix 2:** Craigiebuckler Planning Brief
 - **Appendix 3:** Chief Planner Letter February 2023
- 1.9 The full list of planning application material lodged under application 241146/DPP is as follows:
- Application Form (30th September 2024)
 - Existing Site Plan (30th September 2024)
 - Proposed Site Plan (30th September 2024)
 - Location Plan (30th September 2024)
 - Biodiversity Action Plan 2017 – 2020 (30th September 2024)
 - Green Travel Plan (30th September 2024)
 - Planning Statement (30th September 2024)
 - First Class Nursery Letter (3rd March 2025)
 - HFM Response to Planning Comments (14th March 2025)
 - James Hutton Institute Letter (14th March 2025)
 - Craigiebuckler Open Space Response (6th May 2025)
 - Decision Notice (27th May 2025)
 - Report of Handling (27th May 2025)

2. Site Location

- 2.1 This appeal relates to an existing temporary car parking area located at the JHI Craigiebuckler Campus. The parking area is situated between the Craigiebuckler Scout Hut building (to the north) and the JHI glass house and storage buildings (to the south). Further south is the Bright Horizons First Class Day Nursery and Preschool and Couper's Pond. The application site has access to Macaulay Drive to the south-west which provides direct connection to Countesswells Road.

- 2.2 Beyond the immediate vicinity of the application site and the wider JHI campus, the surrounding area is largely residential, with the nearest residences being the dwellings of 2 – 6 Macaulay Drive. These dwellings are separated from the appeal site by a lit public footpath, a timber fence and mature tree belt.
- 2.3 The appeal site (including the Scout Hut) is zoned as an Existing Community Site and Facility (Policy CF1) under the ALDP 2023.
- 2.4 Figure 1 shows the location of the proposed car park in relation to the surrounding area while Figure 2 shows the ALDP zoning. The photographs of Figures 3 and 4 show the nature and layout of the temporary car park.



Figure 1: Aerial map of site (Source: Google Earth)

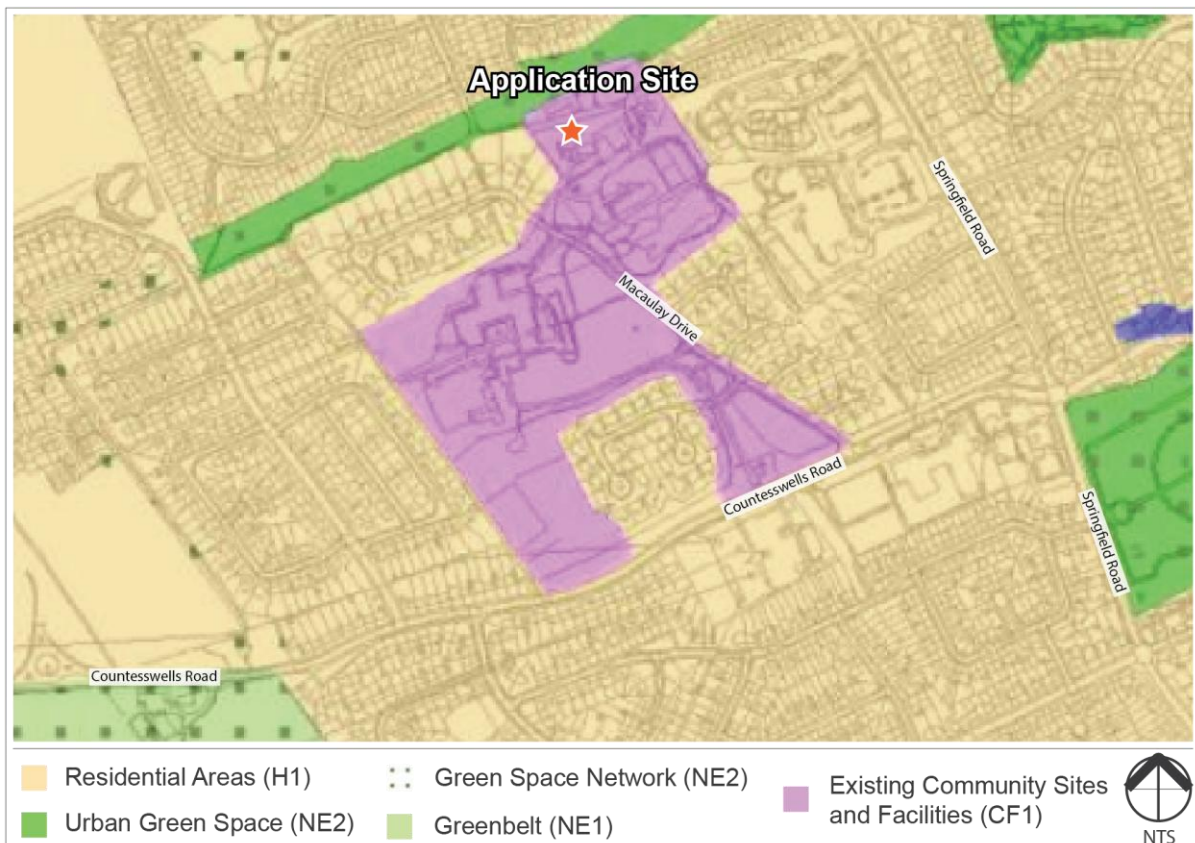


Figure 2: Zoning map (Aberdeen Local Development Plan 2023 Proposals Map)



Figure 3: Photograph of existing temporary car park



Figure 4: Photograph showing existing access to car park with ground protection matting installed. The photograph also shows the existing fence line and dense screen vegetation to the neighbouring residential properties of 2 – 6 Macaulay Drive (to the right of photo)

2.5 The appeal site has historically been used for outdoor storage associated with the surrounding JHI storage buildings, greenhouses and the wider campus operations. The site already contained areas of hardcore gravel before it was more recently used for temporary car parking during the construction of the new access road from Countesswells Road and reconfigured car park (application reference: 221419/DPP), which commenced works in December 2023. The temporary car park was used by contractors and JHI staff vehicles during this construction. However, it also provided community related parking after hours and on weekends by members of the public accessing the Scout Hut and surrounding green space and core paths, as well as parents picking up/dropping off children at the neighbouring nursery. Construction of the new access road and reconfigured car park finished around mid-August 2024 and staff parking has now relocated to that new car park.

3. Appeal Scheme Overview

3.1 The proposal seeks to permanently retain the existing temporary car park, albeit for occasional use, to meet the need for intermittent overflow and community use car parking at the campus. The car park is capable of accommodating circa 50 cars, although is expected to accommodate less than that when in use. As the car park was originally formed for temporary use, it is currently designed as an informal parking area that is not delineated, with compacted hardcore base and ground protection matting for the access. However, if approved, the appellant is willing to carry out the necessary improvements to the area to make it of more permanent nature and to include the required soft and hard landscape and biodiversity planting. This could be delivered via a reasonable and relevant condition of consent.

3.2 The retention of the car park for intermittent overflow and community use parking would benefit members of the public, surrounding community uses, James Hutton Institute staff, and visitors (e.g. researchers) alike. The proposal is considered to provide an important contribution toward creating a more open and welcoming campus with better community integration in accordance with the James Hutton Institute's vision for creating an Open Science Campus. The full benefits of the appeal scheme are set out in the planning appeal assessment of section 5 below.

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 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 appeal. This section sets out the applicable components of the development plan and other material considerations relevant to the assessment and determination of this appeal. The below-listed policies are set out in full in Appendix 1.

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 13th 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 appeal. 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 (Appendix 3), the national planning policies are to be read and applied as a whole.
- 4.3 The national planning policies which are referred to in this appeal are set out below:
- Policy 1: Tackling the climate change and nature crisis;
 - Policy 2: Climate mitigation and adaptation;
 - Policy 3: Biodiversity;
 - Policy 13: Sustainable transport;
 - Policy 14: Design, quality and place;
 - Policy 15: Local living and 20 minute neighbourhoods;
 - Policy 20: Green and blue infrastructure; and
 - Policy 25: Community wealth building.
- 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 ALDP policy provisions that are referred to in this appeal are set out below:
- Policy CF1: Existing Community Sites and Facilities;
 - Policy D1: Quality Placemaking;
 - Policy D2: Amenity;
 - Policy D5: Landscape Design;
 - Policy NE2: Green and Blue Infrastructure;
 - Policy T2: Sustainable Transport; and
 - Policy T3: Parking.

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 to 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:

- Transport and Accessibility

4.8 Other supporting information that is material to the appeal scheme include:

- Craigiebuckler Planning Brief (Appendix 2)

4.9 The above-listed ALDP policy provisions, Planning Guidance documents and other material considerations are addressed in the planning appeal 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 (241146/DPP) was refused under delegated powers on the 27th of May 2025. In refusing to grant planning permission, four main reasons for refusal were given, as follows:

Reason 1: Tackling the Climate and Nature Crisis

The formation of a car park not associated with any new development on an area of informal open space, conflicts with the requirements of Policy 1 (Tackling the Climate and Nature Crises) of National Planning Framework 4 (NPF4), which requires significant weight to be given to the global climate and nature crises. It furthermore conflicts with Policy 2 (Climate Mitigation and Adaptation), which requires development proposals to be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible.

Despite other biodiversity enhancements taking place on the James Hutton Institute unrelated to this development, the car park results in the permanent loss of open space, to the detriment of biodiversity. Proportionate to the scale of the development, the proposal conflicts with the aims of Policy 3 (Biodiversity) of NPF4.

Reason 2: Sustainable Travel and Parking

The proposal comprises a permanent car park not associated with any new development, in direct conflict with Policy T3 (Parking) of the Aberdeen Local Development Plan 2023. There is insufficient evidence to demonstrate that it is necessary to address existing and future transport requirements, taking into account the requirement of Policy 13 (Sustainable Transport) of NPF4 for proposals to be considered in line with the sustainable and active travel hierarchy, which promotes walking, wheeling, cycling, public transport and shared transport options in preference to single occupancy private car use for the movement of people. Commensurate with its scale, the proposal incentivises and thus likely increases reliance on private car travel to the surrounding uses, disincentivising the use of more sustainable modes of travel, including local public transport. The development therefore conflicts with Policy 13 (Sustainable Transport) of NPF4 and Policy T2 (Sustainable Transport) of the ALDP.

Reason 3: Loss of Open Space

The car park results in the loss of the open space as a public amenity, which supported local biodiversity and contributed to the local landscape character, in conflict with the aims of Policy

20 (Blue and Green Infrastructure) of NPF4 and Policy NE2 (Green and Blue Infrastructure) of the ALDP.

Reason 4: Visual Amenity and Placemaking

Whilst the site is not in a prominent location, the absence of soft and hard landscape design, and the finish in hardcore aggregate and mats, have an informal appearance that detract from the visual amenity of the area, in conflict with the aims of Policies 14 (Design, Quality and Place) of NPF4, and Policies D1 (Quality Placemaking) and D5 (Landscape Design) of the ALDP.

- 5.2 The 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 the Planning Service's decision should be overturned.

Reason 1: Tackling the Climate and Nature Crisis

- 5.3 The first reason for refusal places significant weight on NPF4 Policies 1, 2 and 3 and the need for the proposal to address the global climate and nature crises and to minimise life-cycle greenhouse gas emissions. The Report of Handling specifically states that the proposal does not support these policies because it incentivises and thus likely increases reliance on private car travel and disincentivises sustainable modes of transport. It further states that "the development results in the permanent loss of open space, to the detriment of biodiversity".
- 5.4 The Report of Handling argues that the assessment of the proposal against NPF4 Policies 1, 2 and 3 is proportionate to the scale of the development. While the appellant acknowledges the importance of these policies, it contends that the Planning Service's application of these individual policies to the appeal scheme is completely disproportionate to the site context, nature and scale of the use, and public benefits; explained subsequently.
- 5.5 The appeal site is situated in an inconspicuous position of the campus, out the back of existing James Hutton Institute storage sheds and greenhouses, and on a piece of land that has previously been used for outdoor storage purposes linked to these sheds. Per section 2 above, prior to the conversion of the site to a temporary car park, it was already degraded by areas of hardcore. The site thus provides an insignificant contribution toward biodiversity and local wildlife and the proposal would cause little to no biodiversity loss. Notwithstanding, given the existing car park is constructed with low impact temporary materials (gravel hardcore and ground protection matting), there is scope for a condition to be set to require the appellant to make the car park permanent and integrate biodiversity enhancements such as wildflower margins or tree planting.
- 5.6 It is noteworthy that the appellant is in discussions with Councillor Martin Greig and representatives from the Aberdeen City Council Countryside Rangers Service regarding opportunities for biodiversity enhancement planting around Couper's Pond and surrounding areas, including the proposed car park. The appellant is currently setting up a working group to develop this biodiversity enhancement plan. As mentioned above, if this appeal is allowed, said plan could be submitted to Council for approval in accordance with a reasonable pre-commencement condition.
- 5.7 Turning now to the land use, the proposed car park is ancillary to the wider operations of the Craigiebuckler Campus and will provide intermittent overflow car parking for the James Hutton Institute (e.g. during occasional events and conferences) and for the existing surrounding community uses and public. The principle of the proposed development is therefore acceptable under ALDP Policy CF1, which supports the principle of extensions to existing research institute sites and community uses. As the development is ancillary to an existing, nationally important research institute and will support the surrounding community uses, it is not a standalone car-

dependent development or major new traffic-generating land use. On the contrary, the intermittent and sporadic nature of the use means that it will have a low overall frequency of use and limited additional traffic as it would provide an operational necessity for occasional demand.

5.8 In addition to being low impact in nature, the proposal will deliver wider public benefits that contribute toward the strategic intent of NPF4. These benefits were highlighted throughout the planning application material lodged by the appellant and are summarised below:

- **Supporting the parking needs of existing community uses/facilities:** The car park would provide an additional overflow parking area for parents picking up and dropping off their kids at the adjoining First Class Nursery and Scout Hut. Both these community facilities have limited parking options which is causing road safety issues and widespread indiscriminate parking on the surrounding residential streets. The statement from First Class Nursery (3rd March 2025) confirmed that the existing nursery car parking facility is not sufficient to accommodate the parking needs of the nursery, which forces staff and families to park on Macaulay Drive. This causes safety issues for families with multiple children having to exit onto the road instead of in a safe environment within the campus grounds. This proposed occasional car park will help manage that indiscriminate parking and provide a safer off-street overflow parking solution for both the Nursery and the Scout Hut.
- **Local community car parking:** The car park will be available for use in the evenings and weekends by local members of the public attending the Scout Hut or using the green spaces such as Couper's Pond and the core path network in the surrounding area (e.g. dog walkers). This use of the car park was already apparent during its initial temporary use. Providing publicly accessible car parking encourages the surrounding community to use the facilities available at the campus which aligns with the James Hutton Institute's overarching Open Science Campus vision. Offering shared local use of the overflow car park for enhanced access to the surrounding community uses and for those walking and cycling in the surrounding local greenspaces accords with the NPF4 Policy 25 principles of Community Wealth Building.
- **Supporting the Just Transition Hub:** As outlined in the Report of Handling and the supporting material lodged with the planning application, the existing research institute building is undergoing extensions and refurbishments known as the Just Transition Hub development (application reference: 240842/DPP). The Just Transition Hub is a Scottish Government funded project that is supported by the NPF4 regional spatial strategy for the North East of Scotland. This is because the state-of-the-art facility will be a catalyst for stimulating research activities that positively support the Scottish Government's just transition to net-zero. Once the Just Transition Hub is operational, an overspill parking area will be required to manage surplus car parking during occasional events or conferences that take place within the new conference rooms and exhibition spaces. These conference rooms have a capacity of up to 204 seats where there are only 69 spaces available within the existing car park. The importance of the proposed overflow car park for facilitating events at the Just Transition Hub should therefore not be understated as the likely alternative would be for this potential surplus car parking to take place informally elsewhere on the campus or in the surrounding streets. The contribution the proposal will have toward the operational efficiency of the campus and facilitating sustainable research and educational activities performed at the James Hutton Institute hub building aligns with the strategic vision of NPF4 for supporting the just transition to net-zero.

5.9 Overall, the small-scale, intermittent use overflow car park does not undermine climate mitigation goals and therefore reduced weight should be placed on NPF4 Policies 1, 2 and 3. Applying NPF4 Policies 1, 2 and 3 with excessive rigidity to a low impact overflow carpark could impact on the functioning of the institute and the wider sustainable research operations that are undertaken

at the campus. Taking a more proportionate and pragmatic approach that balances the planning merits of the case (rather than focusing on individual policies), is more in line with the spirit of NPF4 and the Chief Planner's instructions to consider NPF4 as a whole (refer to Appendix 3). In light of the above, we submit that the key benefits of the appeal scheme should be given more weight than what was credited in the Report of Handling and NPF4 Policies 1, 2 and 3 should not have been used as a reason to refuse the application.

Reason 2: Sustainable Travel and Parking

- 5.10 This reason for refusal is split into two parts. The first part focusses on the conflict with ALDP Policy T3, which requires proposals for car parks to be associated with "new development". The second part is based on the Planning Service's view that the proposal does not meet the sustainable and active travel hierarchy under NPF4 Policy 13 and ALDP Policy T2. This reason for refusal is again based on a rigid policy interpretation and gives limited consideration of the pragmatic operational need for the intermittent use overflow car park to support the surrounding community uses and Just Transition Hub development.
- 5.11 In the first instance, while the overflow car park does not meet the strict test in Policy T3 (i.e. being linked to "new development"), appropriate planning balance should be applied that considers the key benefits the overflow car park will have toward supporting the existing community uses and occasional events at Just Transition Hub (set out under section 5.8 above). These benefits are considered outweigh this policy tension, particularly when considering the infrequent low impact nature of the use, the broader developed context of this part of the campus, and the nationally significant sustainable research operations that the Institute performs.
- 5.12 Further to the above, although the proposal is not directly linked to new development, it will not generate additional traffic. The proposal will simply provide an operational safeguard that will allow for overspill car parking to be taken off the street on busy days at the Nursery and Scout Hut or during events at the Just Transition Hub. These existing uses already have committed traffic levels that are not changing as a result of the proposed car park.
- 5.13 The Report of Handling suggests that the need for the car park has not been sufficiently evidenced. The appellant contends that sufficient evidence commensurate to the nature and scale of the proposal was submitted in support of the application. The letter from First Class Nursery (3rd March 2025) is key first-hand evidence of the existing car parking issues around the Nursery and on the surrounding residential streets. It clearly states that the Nursery has 20 car parking spaces and 40 staff that all drive to work. Furthermore, it states that both staff and families are forced to park on Macaulay Drive which is causing road safety issues, particularly during peak school pick-up and drop-off hours at Airyhall Primary. The limited weight given to this letter is unfair and clearly demonstrates the lack of pragmatism adopted in the Planning Service's assessment of the application.
- 5.14 As mentioned formerly, the conference rooms within the Just Transition Hub will have an indicative capacity of 204 seats. If these conference rooms are fully occupied during events, there will also be an obvious operational need for the proposed overflow car park. This is particularly the case given the nature of the Institute's work, which often involves specialist visitors and researchers with equipment travelling to the Craigiebuckler Campus by car from locations throughout the UK. Overall, the car parking pressures that the campus could face if there is no overflow car parking facility available is self-evident and further evidence to support the need for the occasional use car park is unwarranted.
- 5.15 It is noted that a far greater level of additional car parking was previously planned for this part of the campus grounds under the Craigiebuckler Planning Brief (refer to Appendix 2). This Planning Brief was adopted as a development framework for the campus in 2005 to guide and manage

the long-term development of the campus. Per the Planning Brief, an expansion of the existing car parking provision was always envisioned for the north-eastern corner of the campus grounds, as follows:

“Expansion of the existing car parking provision (149 spaces in the main car park, 17 visitors spaces, 21 overflow spaces and 70 spaces in the North-east corner) to around 422 spaces through retention and expansion of the main car park, provision of a new overflow car park at the new access point, car parking at each building plot in the south field and distribution of the remaining provision throughout the site and in the north-east corner” (Craigiebuckler Planning Brief, pg. 7) *emphasis added

- 5.16 Figure 5 shows the expansion plans for the north-eastern side of the campus, as envisioned under the Craigiebuckler Planning Brief. Per Figure 5, the appeal site was originally planned to accommodate a large storage facility, with increased car parking located between the existing glass house and Cunningham Building (now the Nursery). However, given the level of outdoor play space in front of the Nursery building, it is more logical to locate this additional car parking behind the storage sheds.

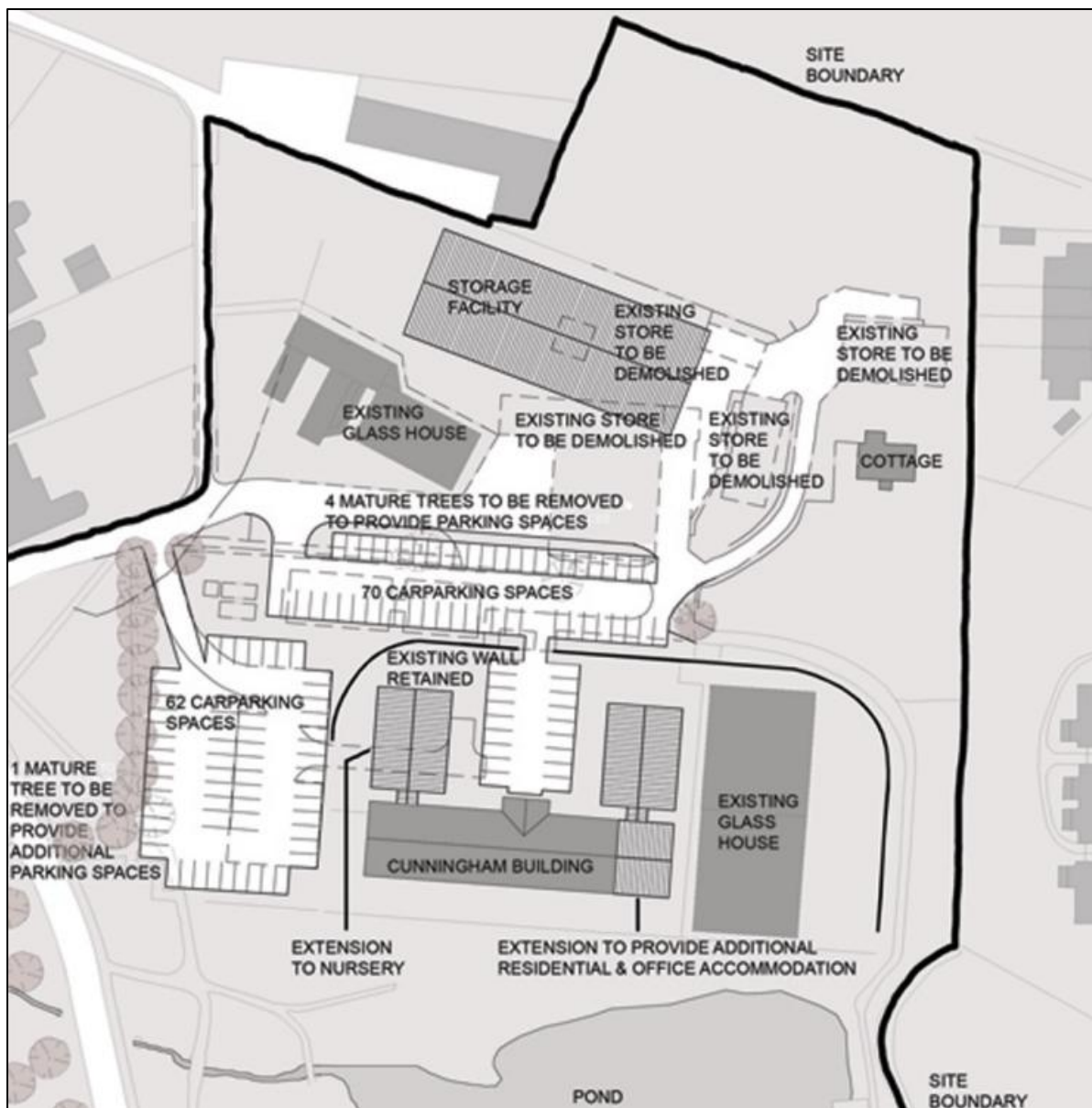


Figure 5: Agreed Development Framework for the north-eastern corner of the campus (Source: Craigiebuckler Planning Brief)

- 5.17 Turning now to the sustainable travel hierarchy under NPF4 Policy 13 and ALDP Policy T2. The proposed overflow car park does not conflict with the Institute's commitments towards sustainable transport and reduced road transport emissions, set out within the approved Green Travel Plan. While the Green Travel Plan encourages use of alternative sustainable modes of travel, it is notable that there is a clear lack of direct and convenient public transport options available to the campus from the surrounding area. This lack of service is a common issue that is raised by staff at the Institute. Therefore, a balanced travel solution is required which necessitates the proposed overflow parking area, particularly for events that will take place outside of standard business hours when public transport is less frequent.
- 5.18 We recognise that the Planning Service would not agree to a condition limiting the use of the car park for overflow parking for the Just Transition Hub, First Class Nursery and the Scout Hut due to the unenforceability of this condition. However, said restrictions could be enforced by the James Hutton Institute groundskeeping staff. These private restrictions could be worked into an Operational Parking or Traffic Management Plan that could be lodged subject to a reasonable pre-commencement condition.
- 5.19 Overall, the appellant submits that there is a demonstrable need for the proposed intermittent use overflow car park as it will support the existing surrounding community uses and events within the Just Transition Hub. Sufficient evidence has been lodged to prove this need and outweighs any tension with ALDP Policy T3. Furthermore, the proposal does not contradict the sustainable transport aims of the wider campus under the Green Travel Plan. This is particularly the case given it will accommodate occasional overflow parking rather than attracting new journeys. The proposal therefore does not conflict with NPF4 Policy 13 and ALDP Policy T2. The appellant is willing to accept a condition requiring the submission of an Operational Parking or Traffic Management Plan to ensure that the proposed car park is appropriately managed and limited to overflow and community use parking only.

Reason 3: Loss of Open Space

- 5.20 The third reason for refusal is based on the purported loss of public open space which is considered by the Planning Service to conflict with the aims of NPF4 Policy 20 and ALDP Policy NE2. The Report of Handling specifically refers to the site as being 'amenity – business' open space under the Open Space Audit 2010. The appellant strongly disagrees with this claim.
- 5.21 From the outset, the site is not designated under the ALDP as protected open space (i.e. it is not in the Green Space Network or Urban Green Space). Therefore, only limited weight should be given to ALDP Policy NE2 if the site was indeed open space, which it is not.
- 5.22 As set out in the letter from the James Hutton Institute (6th May 2025), the site has only ever functioned as a temporary storage and laydown area due to its position in the maintenance area of the campus, behind the storage sheds and greenhouses. The site has never functioned as 'amenity – business' open space nor has it ever provided any informal recreational value for the campus. The letter from the James Hutton Institute confirms that the primary recreational open spaces are located around Couper's Pond to the south and around the main research building; however, even these spaces are under private ownership despite being open for use by the community. Refusing the application on the grounds of the loss of open space, without giving credit to the statement from Hutton that this part of the site has never been used as open space, is an unfair and unreasonable application of policy.
- 5.23 It is noteworthy that open space was never raised as an issue within the Planning Service's assessment of recent applications elsewhere within the campus grounds, including 221419/DPP

and 231370/DPP, despite these areas of the campus being in a more prominent and accessible position of the campus.

- 5.24 Therefore, the appellant contends that the proposal does not conflict with ALDP Policy NE2 or NPF4 Policy 20 as these policies do not have any relevance to the appeal site. Accepting the Planning Service's position could undermine the intent of the development plan by setting a precedent where any undeveloped land, regardless of designation, could be treated as protected open space.

Reason 4: Visual Amenity and Placemaking

- 5.25 The final reason for refusal is based on the Planning Service's view that the informal appearance of the car park detracts from the visual amenity of the area, thereby conflicting with the aims of NPF4 Policy 14 and ALDP Policies D1 and D5. The Report of Handling again refers to the site as undeveloped 'open space' that is readily visible from the north, east and west. It then contradictorily recognises the site is "not in a prominent location".
- 5.26 The appellant agrees with the Planning Service's statement that the appeal site is not in a prominent location. As mentioned throughout this Statement of Case, the appeal site is tucked away in behind the existing Institute maintenance and storage sheds and greenhouses and is consequently not readily visible from the street. Given the position of the car park in a relatively well contained and screened location, any potential visual impacts on the surrounding landscape or built environment are considered to be negligible. Furthermore, as suggested above, the appellant is willing to accept a condition that requires landscape planting to be integrated throughout the car park, that way it can better nestle into the setting of the wider campus.
- 5.27 Reference is drawn back to the Craigiebuckler Planning Brief. Per the Brief, the north east corner of the campus was originally planned to accommodate additional car parking and a large storage shed in the position of the proposed car park (refer to Figure 5 above). The layout planned for this part of the campus under the Brief would arguably have had a greater potential visual impact on the character of the area and is thus an important material consideration.
- 5.28 In light of the above, the appeal scheme is not considered to cause adverse impacts on the visual amenity of the area. Therefore, the Planning Service's position that the proposal conflicts with the aims of NPF4 Policy 14 and ALDP Policies D1 and D5 is unfounded. As set out earlier, the appellant is willing to accept a pre-commencement condition requiring the submission of landscape and biodiversity planting details to ensure that the car park is appropriately softened.

6. Conclusion

- 6.1 In conclusion, the evidence produced within this Statement of Case and the supporting documentation submitted with the planning application (241146/DPP) is considered to sufficiently demonstrate that the proposed intermittent use overflow car park will support the strategic direction and policy principles of NPF4 and the ALDP in the following ways:
- The proposed car park is ancillary to the wider operations of the Craigiebuckler Campus. Given ALDP Policy CF1 supports extensions to existing research institute sites and community uses, the principle of the proposed development is acceptable.
 - The intermittent/occasional use overflow car park will improve community accessibility to the campus and the surrounding community facilities, green spaces and core path network in accordance with the James Hutton Institute's Open Science Campus vision. It will also provide a safer off-street overflow parking solution for the Nursery, Scout Hut

and new Just Transition Hub, which are demonstrated herein to have an operational need for the proposed overflow car park. Offering shared local use of the overflow car park accords with the Community Wealth Building principles of NPF4 Policy 25.

- The car park will help improve the operational efficiency of the Just Transition Hub facility (application reference: 240842/DPP) by providing an overspill parking option for events and conferences. The proposal will therefore contribute toward facilitating the sustainable nature-based research and educational activities carried out in the Just Transition Hub. It thus inherently supports the just transition to net-zero, as promoted by the national spatial strategy of NPF4.
- The proposal will provide an operational safeguard that will allow for overspill car parking to be taken off the street on busy days at the Nursery and Scout Hut or during events at the Just Transition Hub. It will not impact on the sustainable transport aims of the wider campus under the approved Green Travel Plan. Restrictions on the use of the car park for overflow and community use parking could be worked into an Operational Parking or Traffic Management Plan that could be lodged to Council for approval subject to a reasonable and relevant pre-commencement condition.
- The proposal aligns with the development framework set out under the Craigiebuckler Planning Brief for expanded car parking in the north-eastern corner of the campus.
- The development will not result in the loss of open space or public amenity land given the site has never served an open space function and does not fall within the Green Space Network or Urban Green Space designations.
- Suitable biodiversity enhancement planting can be accommodated around the car park and at Couper's Pond subject to a reasonable and relevant pre-commencement condition (biodiversity enhancement works around Couper's Pond are already being investigated).
- The appeal site is situated in an inconspicuous position of the campus, out the back of existing storage sheds and greenhouses. As such, it will not cause adverse visual amenity impacts on the surrounding area.

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 – NPF4 and ALDP Policies

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 3: Biodiversity

- a) 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.
- b) Development proposals for national or major development, or for development that requires an Environmental Impact Assessment will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. This will include future management. To inform this, best practice assessment methods should be used. Proposals within these categories will demonstrate how they have met all of the following criteria:
 - i. the proposal is based on an understanding of the existing characteristics of the site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats;
 - ii. wherever feasible, nature-based solutions have been integrated and made best use of;
 - iii. an assessment of potential negative effects which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements;
 - iv. significant biodiversity enhancements are provided, in addition to any proposed mitigation. This should include nature networks, linking to and strengthening habitat connectivity within and beyond the development, secured within a reasonable timescale and with reasonable certainty. Management arrangements for their long-term retention and monitoring should be included, wherever appropriate; and
 - v. local community benefits of the biodiversity and/or nature networks have been considered.
- c) Proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development. Applications for individual householder development, or which fall within scope of (b) above, are excluded from this requirement.
- d) Any potential adverse impacts, including cumulative impacts, of development proposals on biodiversity, nature networks and the natural environment will be minimised through careful planning and design. This will take into account the need to reverse biodiversity loss, safeguard the ecosystem services that the natural environment provides, and build resilience by enhancing nature networks and maximising the potential for restoration

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 14: Design, Quality and Place

- a) Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.

- b) Development proposals will be supported where they are consistent with the six qualities of successful places:
- Healthy:* Supporting the prioritisation of women's safety and improving physical and mental health.
- Pleasant:* Supporting attractive natural and built spaces.
- Connected:* Supporting well connected networks that make moving around easy and reduce car dependency
- Distinctive:* Supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity.
- Sustainable:* Supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions.
- Adaptable:* Supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can be changed quickly to accommodate different uses as well as maintained over time. Further details on delivering the six qualities of successful places are set out in Annex D.
- c) Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported

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 20: Green and Blue Infrastructure

- a) 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. The planning authority's Open Space Strategy should inform this.
- b) Development proposals for or incorporating new or enhanced blue and/or green infrastructure will be supported. Where appropriate, this will be an integral element of the design that responds to local circumstances. Design will take account of existing provision, new requirements and network connections (identified in relevant strategies such as the Open Space Strategies) to ensure the proposed blue and/or green infrastructure is of an appropriate type(s), quantity, quality and accessibility and is designed to be multi-functional and well-integrated into the overall proposals.
- c) Development proposals in regional and country parks will only be supported where they are compatible with the uses, natural habitats, and character of the park.

- d) Development proposals for temporary open space or green space on unused or under-used land will be supported.
- e) Development proposals that include new or enhanced blue and/or green infrastructure will 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.

Policy 25: Community Wealth Building

- a) Development proposals which contribute to local or regional community wealth building strategies and are consistent with local economic priorities will be supported. This could include for example improving community resilience and reducing inequalities; increasing spending within communities; ensuring the use of local supply chains and services; local job creation; supporting community led proposals, including creation of new local firms and enabling community led ownership of buildings and assets.
- b) Development proposals linked to community ownership and management of land will be supported

Aberdeen Local Development Plan (ALDP)

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 CF1: Existing Community Sites and Facilities

This policy applies to both land zoned as CF1 and to health, education and other community facilities located within other Local Development Plan zonings.

The following existing uses shall be used primarily for that use and/ or related purposes;

- Healthcare sites;
- Nursery, primary, secondary and special school land and properties;
- Further education and research institute sites;
- Community buildings such as libraries, community halls, and recreational centres
- Cultural facilities such as theatres and music venues

Proposals for new or extensions of these uses on these sites will be supported in principle. Proposals for a mortuary at the Foresterhill complex will be accepted in principle.

Where land or buildings fall out of use or become surplus to current or anticipated future requirements, alternative uses which are compatible with adjoining uses and any remaining community uses, will be permitted in principle. Large sites or sites in sensitive locations will be subject to a Planning Brief or Masterplan.

Where a CF1 area (see Proposals Map) contains uses other than that for which the area has been designated (and these uses make a positive contribution to the character and community identity of the area), any proposals for development or changes of use (whether or not for the community use recognised in the designation) will be opposed if a likely result would be significant erosion of the character of the area or the vitality of the local community

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.

Policy D2: Amenity

In order to ensure provision of amenity the following principles will be applied. Development will be designed to:

- make the most of any opportunities offered by the site to optimise views and sunlight through appropriate siting, layout and orientation;
- ensure that occupiers are afforded adequate levels of amenity in relation to daylight, sunlight, noise, air quality and immediate outlook;
- have a public face to the street to ensure natural surveillance, and active street frontages;
- ensure that refuse and recycling facilities, cycle storage, low and zero carbon technology, plant and services are sensitively integrated into the design;
- ensure that external lighting minimises light spillage into adjoining areas and the sky.

Residential developments will also:

- ensure that occupiers are afforded adequate levels of privacy;
- ensure minimum standards for internal floor space and private external amenity space in terms of quantity and quality;
- provide no less than 50% usable amenity space where it is necessary to provide car-parking within a private court. Underground and/or decked parking will be expected in higher density schemes;
- ensure minimal shading of external private and public spaces;
- ensure all residents have access to usable private/ semi-private open spaces and sitting-out areas provided by way of balconies, terraces, private or communal gardens;
- have a private face to an enclosed garden or court to ensure a sense of safety and enclosure.

Further guidance can be found within Aberdeen Planning Guidance: New Developments, and Landscape.

Policy D5: Landscape Design

Development proposals will be designed with an effective, functional and attractive landscape framework supported by clear design objectives. The level of detail required will be appropriate to the scale of development. Landscape design will:

- be integrated early into the layout and design of the site, informing the spatial arrangement of both built and natural elements;
- ensure a sense of place is maintained and enhanced through an assessment of the site and its surrounding landscape/seascape/ townscape character; and sympathetically incorporate existing key characteristics and features that contribute to landscape/seascape/ townscape character;
- mitigate any negative landscape and visual impacts;
- ensure physical connectivity to adjoining and nearby green spaces, buildings and features;
- maximise adaptation and resilience of the built and natural environment to the effects of climate change, and mitigate the impacts of climate change;
- protect and enhance biodiversity by designing the spatial arrangement of new and existing habitats to maximise connectivity between habitats within and around the site, including the design of SuDS, and through the careful use of informed habitat creation and planting design techniques;
- impact positively on health and wellbeing; ensure active travel routes and areas of recreational / open space are designed to be well connected, inclusive and safe; and help to mitigate air, light and noise pollution.
- be designed for low maintenance where feasible and appropriate to the design objectives.

Applications for new development must include a statement of landscape design objectives, hard and soft landscape design plans and specifications, and detailed maintenance proposals.

Further guidance can be found in the Aberdeen Planning Guidance: Landscape

Policy NE2: Green and Blue Infrastructure

Green Space Network

Development proposals will seek to protect, support and enhance the Green Space Network (identified on the Proposals Map). This broadly encompasses the wildlife, biodiversity, ecosystem services & functions, access, recreation, landscape and townscape value of the Green Space Network. Development that does not achieve this will not be supported.

Coherence of the Green Space Network should also be maintained when considering any development and infrastructure proposals. Where infrastructure projects or certain developments necessitate crossing the Green Space Network, they should maintain and enhance the coherence and quality of the network. In doing so, appropriate provision should be made for access across roads for wildlife and outdoor recreation.

Masterplans will determine the location, extent and configuration of the Green Space Network within the area, and its connectivity with the wider network

Urban Green Space

We will protect, support and enhance the city's Urban Green Space (parks, playing fields, sports pitches, outdoor sport facilities, woods, food-growing spaces, or all other areas including smaller spaces not identified on the Proposals Map such as amenity space or garden ground). Development proposals that do not achieve this will not be supported.

Exceptions may be made when a suitable alternative and equally convenient and accessible area for public space is provided by the applicant for Urban Green Space purposes, for example through the replacement of school buildings, within the locality of the site. Where proposals would affect an outdoor sports facility, development may also be acceptable where it would be ancillary to and/or not affect its current and potential principal use for sport and training; or a clear excess of provision is demonstrated. In all cases, development will only be acceptable if it meets criteria set out in the Aberdeen Planning Guidance: Open Space and Green Infrastructure

Open Space in New Development

We will require the provision of biodiverse, usable and appropriate open space in new developments to ensure functionality. Please see Aberdeen Planning Guidance: Open Space and Green Infrastructure for information on how to calculate open space requirements, as well as different types of provision (including food-growing) and the expected accessibility and quality standards.

We will seek open space provision in all developments, including on brownfield sites. It may not be possible to increase the amount of open space on some brownfield sites, for example where existing buildings on the site are being retained. In these cases, appropriate design solutions to deliver on-site amenity will be sought in the first instance and commuted sums towards off-site provision or enhancement of existing open spaces will be sought where appropriate.

In areas where the Open Space Audit has shown that there is opportunity for improvement of existing open space, contributions may be sought to enhance existing provision instead of new provision being required. The Open Space Audit and Strategy provides details of any improvements or enhancements that may be required to open spaces in different areas of the city, and how the linkages between them may be improved. Further guidance is included in Aberdeen Planning Guidance: Open Space and Green Infrastructure.

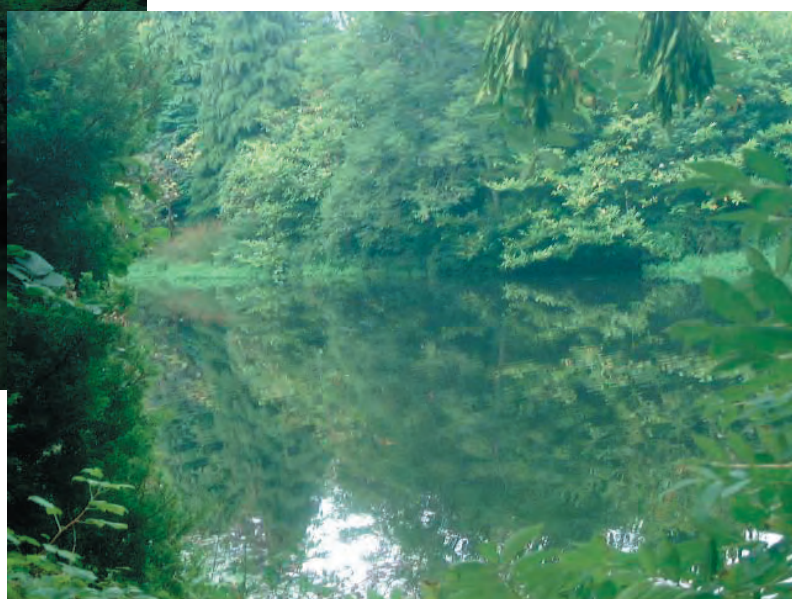
Outdoor Access and Core Paths

New development will maintain and enhance the integrity of existing access rights to; land and water, Core Paths, other paths and rights of way, or safeguard potential access opportunities to these. This includes any impacts on access during the construction, operation, decommissioning and reclamation phases of development.

In exceptional circumstances routes may be affected by development. In these cases, it will be necessary to maintain their condition, enhance their amenity value, or provide an alternative path or access (which links the same locations) that is safe, high quality and convenient for the public to use.

Development proposals should include new or improved provision for public access, permeability, and links to the core path network and green spaces for recreation and active travel within their design. We may seek Developer Obligations for Core Paths where appropriate.

Further information about the standards of infrastructure required are set out within Aberdeen Planning Guidance: Open Space and Green Infrastructure.



Macaulay Land Use Research Institute

Craigiebuckler Planning Brief

December 2005

1. Purpose and Background

Purpose

This planning brief, for the Macaulay Land Use Research Institute's Craigiebuckler site, has been prepared with a view to securing the support of Aberdeen City Council for an overall development framework to guide and manage the long term development of the Craigiebuckler site. Such a framework will make a positive contribution to securing the scientific and financial future of this important research facility. The agreed planning brief will form the context for subsequent planning applications for individual development projects at the site.

The planning brief reflects the Institute's strategy of seeking to create, at Craigiebuckler, a broad centre of excellence in environmental research, management and business. The Institute would intend to progress the further development and management of the site through a subsidiary company of the Macaulay Development Trust (the Trust), a registered charity with the sole purpose of supporting the development of the Institute.

Background

The planning brief builds on earlier technical consultations with the City Council's planning and transportation officers. That consultation process highlighted a number of areas that needed to be assessed in more detail. These were:

- ***The preference for a simple approach to the planning brief document.*** This request has been taken into account with this brief now having a short, clear format.
- ***The necessity for a Transportation Assessment (TA) to justify the scale of development.*** There was a concern that the local road network might not be able to cope with the associated increase in traffic. A TA was commissioned, with an expanded scoping stage to check the local network capacity against this emerging brief, and the outcome of the TA scoping report is included in this planning brief.
- ***Whether the site could physically take the scale of development proposed.*** The concern was not the principle of the developments, but rather, whether the building developments and car parking could be physically fitted into the available land. To address this concern the planning brief is now supported by more detailed "block plan" drawings for each proposed development area.
- ***The involvement of the local community.*** The Institute has already been consulting its own staff. The Institute is committed to future active facilitation in the local public participation that will be organised by the City Council Planning Department in line with the Council's own standard procedures

This planning brief has addressed each of these areas and it now represents the Institute's preferred development framework for the Craigiebuckler site.

2. Site History

The Institute's Craigiebuckler site originates from the 1870's when John Couper used the profits from his family civil engineering business in China to develop the Craigiebuckler Estate and to plant many fine tree specimens from across the world. This created the landscape setting that exists today.

The Estate was acquired by the Macaulay Institute for Soil Research, with funding from T B Macaulay (an expatriate Scot born in Canada), to establish a soil research and demonstration station. The original Craigiebuckler House was retained and the main Institute facilities were developed in the northern part of the site following a financial support agreement with the then Scottish Office.

The Institute changed its name to the Macaulay Land Use Research Institute in 1987 when it merged with the Hill Farming Research Organisation (originally based in Edinburgh). In 1992/93 the Institute disposed of the northern part of the site for residential accommodation, and the current facilities were built adjoining the original Craigiebuckler House.

Two additional areas of land were disposed for residential development in 1997 (to the east of Macaulay Drive) and in 2000 (the central frontage on Countesswells Road).

3. Site Description

The Craigiebuckler site is shown on Drawing 1. It is located to the west of the City Centre, near the western boundary of the existing urban edge. The site area is approximately 10.58 hectares (26.1 acres) gross.

The site boundaries are defined by Countesswells Road to the south, Macaulay Drive and the eastern edge of the pond area and the former walled garden to the east, an unadopted lane to the west (beyond which is an extensive housing area), and by housing to the north (beyond which is a green corridor that was the route of the long abandoned Culter by-pass road project).

As a consequence of its development history the site is irregular in shape. The main Institute facilities are located at the northern central area, ancillary facilities are in the north-east corner and there are two undeveloped plots facing Countesswells Road. The entire site is heavily landscaped with an impressive range of native and exotic tree species. The Trust has commissioned a full, detailed tree survey and a copy of this has been lodged with the Council's Planning Department. The management of the existing landscape at Craigiebuckler is overseen by an Environment Committee drawn from the Institute's staff.

4. Planning Policy Background

All planning applications for future development on the Craigiebuckler site will be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan currently comprises the Approved Aberdeen and Aberdeenshire Structure Plan 2001 – 2016 (also known as North East Scotland

Together or NEST), and the Adopted Aberdeen City District Wide Local Plan 1991. Under the Adopted Local Plan the Craigiebuckler site is allocated under policy ER1, Further Education and Research uses. In March 2004 the City Council approved a new Finalised Draft Local Plan and this has been placed on deposit in August 2004. This new Plan allocates the Craigiebuckler site under Policy 41 "Existing Community Sites and Facilities". It is considered that this planning brief will comply with the emerging Development Plan policy framework.

All of the trees on the site are protected by a Tree Preservation Order (TPO) and all new development must be located or carried out in such a manner as to minimise the loss of and impact on the trees.

5. The Proposed Development Scheme

Development Zones

The range of possible development projects has been assessed through the drawing up of detailed block plans showing how both buildings and car parks could be incorporated within the site. The broad focus of the new projects would be the provision of additional research and related facilities for the Macaulay Institute and partner organisations, and the provision of offices/labs for other environmental agencies, organisations or companies. These development projects would envisage the number of people working on site increasing from around 300 to around 700 over the next 5 – 10 years (depending on the detail of the projects). As a result of this assessment work it is now proposed that development should only be considered within three development blocks. These development blocks are:

- ***Drawing 2: Development linked to or adjacent to the south-west corner of the main Institute building.*** The main Institute facility consists of the original 2 storey Craigiebuckler House, a substantial modern building on five levels and surrounding an open courtyard to the north and west of the House, and a small single storey eastern extension to the main building. It is proposed to develop an additional 3 storey building immediately adjacent to or adjoining the south-west corner of the existing main building. This new building could also involve the use of the courtyard. This new building is currently envisaged as the proposed location for the ACES (Aberdeen Centre for Environmental Sustainability) project which is a collaboration between the Macaulay, The University of Aberdeen and The Centre for Hydrology and Ecology of the Natural Environment Research Council. Thus, it would be used for science research, administration and support facilities. It is intended to minimise the impact on the existing main car park which will be retained.

- ***Drawing 3: Development of the south-west field fronting Countesswells Road.*** This is currently an open aspect, grassed field with a significant tree belt to Countesswells Road. It is proposed to develop a total of two or three 2 storey business park type buildings, split between either side of a new one-way access road, in a way that respects the topography of the site and that will create a high quality environment. Car parking will be distributed around the buildings and there will be high quality hard landscaping finishes.

- **Drawing 4: Development in the north-east corner.** This area currently houses the Institute's ancillary facilities including garages, greenhouses and a modern office/residential block. Over time it is proposed to rationalise these facilities into a more modern layout and to introduce one or two single or two storey buildings, possibly as extensions to the existing Cunningham House, to accommodate an expanded nursery, additional student/visiting worker hostel provision, science and commercialisation functions. The Trust's Board and the Institute are of the view that development in the north-east corner is a longer term project. There are no development proposals for the open space area in the far north east corner.

The Trust currently has no plans to release any further parts of the Craigiebuckler site for residential development. However, should this strategy change in the future, the potential for releasing all or part of the north-east corner for residential development would be the first option that would be explored.

Design Principles

A series of design principles have been developed to guide future developments on the Craigiebuckler site. These are set out below under a series of headings

- **Design Guidance.** The fundamental principles of any development on the site will seek to address the following design objectives
 - Creating a 21st century environmental research campus/centre of excellence in line with the long standing reputation of the Macaulay Institute
 - Ensuring that sound environmental sustainability principles are built into the overall development of the site and the proposed individual developments (using BREEAM assessments in the latter case)
 - Maintaining, managing and enhancing the diverse range of protected trees in the site, and respecting the existing range of flora and fauna, so as to maintain the special environmental quality of the location
 - Improving the accessibility of the site
 - Minimising the impact of development on adjacent residents
- **Layout and Materials.** It is intended that the layout of new development will be in accordance with this planning brief. Individual development projects will seek opportunities to incorporate sustainable design principles – in the use of energy, materials and insulation – and sustainable management of the construction sites. The existing palette of building materials, mainly stone, slate, glass and claddings, will be enhanced by a limited range of additional materials and textures to add a little variety to the site in a coherent manner and to maintain the mature feel of the site. Overall the intention would be to develop the buildings as pavilions within a landscape, using a limited palette of high quality, sustainable materials.
- **Landscape and Boundary Treatment.** Currently the site is well screened, especially at the boundaries, from the neighbouring housing. The current boundaries to Macaulay Drive, to the northern boundary of the Wimpey housing, and to the housing to the north will be unaffected by the proposed development blocks. The main central section of the site from the pond to Craigiebuckler House will be unaffected. However, it is inevitable that the implementation of the three development blocks will impact on some existing trees within the site, especially on the western boundary, the

Countesswells Road boundary and the western boundary of the Wimpey housing. The existing trees are protected by a TPO, and the Council have advised that the value of the trees on the site lies in the overall effect that they create throughout the estate, rather than in any individual specimen. In recognition of this the Trust has already enhanced the tree planting subsequent to the sale of ground to Wimpey, and more recently the Trust commissioned a full tree survey of the site (in March and April of this year) to inform future tree management. It is also the intention of the Trust to commission the design and implementation of an overall tree enhancement and planting scheme for the whole estate. Part of this scheme would include the provision of 5 metre wide tree belts on the western boundary and on the boundary with the western edge of the Wimpey housing. This planting scheme would be submitted for the approval of the Council as Planning Authority, and the implementation would be phased around the development programme. In this way the Trust would make a positive contribution in the evolution of the landscape of the estate. In addition the Macaulay or subsequent developers should reconfirm ownership and re-commit to maintenance of half of the lane on the westward boundary of the estate which divides the Trust from the established Pinewood/Countesswells residential area.

- **Scale and Density.** The site is surrounded by relatively low density housing. Neighbouring buildings are generally 2 storey, with some 3 storey apartment blocks. The main Institute building itself is a more substantial building. This has been reflected in the approach to the development blocks. A 3 storey building is proposed adjacent to and linking with the main Institute building, the buildings in the south field would be 2 storey and it is probable that buildings in the north east sector would be of residential scale and 1 or 2 storeys. The provision of this limited amount of new development within a 10.58 hectares site will give a low density layout.
- **Sustainability.** The design and layout of the buildings and the management of the site (including the existing pond) will demonstrate the intention of the Trust to meet the standards of sustainability that are promoted by Aberdeen City Council. Specific actions will include
 - The use of building and landscape materials from sustainable sources
 - Requiring contractors to manage their sites within the BREEAM guidelines
 - Optimising energy efficiency in the new buildings through addressing design issues such as orientation, use of solar heating and shading, use of the building mass in energy management, and maximising natural lighting and ventilation
 - The management of the landscape as a means of enhancing the local wildlife habitats
 - Minimising the use of impervious hard surfacing with a preference being given to more natural or porous surfaces, the recycling of grey water and the diversion of run off water to a SUDS system rather than to gullies and road drains
 - Minimising traffic generation and movement through Green Transport Plans that will address both commuting and operational travel requirements

Access and Transportation

- **Transportation Assessment.** As indicated a TA has been commissioned. As part of that TA scoping work an initial road based assessment was made of the proposed development blocks. The purpose was to establish whether there was any

major constraint within the network capacity that would affect the principle of the proposed development. This work focussed on the performance of the signal controlled junction at Countesswells Road and Springfield Road. Initial testing determined that, under a worst case scenario, a no net detriment solution can be found to accommodate the full proposed development. That solution incorporates some minor work on the junction approaches and re-staging of the traffic signals. Therefore, the conclusion of the TA Scoping study is that the network capacity does not act as a constraint on the proposed development of the Craigiebuckler site in line with this planning brief. This conclusion has not yet been accepted by the Council who wish to consider the result of the full TA study. It should also be noted that, pending the completion of the full TA and its assessment by the Council, it has not yet been agreed by the Council that the proposed scale of development is “policy compliant” in terms of their sustainable development policies.

- **Access and car parking.** The current access to the Institute is from the Macaulay Drive/Countesswells Road junction, and then via an unadopted two way, but narrow, driveway to the main car park and main building entrance. This routing results in a mixing of two way flows of both residential and Institute traffic. It is considered that any future development at Craigiebuckler should involve the creation of an additional access so as to provide better separation of traffic flows. The preferred access strategy for the future development of the site is
 - To provide a new, one way, in only access to the south field development block from a new junction on Countesswells Road, with both a design geometry and traffic calming to reduce traffic speed, with a shared surface cycle path and a remote footpath link
 - The location of this new access has been chosen to minimise tree loss in the tree belt facing Countesswells Road
 - Linking the new access road to the existing driveway, which will become an exit only route, along with minor improvements to the existing driveway
 - A possible, but much less favoured alternative, would be the provision of a new signalised junction on Countesswells Road, at the same location as above, but with a two way road access as far as the existing main drive
 - Integration of the new remote footpath with existing pedestrian routes so that there are convenient and safe pedestrian routes between the facilities on site
 - A review of existing cycle shelter provision along with the inclusion of staff showers in all new buildings
 - Expansion of the existing car parking provision (149 spaces in the main car park, 17 visitors spaces, 21 overflow spaces and 70 spaces in the North-east corner) to around 422 spaces through retention and expansion of the main car park, provision of a new overflow car park at the new access point, car parking at each building plot in the south field and distribution of the remaining provision throughout the site and in the north-east corner
 - The development of Green Transport Plan principles through the TA and the adoption of Green Transport Plans by the occupiers of the new buildings
 - Possible minor improvements to local public transport facilities if recommended in the TA
- This access strategy will require to be agreed with the Council as part of the TA study. In particular the parking provision will require too comply with SPP17 and be linked to sustainable transportation initiatives.

- **Accessibility for all.** It is important that access to the developments is provided for all sections of the community. Therefore, the layouts of the new developments should incorporate
 - Footpaths that are suitable for prams, double pushchairs and wheelchairs to pass easily
 - Dropped kerbs at crossing points
 - The provision of ramps in addition to steps where appropriate

Infrastructure

- **Drainage.** Best practice will be adopted in dealing with foul and surface drainage and it is assumed that the occupiers of the proposed new buildings will all wish to have grey water harvesting and recycling installed. For the new buildings the proposals are as below
 - Foul drainage will be taken to the existing sewers in Countesswells Road or Macaulay Drive
 - Storm water drainage will be managed by a SUDS system with a proposed pond being located to the east of the existing overflow car park. Consideration is being given to whether to have a single or multiple SUDS system in the estate.
- **Services.** An initial assessment of the existing services (gas, electricity, telecommunications and water supply) has confirmed that there is adequate spare capacity to support the proposed range of developments. The provision of new services will be by means of underground supply. There is unlikely to be a need for a new electricity sub station on site as the existing supply has ample capacity. New service routes will be designed so as to not impact on landscape provision.

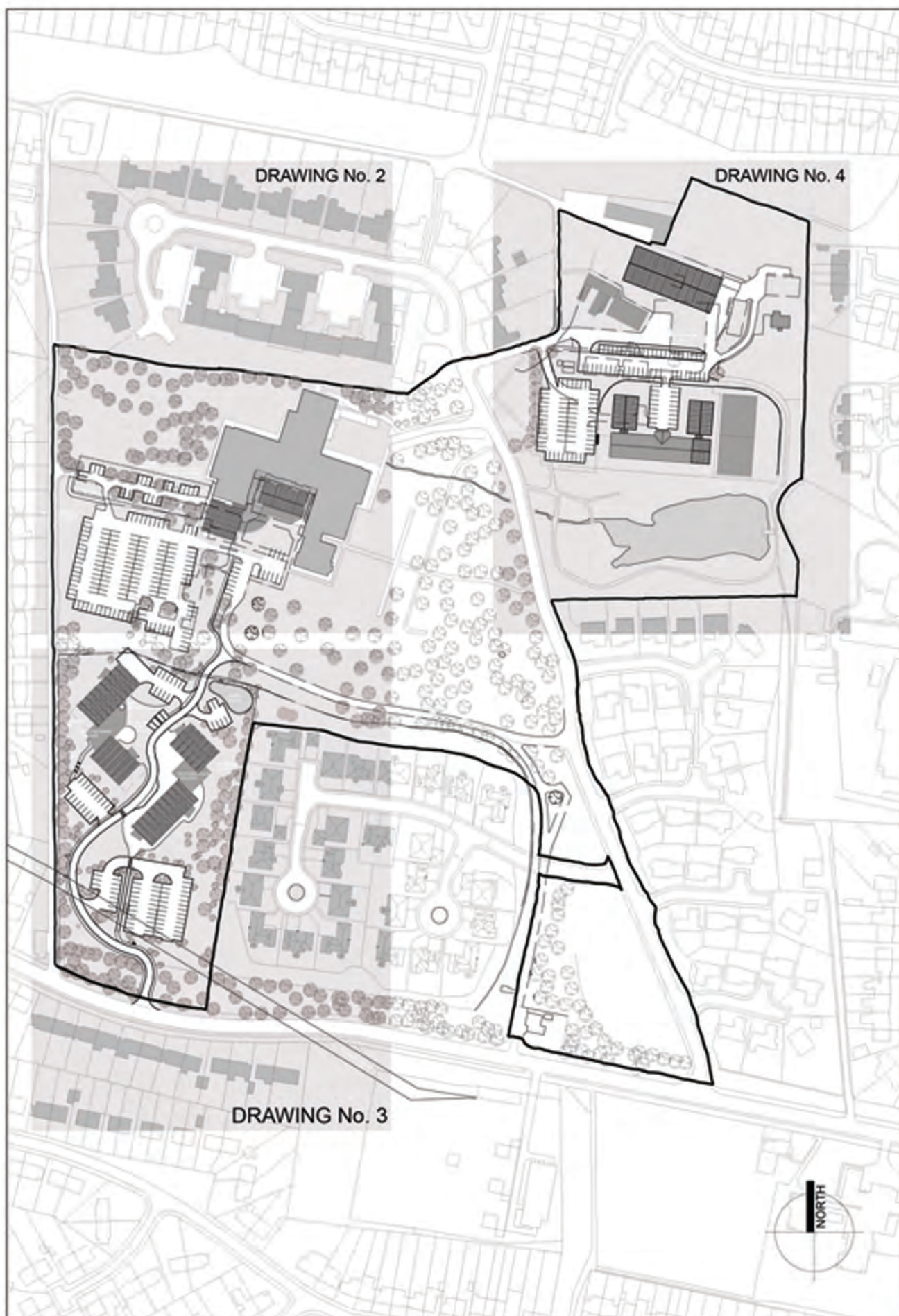
6. Conclusions

Summary

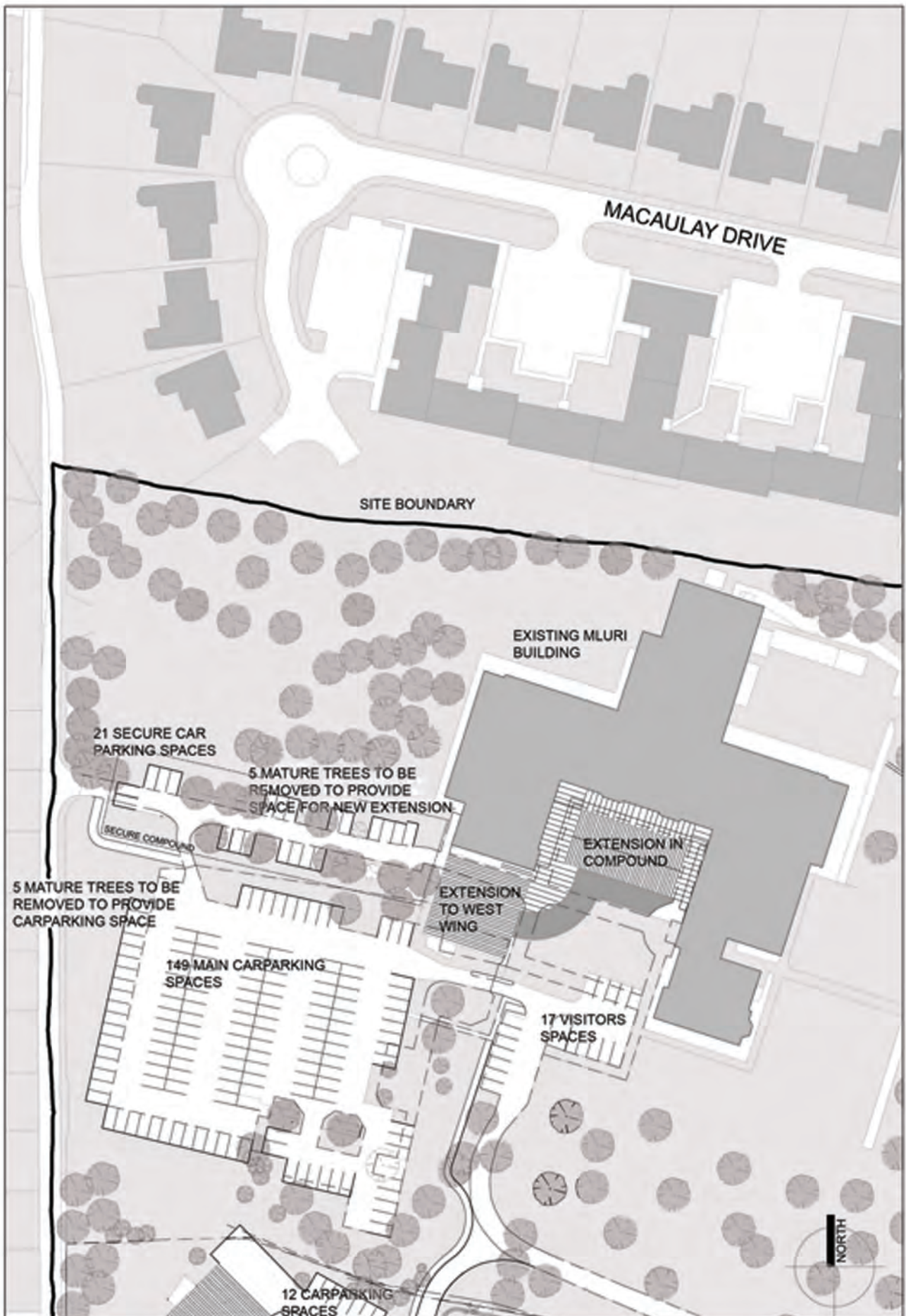
This brief has been prepared to set out the land use planning principles that will guide the MDT's proposals for the future development of the Macaulay Institute's Craigiebuckler site. The overall proposals, incorporating the various elements described in this planning brief, are shown on Drawing 1. Once this planning brief has been agreed with Aberdeen City Council it will form the framework for future individual planning applications. It has been agreed with the Council that the process of considering, consulting and approval of the brief can be programmed at the same time as the outstanding TA issues are being studied and discussed.

Appendix 1

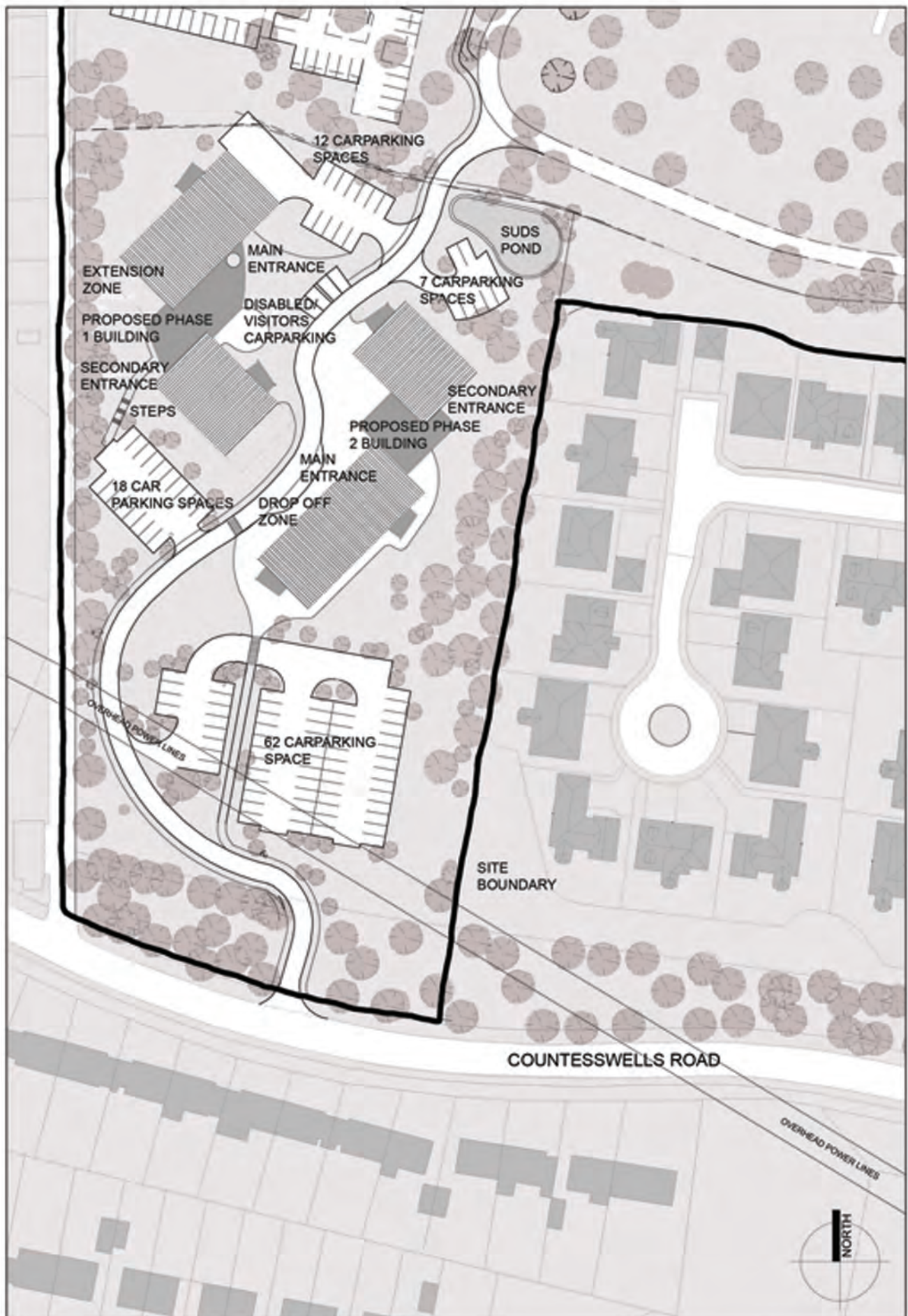
Drawings



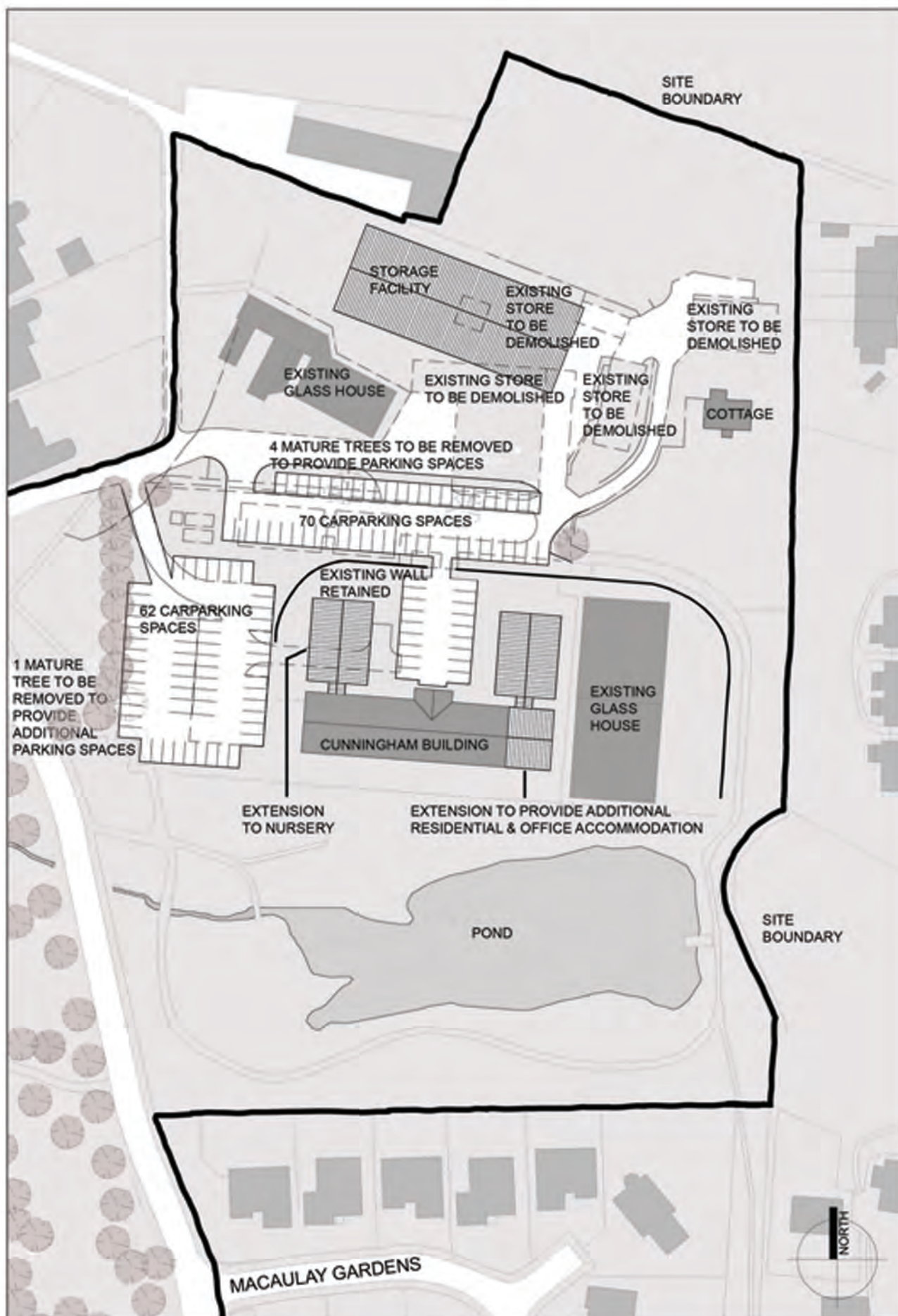
DRAWING No. 1



DRAWING No. 2



DRAWING No. 3



DRAWING No. 4



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8 February 2023

Dear Colleague

Transitional Arrangements for National Planning Framework 4

Following the approval by the Scottish Parliament of National Planning Framework 4 (NPF4) on 11 January 2023, the following provides advice on NPF4 becoming part of the statutory 'development plan' alongside local development plans (LDPs). We intend for this advice to support consistency in decision making ahead of new style LDPs being in place.

The Development Plan

In Scotland, the planning system is plan-led. From 13 February, on adoption and publication by Scottish Ministers, NPF4 will form part of the statutory development plan, along with the LDP applicable to the area at that time and its supplementary guidance. NPF4 will supersede National Planning Framework 3 and Scottish Planning Policy (SPP) (2014). NPF3 and SPP will no longer represent Scottish Ministers' planning policy and should not therefore form the basis for, or be a consideration to be taken into account, when determining planning applications on or after 13 February.

On 13 February, Strategic Development Plans (SDP) and associated supplementary guidance will cease to have effect and as such no longer be part of the development plan.

LDPs already adopted will continue to be part of the development plan. For avoidance of doubt, existing LDP land allocations will be maintained.

LDPs within SDP areas will no longer be required to be consistent with the SDP. For proposed LDPs prepared prior to the adoption and publication of NPF4, it may be that there are opportunities to reconcile identified inconsistencies with NPF4 through the examination process. However there are clear limitations to this. The scope of an examination is limited to issues raised in representations and the process must remain proportionate and fair.

Whether an LDP has been adopted prior to or after the adoption and publication of NPF4, legislation states that 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 (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 Developments¹, 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.

¹ [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)². 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.

²NPF4: 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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