

Derek Scott Planning

Chartered Town Planning and Development Consultants



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

24th April 2025

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

To whom it may concern

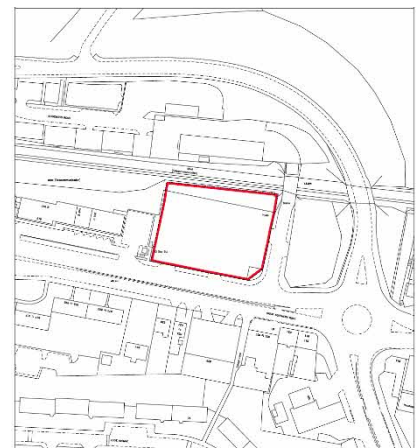
250083/S42 - Removal of condition 9 (stair access) of planning permission ref. 231375/DPP to remove the requirement to provide steps to Great Northern Road at 868-870 Great Northern Road, Aberdeen AB24 2BP

Introduction

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

Site Location and Description

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



Suite 2/3, 48 West George Street, Glasgow G2 1BP T: 0141 673 1792 E: enquiries@derekscottplanning.com

also at

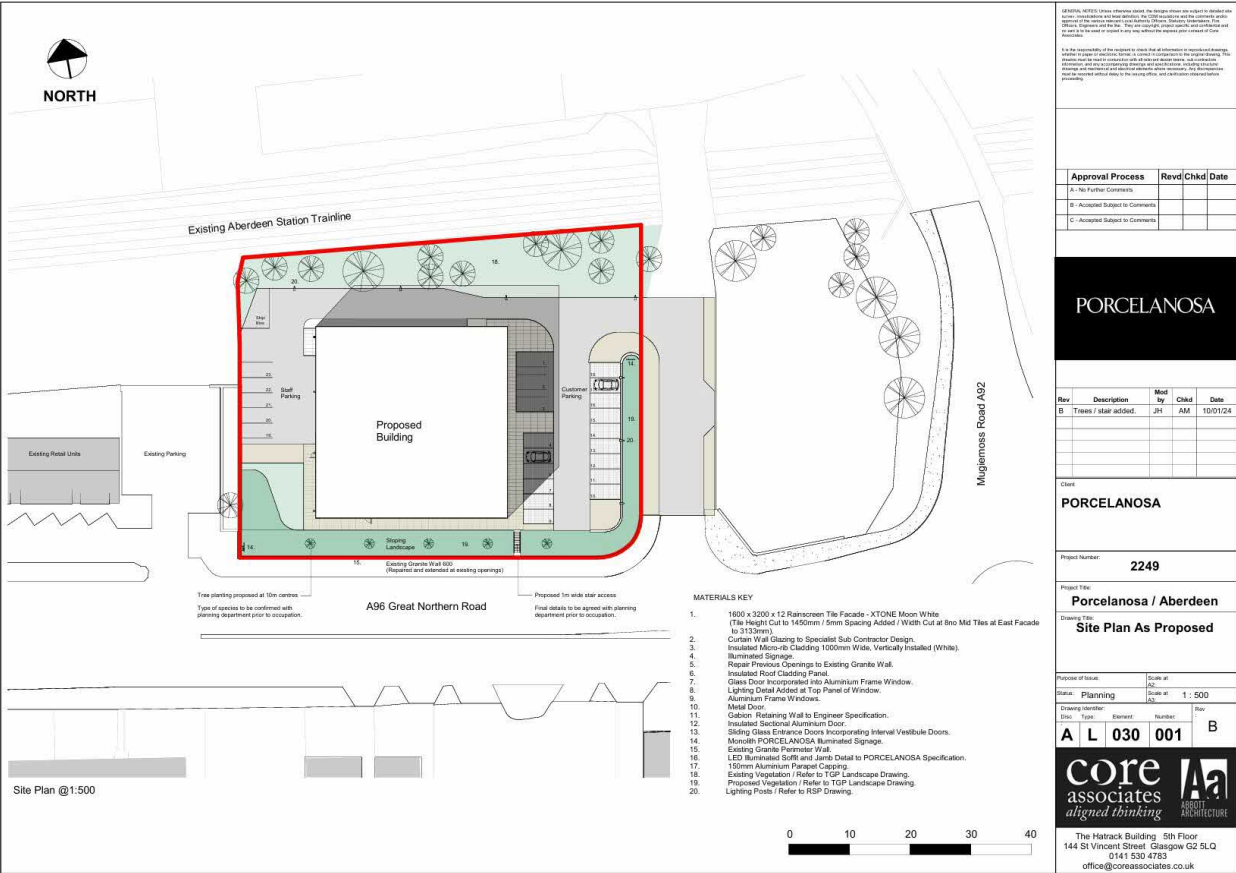
21 Lansdowne Crescent, Edinburgh EH12 5EH T: 0131 535 1103

Unit 9, Dunfermline Business Centre, Izatt Avenue, Dunfermline KY11 3BZ T: 01383 620300

W: www.derekscottplanning.com

Partners: Derek Scott MRTPI MIPI Irene Scott ACIBS

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



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

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



Application Site and Building



Retail Units to the west

Application Proposal

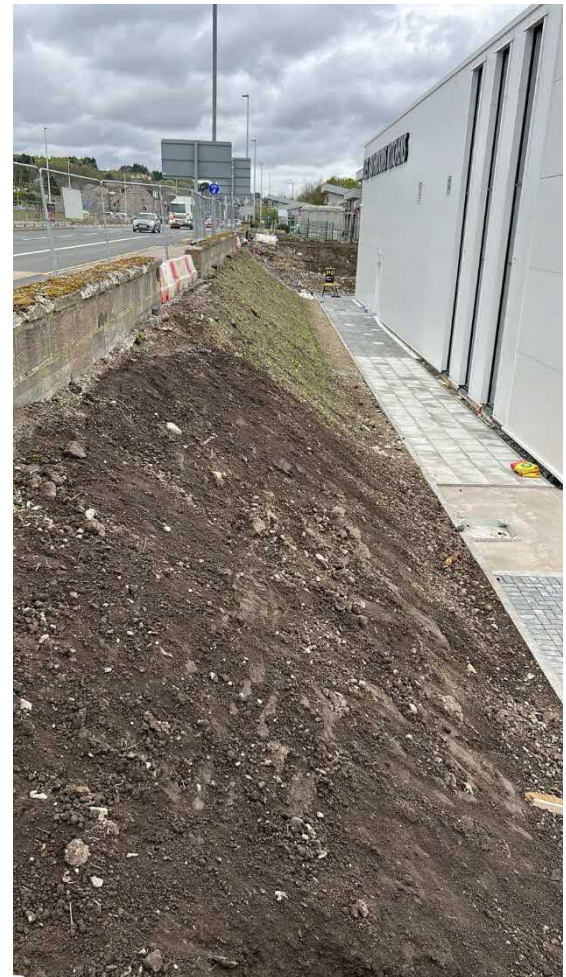
- (5) The condition imposed on Planning Permission Reference Number 231375/DPP and for which permission is being sought, under the terms of Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended), to remove, under the terms of Planning Application Reference Number stated the following:

(09) Stair Access

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

Reason – to ensure the removal of redundant pavement crossings.

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



Existing Embankment

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

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

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

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

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

Reason(s) for Refusal of Application

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

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

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

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

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

Legislative Requirements

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

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

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

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

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



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



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

Assessment and Evaluation of Planning Application

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

Reason – to ensure the removal of redundant pavement crossings.

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

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

Other Considerations

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

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

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

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

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

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

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

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

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

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

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


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

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

Summary and Conclusions

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

Yours faithfully



Derek Scott Planning

enc.

List of Documents

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

Document 1

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

Document 1a - Planning Application Forms



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100650197-010

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

Type of Application

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

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

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

Application Reference No: *

231375/DPP

Date (dd/mm/yyyy): *

30/01/2024

Description of Proposal

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

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

Is this a temporary permission? *

☐ Yes ☒ No

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

☐ Yes ☒ No

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

☒ No ☐ Yes – Started ☐ Yes - Completed

Applicant or Agent Details

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

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

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

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

☐ Individual ☒ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

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

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

870 Great Northern Road Aberdeen AB24 2BR

Northing

Easting

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☒ Yes ☐ No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

☐ Meeting ☐ Telephone ☐ Letter ☒ Email

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

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

Title:

Mr

Other title:

Senior Planner

First Name:

Matthew

Last Name:

Easton

Correspondence Reference
Number:

email dated 18/12/2024

Date (dd/mm/yyyy):

18/12/2024

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

Site Area

Please state the site area:

3419.00

Please state the measurement type used:

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

Existing Use

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

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

Access and Parking

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

☐ Yes ☒ No

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

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

☐ Yes ☒ No

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

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

0

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

23

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

Water Supply and Drainage Arrangements

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

☒ Yes ☐ No

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

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

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

☒ Yes ☐ No

Note:-

Please include details of SUDS arrangements on your plans

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

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

☒ Yes

☐ No, using a private water supply

☐ No connection required

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

Assessment of Flood Risk

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

☐ Yes ☒ No ☐ Don't Know

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

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

☐ Yes ☒ No ☐ Don't Know

Trees

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

☐ Yes ☒ No

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

All Types of Non Housing Development – Proposed New Floorspace

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

☒ Yes ☐ No

All Types of Non Housing Development – Proposed New Floorspace Details

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

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

Class 1 Retail (non-food)

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

892

If Class 1, please give details of internal floorspace:

Net trading spaces:

700

Non-trading space:

192

Total:

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

Schedule 3 Development

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

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

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

Planning Service Employee/Elected Member Interest

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

Certificates and Notices

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

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

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

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

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Jill Hackland

On behalf of: Porcelanosa

Date: 30/01/2025

☒ Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

☐ Yes ☐ No ☐ T Not applicable to this application

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

☐ Yes ☐ No ☐ T Not applicable to this application

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

☐ Yes ☐ No ☐ T Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

☐ Yes ☐ No ☐ T Not applicable to this application

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

☐ T Yes ☐ No ☐ Not applicable to this application

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

☐ Yes ☐ No ☐ T Not applicable to this application

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

☐ T Site Layout Plan or Block plan.

☐ Elevations.

☐ Floor plans.

☐ Cross sections.

☐ Roof plan.

☐ Master Plan/Framework Plan.

☐ Landscape plan.

☐ Photographs and/or photomontages.

☐ Other.

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

Provide copies of the following documents if applicable:

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

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

Declare – For Application to Planning Authority

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

Declaration Name: Mrs Jill Hackland

Declaration Date: 30/01/2025

Payment Details



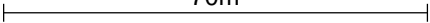
Pay Direct

Created: 30/01/2025 11:35

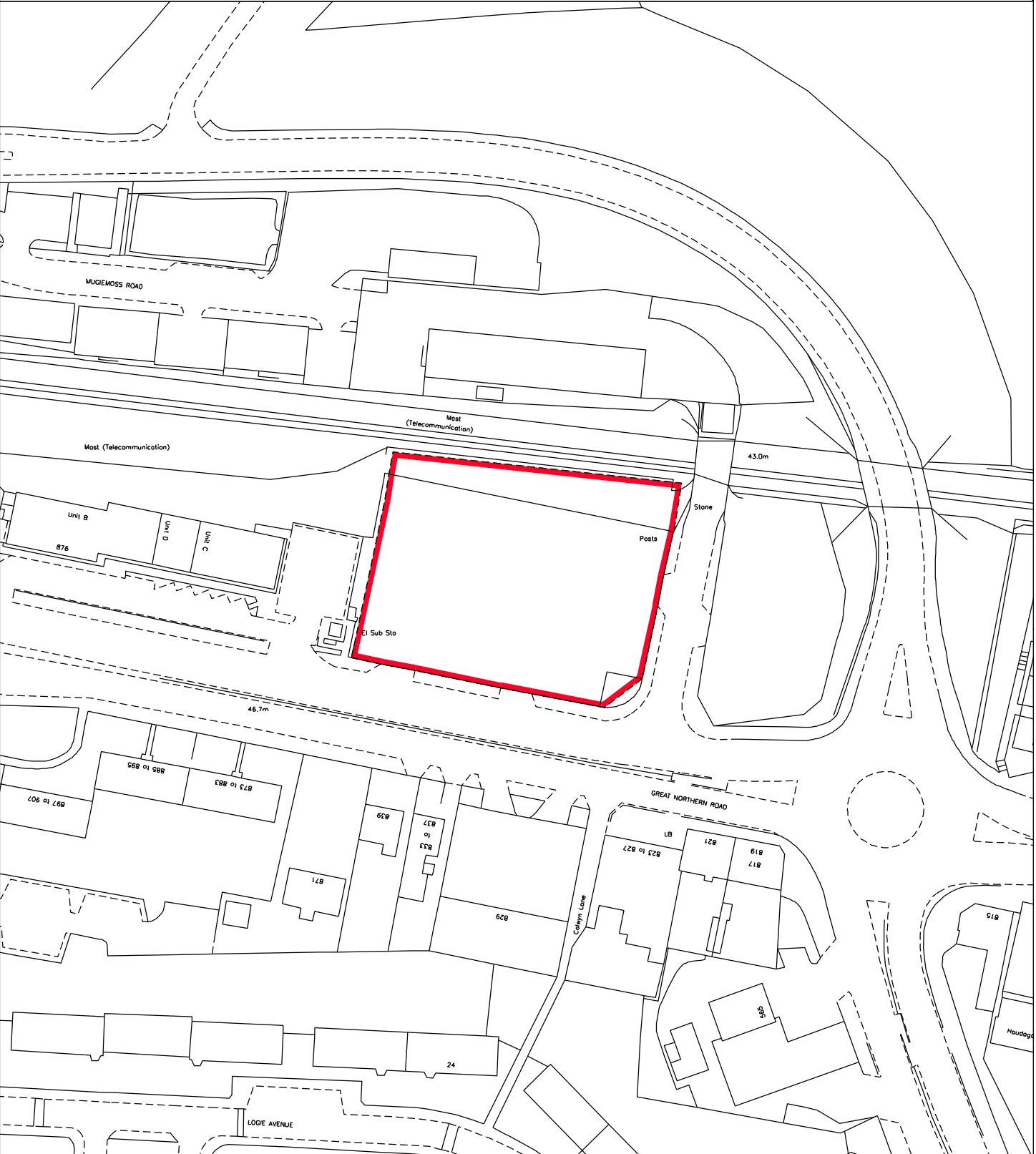
Document 1

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

Document 1b – Location Plan

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

CROWN COPYRIGHT © – This copy has been produced from the ROS Digital Mapping System on 27/07/2016 with the authority of Ordnance Survey under Section 47 of the Copyright, Designs and Patents Act 1988. Unless there is a relevant exception to copyright, the copy must not be copied without the prior permission of the copyright owner. OS Licence no 100041182.



Document 1

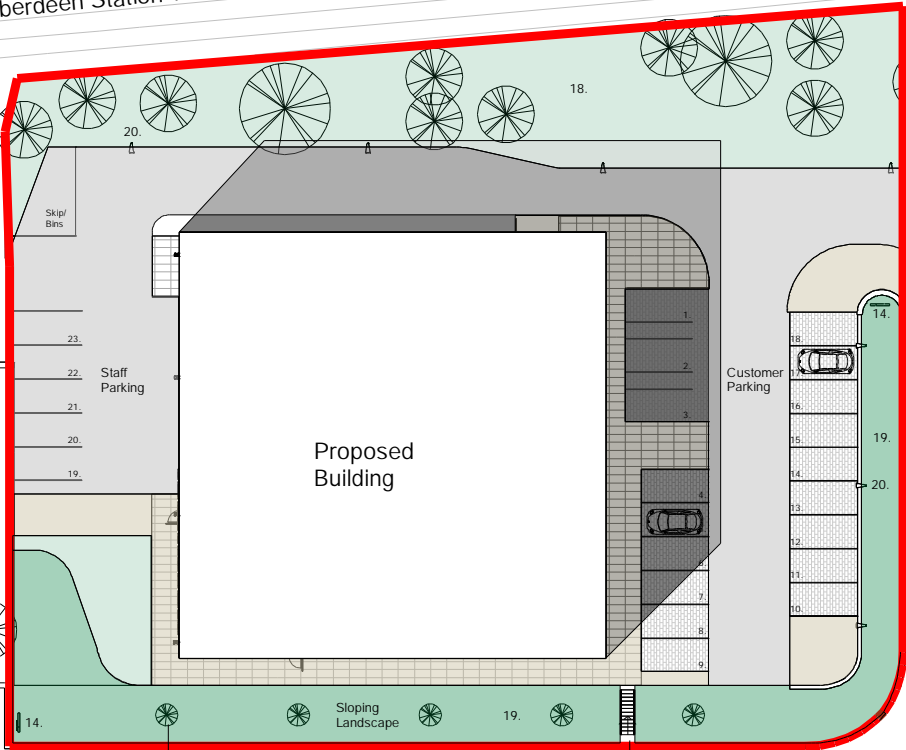
Copy of Planning Application submitted to Aberdeen
City Council under the terms of Planning Application
Reference Number 250083/S42

Document 1c – Proposed Site Plan



NORTH

Existing Aberdeen Station Trainline



Tree planting proposed at 10m centres
Type of species to be confirmed with
planning department prior to occupation.

A96 Great Northern Road

Proposed 1m wide stair access
Final details to be agreed with planning
department prior to occupation.

MATERIALS KEY

- 1600 x 3200 x 12 Rainscreen Tile Facade -XTONE Moon White
(Tile Height Cut to 1450mm / 5mm Spacing Added / Width Cut at 8no Mid Tiles at East Facade to 3133mm).
- Curtain Wall Glazing to Specialist Sub Contractor Design.
- Insulated Micro-rib Cladding 1000mm Wide, Vertically Installed (White).
- Illuminated Signage.
- Repair Previous Openings to Existing Granite Wall.
- Insulated Roof Cladding Panel.
- Glass Door Incorporated into Aluminium Frame Window.
- Lighting Detail Added at Top Panel of Window.
- Aluminium Frame Windows.
- Metal Door.
- Gabion Retaining Wall to Engineer Specification.
- Insulated Sectional Aluminium Door.
- Sliding Glass Entrance Doors Incorporating Interval Vestibule Doors.
- Monolith PORCELANOSA Illuminated Signage.
- Existing Granite Perimeter Wall.
- LED Illuminated Soffit and Jamb Detail to PORCELANOSA Specification.
- 150mm Aluminium Parapet Capping.
- Existing Vegetation / Refer to TGP Landscape Drawing.
- Proposed Vegetation / Refer to TGP Landscape Drawing.
- Lighting Posts / Refer to RSP Drawing.



Site Plan @1:500

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

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

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



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

Client
PORCELANOSA

Project Number:
2249

Project Title:
Porcelanosa / Aberdeen

Drawing Title:
Site Plan As Proposed

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

Drawing Identifier:				Rev :
Disc	Type	Element	Number	
A	L	030	001	B



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

Document 1

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

Document 1d – Supporting Statement

REMOVAL OF CONDITION 9 (STAIR ACCESS DELETION) APPLICATION REF 231375/DPP

SUPPORTING INFORMATION

PORCELANOSA

PROJECT P22 015 R01

PORCELANOSA ABERDEEN

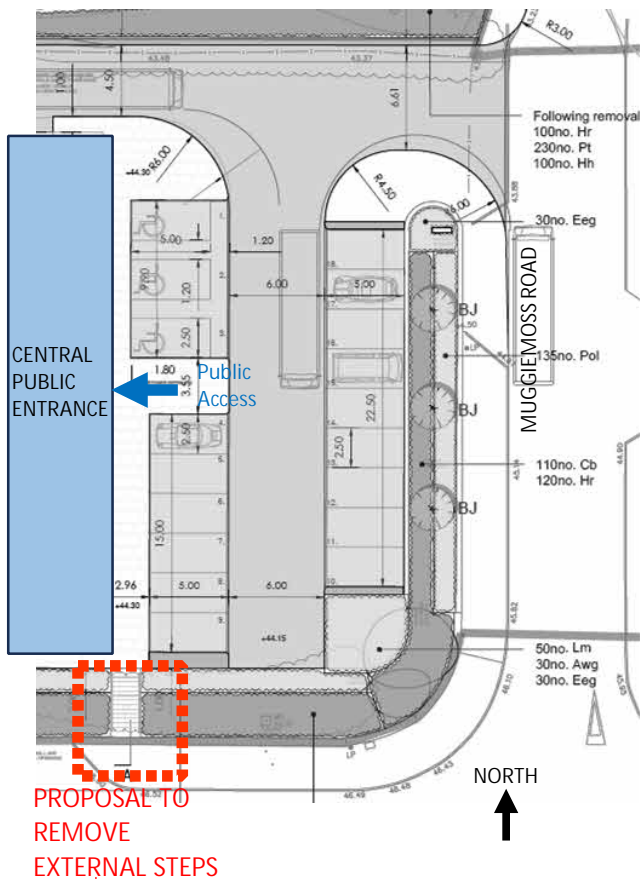
SECTION 42 SUBMISSION

REMOVAL OF PLANNING CONDITION 9

EXTERNAL STEPS DELETION

ISSUED FEB 2025





Current Planning Approval Ref 231375/DPP

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

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

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

PORCELANOSA

PROJECT P22 015 R01

PORCELANOSA ABERDEEN

SECTION 42 SUBMISSION

REMOVAL OF PLANNING CONDITION 9

EXTERNAL STEPS DELETION

ISSUED FEB 2025



View From East



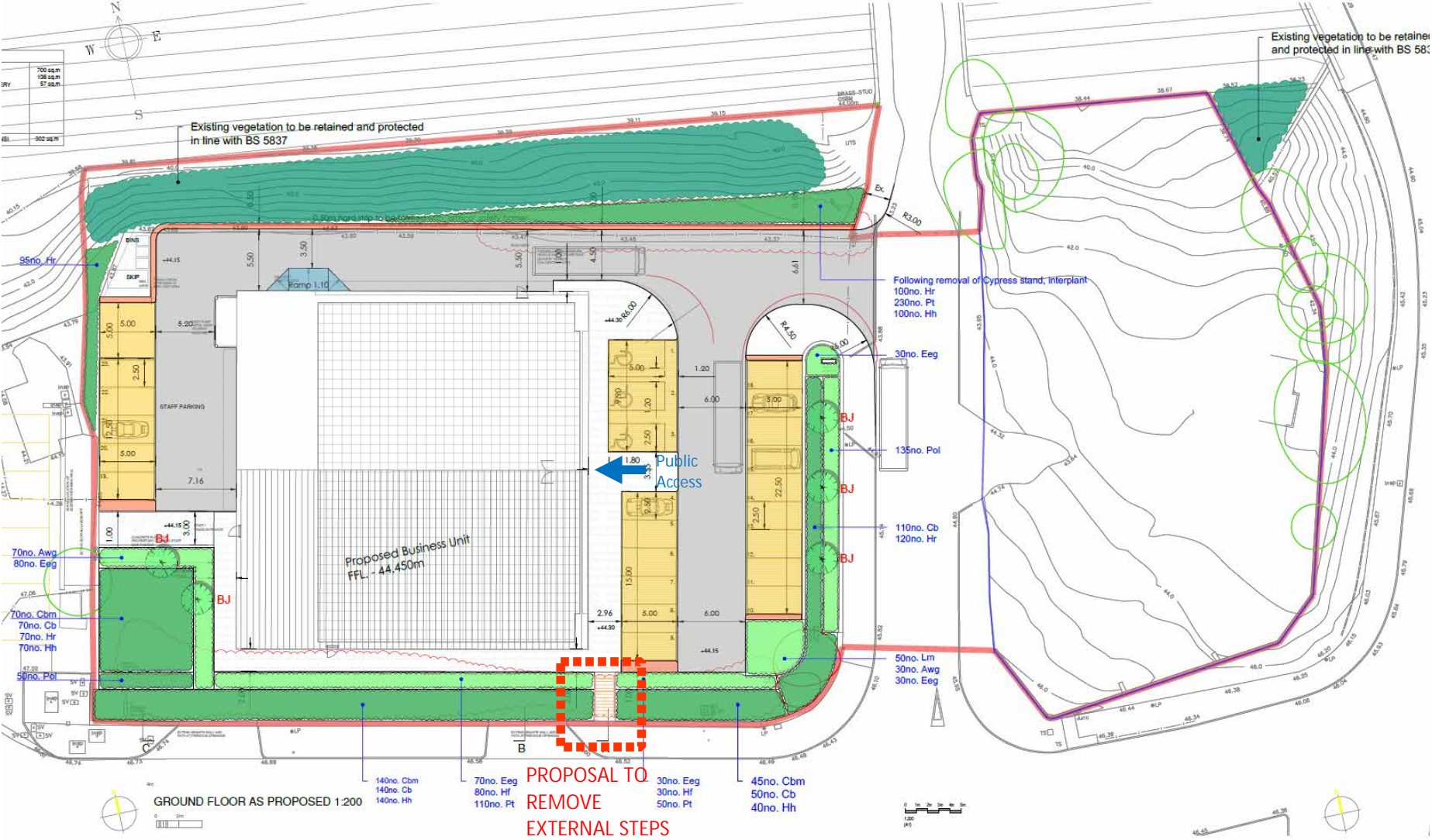
View South East



View South West



EXISTING LANDSCAPE PROPOSAL



LEGEND

SITE BOUNDARY

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

SOFT LANDSCAPE

- PROPOSED ROAD
- PROPOSED POROUS BLOCK CONSTRUCTION
- AREAS OF HARD LANDSCAPING (ref architect for details)
- EXISTING VEGETATION TO BE RETAINED
- PROPOSED GROUNDCOVER PLANTING
- PROPOSED SHRUB PLANTING
- PROPOSED HEAVY STANDARD TREE

PORCELANOSA

PROJECT P22 015 R01

PORCELANOSA ABERDEEN

SECTION 42 SUBMISSION

REMOVAL OF PLANNING CONDITION 9

EXTERNAL STEPS DELETION

ISSUED FEB 2025

core
associates
aligned thinking

Aa
ABBOTT
ARCHITECTURE



Proposed Entrance View From North East (steps removed)



Proposed Street View From South East Approach (steps removed)



Proposed Entrance View From East (steps removed)

PORCELANOSA

PROJECT P22 015 R01

PORCELANOSA ABERDEEN

SECTION 42 SUBMISSION

REMOVAL OF PLANNING CONDITION 9

EXTERNAL STEPS DELETION

ISSUED FEB 2025



Document 2

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



DECISION NOTICE

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

Section 42 (Variation to Conditions)

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

on behalf of **Porcelanosa**

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

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

DETAILS OF ANY VARIATION MADE TO THE APPLICATION

None.

REASON FOR DECISION

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

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

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

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



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

PLANS AND DRAWINGS

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

Signed on behalf of the planning authority

Daniel Lewis
Development Management Manager

IMPORTANT INFORMATION RELATED TO THIS DECISION

RIGHT OF APPEAL

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

SERVICE OF PURCHASE NOTICE

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

Document 3

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



Strategic Place Planning

Report of Handling by Development Management Manager

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

DECISION

Refuse

APPLICATION BACKGROUND

Site Description

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

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

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

Relevant Planning History

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

APPLICATION DESCRIPTION

Description of Proposal

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

(09) STAIR ACCESS

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

Reason – to ensure the removal of redundant pavement crossings.

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

Amendments

None.

Supporting Documents

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SQWHCWBZFO600>

- Supporting Statement

CONSULTATIONS

Bucksburn And Newhills Community Council – No response received.

REPRESENTATIONS

None

MATERIAL CONSIDERATIONS

Legislative Requirements

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that where making any determination under the planning acts, regard is to be had to the provisions of the

Development Plan; and, that any determination shall be made in accordance with the plan, so far as material to the application, unless material considerations indicate otherwise.

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

Development Plan

National Planning Framework 4

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

- Policy 13 (Sustainable Transport)

Aberdeen Local Development Plan 2023

- Policy T2 (Sustainable Transport)

Aberdeen Planning Guidance

- Transport and Accessibility

Other National Policy and Guidance

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

EVALUATION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DECISION

Refuse

REASON FOR DECISION

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

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

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

Document 4

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



DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

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

on behalf of **Porcelanosa**

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

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

DETAILS OF ANY VARIATION MADE TO THE ORIGINAL APPLICATION

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

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

REASON FOR DECISION

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

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

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

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

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

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

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



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

CONDITIONS

This permission is granted subject to the following conditions.

(01) DURATION OF PERMISSION

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

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

(02) TREE PROTECTION FENCING

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

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

(03) LANDSCAPING AND BIODIVERSITY ENHANCEMENT

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

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

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

All soft landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of the development or such other date as may be agreed in writing with the planning authority. Any planting which, within a period of five years from the completion of the development, in the opinion of the planning authority is dying, is severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

Reason - to satisfactorily integrate the development into the surrounding area and enhance the biodiversity value of the site.

(04) RAILWAY INFRASTRUCTURE SAFEGUARDING

The development shall not be brought into use unless -

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

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

(05) LOW AND ZERO CARBON BUILDINGS

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

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

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

(06) WATER EFFICENCY

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

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

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

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

(07) SITE CONTAMINATION

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

Should any ground contamination be discovered during development, the planning authority should be notified immediately, the extent and nature of the contamination should be investigated

and a suitable scheme for the mitigation of any risks arising from the contamination should be submitted to and agreed in writing with the planning authority. Thereafter, the development shall not be brought into use unless any mitigation measures in the agreed scheme have been implemented.

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

(08) PAVEMENT CROSSINGS AND BOUNDARY WALLS

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

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

(09) STAIR ACCESS

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

Reason - to ensure the removal of redundant pavement crossings.

(10) DRAINAGE

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

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

(11) CAR PARKING AND ELECTRIC VEHICLE CHARGING

The development shall not be brought into use unless -

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

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

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

(12) WASTE STORAGE PROVISION

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

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

(13) RESTRICTION ON SALE OF CONVEINIENCE GOODS AND GROCERIES

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

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

APPROVED PLANS AND DRAWINGS

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

Signed on behalf of the planning authority



Daniel Lewis

Development Management Manager

IMPORTANT INFORMATION RELATED TO THIS DECISION NOTICE

RIGHT OF APPEAL

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

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

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

SERVICE OF PURCHASE NOTICE

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

CONDITIONS



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

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

COMMENCEMENT AND COMPLETION OF DEVELOPMENT

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

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

Forms can be submitted to pi@aberdeencity.gov.uk.

OTHER CONSENTS

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

OTHER ADVISORY NOTES

(01) RAILWAY ASSET PROTECTION

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

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

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

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

Tel: 0141 555 4087

E-mail: AssetProtectionScotland@networkrail.co.uk

(02) CONTROL OF ADVERTISEMENTS

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

(03) HOURS OF DEMOLITION AND CONSTRUCTION WORK

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

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

Notification of Initiation of Development

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

Application reference number: 231375/DPP

Site address: 868-870 Great Northern Road, Aberdeen

Date of decision: 30 January 2024

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

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

General Data Protection Regulations – How we use your data

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

For the purposes of processing this information Aberdeen City Council is the Data Controller. The Information Commissioner Office is the UK's regulator of data protection law (www.ico.org.uk). 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: 231375/DPP

Site address: 868-870 Great Northern Road, Aberdeen

Date of decision: 30 January 2024

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

Date on which development was completed:

DD / MM / YYYY

General Data Protection Regulations – How we use your data

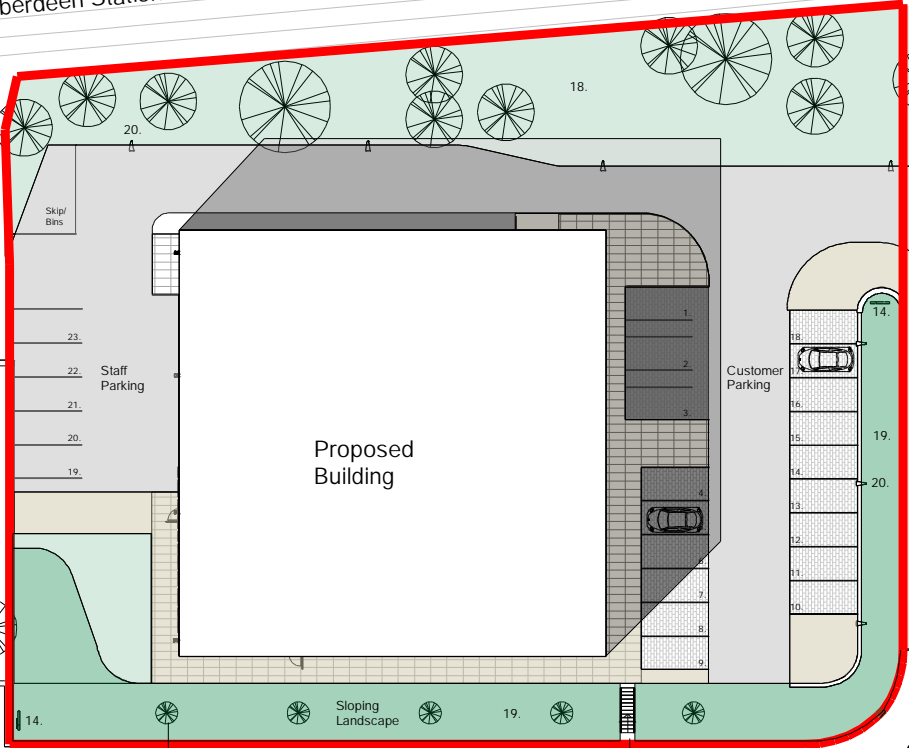
Aberdeen City Council collects, maintains and processes automatically information about you for the purposes of processing and determining planning applications and may be used for consultation purposes where applicable under legislation. Information will be disclosed only in accordance with the requirements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

For the purposes of processing this information Aberdeen City Council is the Data Controller. The Information Commissioner Office is the UK's regulator of data protection law (www.ico.org.uk). 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



NORTH

Existing Aberdeen Station Trainline



Tree planting proposed at 10m centres
Type of species to be confirmed with
planning department prior to occupation.

A96 Great Northern Road

Proposed 1m wide stair access
Final details to be agreed with planning
department prior to occupation.

MATERIALS KEY

- 1600 x 3200 x 12 Rainscreen Tile Facade -XTONE Moon White
(Tile Height Cut to 1450mm / 5mm Spacing Added / Width Cut at 8no Mid Tiles at East Facade to 3133mm).
- Curtain Wall Glazing to Specialist Sub Contractor Design.
- Insulated Micro-rib Cladding 1000mm Wide, Vertically Installed (White).
- Illuminated Signage.
- Repair Previous Openings to Existing Granite Wall.
- Insulated Roof Cladding Panel.
- Glass Door Incorporated into Aluminium Frame Window.
- Lighting Detail Added at Top Panel of Window.
- Aluminium Frame Windows.
- Metal Door.
- Gabion Retaining Wall to Engineer Specification.
- Insulated Sectional Aluminium Door.
- Sliding Glass Entrance Doors Incorporating Interval Vestibule Doors.
- Monolith PORCELANOSA Illuminated Signage.
- Existing Granite Perimeter Wall.
- LED Illuminated Soffit and Jamb Detail to PORCELANOSA Specification.
- 150mm Aluminium Parapet Capping.
- Existing Vegetation / Refer to TGP Landscape Drawing.
- Proposed Vegetation / Refer to TGP Landscape Drawing.
- Lighting Posts / Refer to RSP Drawing.

Site Plan @1:500



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

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

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



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

Client
PORCELANOSA

Project Number:
2249

Project Title:
Porcelanosa / Aberdeen

Drawing Title:
Site Plan As Proposed

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

Drawing Identifier:	Disc	Type	Element	Number	Rev
A	L	030	001	B	



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