



Strategic Place Planning

Report of Handling

Site Address:	Scotstown Moor Base, Shielhill Road, Aberdeen, AB23 8NN
Application Description:	Redevelopment of vacant industrial site, including erection of 4 detached houses, associated garaging / car parking, pedestrian access paths, infrastructure and open space
Application Ref:	230969/DPP
Application Type:	Detailed Planning Permission
Application Date:	10 August 2023
Applicant:	Executors of John Langler
Ward:	Bridge of Don
Community Council:	Bridge of Don
Case Officer:	Robert Forbes

DECISION

Refuse

APPLICATION BACKGROUND

Site Description

The site comprises a vacant warehouse /storage site located to the west of the Dubford residential development site. It contains two shed-like buildings of industrial appearance and associated single storey office building. The open storage yard area is surfaced with concrete and hardcore and is enclosed by chain-link fencing. The site is accessed from Shielhill Road. There are a number of young trees and scrub areas at the fringes of the site. There is a change in levels of around 5.5m across the site with ground levels rising up to the east and south. The south-west corner of the site and adjacent land to the west and south is designated as Scotstown Local Nature Conservation Site (LNCS). This is a varied area largely comprising open moorland / rough grassland and limited woodland. The burn of Mundurno and associated marshland lies to the west of the site, across Shielhill Road. The land to the east is formed by an embankment and mounded area which forms part of the open space area of the adjacent Dubford housing development.

The site lies in the catchment area of Greenbrae Primary School and Oldmachar Academy.

Relevant Planning History

None for the site.

Detailed planning permission was granted in 2014 for residential development and associated works (e.g. infrastructure and open space) on the land to the east of the site at Dubford (ref. 141506) and has since been implemented.

Detailed planning permission was granted for erection of 99 houses on land at Mundurno to the east of the site within the wider Dubford Development Framework Area (ref. 131851) but has expired unimplemented.

APPLICATION DESCRIPTION

Description of Proposal

A total of 4 detached houses are proposed with associated garden ground, garaging, parking, access and landscape areas. The southern and eastern parts of the site would be excavated to form level garden ground, with gabion retaining walls formed to retain the adjacent sloping ground within the site. The houses would be largely 1½ storeys in height with the upper floor contained within the pitched roof slopes and lit by Velux windows. The larger houses would include pitched roofed gable projections. Ancillary toilet / utility areas would be incorporated in single storey flat roofed projections, including sedum roofs. Air source heat pumps and water butts would also be provided. The pitched roofs would incorporate solar panels and the houses would include substantial glazing to public rooms on the south and west elevations. Materials would comprise a mix of natural stone basecourse, off white render and timber clad walls and slate clad roofs. They would have 4 or 5 bedrooms, study area and open plan lounge / kitchen / dining area. A 2m high acoustic fence is proposed between the housing and the public road.

A public footpath is proposed extending along parts of the west edge of the site. A remote footpath with steps is shown extending outwith the north end of the site to link to an unadopted access path which lies within the Dubford housing development. A footpath link onto the Scotstown Moor path network to the south of the site is also shown. No details of the construction of such paths have been provided.

Amendments

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

- Revised site layout/ access, revised plot boundaries, pedestrian and drainage connections.

Supporting Documents

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RZ0P9MBZM5Q00>

- Planning Statement
- Design Statement
- Ecological Report
- Drainage Impact Assessment
- Noise Impact Assessment
- Tree Report
- Safe Routes to School Assessment
- Speed Survey Report

CONSULTATIONS

ACC - Roads Development Management Team – No objection. Consider that the proposed pedestrian linkage is acceptable, subject to provision of a footpath on the southern side of Shielhill Road. Consider that cycling on carriageway (Shielhill Road) would be acceptable. Advise that the access and internal layout is appropriate and suitable for both fire and refuse vehicles. Advise that the proposed surface water drainage is appropriate.

ACC - Environmental Health – No objection subject to implementation of the noise attenuation

measures recommended in the noise impact assessment. Recommend that the hours of construction are restricted.

ACC - Waste and Recycling – No objection. Advise that waste uplift would be undertaken using wheelie bins, with collection undertaken from Shielhill Road.

ACC - Contaminated Land Team – No objection. Advise that the development site has a history of industrial use and there is the potential for associated land contamination. Historical landfilling has also taken place in the vicinity of the site. Recommend that a contaminated land risk assessment is carried out prior to development to ensure that the site is suitable for any new use. Request that an appropriate condition is attached.

Scottish Environment Protection Agency – No objection. Consider the development currently avoids the area at flood risk and will not increase flood risk elsewhere, therefore under NPF4 the principle of development at this location is acceptable on flood risk grounds.

Scottish Water – No objection. Advise that there is sufficient waste water capacity to service the development. For reasons of sustainability and to protect against future sewer flooding, Scottish Water will not accept any surface water connections into the combined sewer system.

North East Scotland Biological Records Centre – Advise that the south part of the site contains lowland dry acidic grassland. Advise that European Protected Species have been recorded in the vicinity of the site.

Bridge of Don Community Council – No response received.

REPRESENTATIONS

None

MATERIAL CONSIDERATIONS

Legislative Requirements

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

Development Plan

National Planning Framework 4 (NPF4)

NPF4 is the long-term spatial strategy for Scotland and contains a comprehensive set of national planning policies that form part of the statutory development plan. The relevant provisions of NPF4 that require consideration in terms of this application are –

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 2 (Climate Mitigation and Adaptation)
- Policy 3 (Biodiversity)
- Policy 4 (Natural Places)
- Policy 6 (Forestry, Woodland and Trees)
- Policy 8 (Green Belts)
- Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings)
- Policy 12 (Zero Waste)

- Policy 13 (Sustainable Transport)
- Policy 14 (Design, Quality and Place)
- Policy 15 (Local Living and 20 Minute Neighbourhoods)
- Policy 16 (Quality Homes)
- Policy 18 (Infrastructure First)
- Policy 20 (Blue and Green Infrastructure)
- Policy 22 (Flood Risk and Water Management)
- Policy 23 (Health and Safety)

Aberdeen Local Development Plan 2023 (ALDP)

The ALDP identifies the main part of the site as an opportunity for residential development (OP6: WTR Site at Dubford):

“Brownfield opportunity for residential development that should look to integrate with the neighbouring development at Dubford. A flood risk assessment will be required. Ecological surveys to assess the presence of and effects on protected habitats and species will be required.”

The southern edge of the application site extends onto adjacent land to the south which is designated as green space network and green belt, however no development is proposed within this part of the site.

The following ALDP policies are relevant –

- Policy H1 (Residential Areas)
- Policy D1 (Quality Placemaking)
- Policy D2 (Amenity)
- Policy D4 (Landscape)
- Policy D5 (Landscape Design)
- Policy NE1 (Green Belt)
- Policy NE2 (Green and Blue Infrastructure)
- Policy NE3 (Our Natural Heritage)
- Policy NE4 (Our Water Environment)
- Policy NE5 (Trees and Woodland)
- Policy R2 (Degraded and Contaminated Land)
- Policy R5 (Waste Management Requirements for New Developments)
- Policy R6 (Low and Zero Carbon Buildings and Water Efficiency)
- Policy R8 (Heat Networks)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)
- Policy WB3 (Noise)
- Policy 23 (Health and Safety)
- Policy I1 (Infrastructure Delivery and Planning Obligations)

Aberdeen Planning Guidance (APG)

The following APG is relevant –

- Dubford Development Framework 2012 (DDF)
- Noise

- Amenity& Space Standards
- Materials
- Landscape
- Transport and Accessibility
- Open Space and Green Infrastructure
- Natural Heritage
- Flooding, Drainage and Water Quality
- Trees and Woodlands
- Food Growing
- Outdoor Access
- Waste Management
- Resources for New Development

Other National Policy and Guidance

- Creating Places (architecture and place policy statement)

Scotland's policy statement on architecture and place sets out the comprehensive value good design can deliver. Successful places can unlock opportunities, build vibrant communities and contribute to a flourishing economy.

- Designing Places (design policy)

This planning policy statement was launched in 2001 and sets out Scottish Government aspirations for design and the role of the planning system in delivering these. The aim of the document is to demystify urban design and to demonstrate how the value of design can contribute to the quality of our lives. Designing Places is a material consideration in decisions in planning applications and appeals. It also provides the basis for a series of Planning Advice Notes (PANs) dealing with more detailed aspects of design.

- Designing Streets 2010 (design policy)

This is the first policy statement in Scotland for street design and marks a change in the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles.

- Naturescot Developing With Nature Guidance

<https://www.nature.scot/doc/developing-nature-guidance>

- Naturescot Standing Advice for Planning Consultations
- Biodiversity: draft planning guidance (November 2023)
- Local living and 20 minute neighbourhoods: planning guidance 2024

Other Material Considerations

- Aberdeen Employment Land Audit (ELA)
- Draft Housing Land Audit 2024 (HLA)

EVALUATION

Principle of Development

The provision of housing on residential zoned land accords with NPF4 policy 16. The development of brownfield land accords with NPF4 policy 9. As the site is identified as an opportunity for residential development in the ALDP (OP6) and lies within an H1 area zoned for residential purposes in the ALDP, the principle of housing provision on the site is accepted. Given that the DDF was undertaken in 2012 and did not include the application site within its boundary, it has limited relevance as a material consideration. As the extent of housing and plot boundaries would not encroach onto adjacent land which lies within the greenbelt there is no conflict with NPF4 policy 8 and ALDP policy NE1.

A number of constraints and policy issues are raised and require to be suitably addressed.

Design / Amenity

It is noted that the site is located on the urban fringe, outwith the adjacent Dubford development and screened from it by open space located on rising ground to the west. The site is clearly visible from the adjacent public road and is set in an open rural context. The redevelopment of the site offers potential for significant visual and landscape benefit by removal of the existing visually incongruous industrial buildings and yard area. Whilst the general height and materiality of the proposed buildings is considered to be appropriate, the overall layout and form of the development is considered to result in an unsatisfactory design solution as the northmost house would have undue proximity to the public road and revision of the site layout and design would be required to arrive at an acceptable solution. The location of its private garden area would result in screen fencing adjacent to the public road which would be an incongruous and inappropriate visual feature given the rural context of the site. The orientation and location of the houses on plots 2 and 4 such that their principal elevations would not face the public road is also problematic as this results in private garden areas being unduly close to the public road. The proposed acoustic fence adjacent to the proposed public path is considered to be an incongruous and overly prominent feature that would detract from the setting of the development and thus conflicts with the intent of ALDP policy D4.

Whilst the draft HLA identifies a theoretical capacity of 20 housing units for the site, this does not take into account the particular design/ physical constraints related to the site and thus has limited relevance. Given the location of the site adjacent to the green belt and rural context, a low density development is required which respects the context. In order to respect the site constraints and provide increased separation with protected species, reconfiguration of the layout to form a housing cluster of a more tightly grouped building layout and of reduced footprint, which would also better reflect the characteristics of the site and provide a better relationship to the public road, is desired. The proposed location of the sewage pumping station within the private garden ground of the north most proposed house is also considered to be a further constraint on development and locating this feature within private garden ground would not be an ideal design solution.

As the proposed development would not relate well to the semi-rural context and its poor relationship to the public road, by reason of the proximity and orientation of the proposed detached buildings, the arrangement, positions and sizes of the houses, the prominence of proposed fencing and the location of the private gardens for Plots 1 and 4 next to Shielhill Road, it conflicts with the design quality aspirations of NPF4 policy 14 and ALDP policies D1 and D4.

Climate Mitigation, Energy and Water Efficiency

The proposed houses are sited and designed in a way that rooms would benefit from sunlight / daylight penetration and natural ventilation. There would be generous provision of private garden

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

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

Due to this, insofar as it relates to low and zero carbon buildings, Policy R6 no longer carries any significant weight and as such there is no useful purpose in requiring the policy to be met, relative to the development proposal. Had the recommendation been one of approval, a condition could have been imposed requiring implementation of details of water efficiency measures on site in accordance with the objectives of NPF4 policy 2 and ALDP policy R6.

Ecology Impact

Whilst an ecological assessment has been submitted in accordance with the expectations of the ALDP OP3 designation, ACC Natural Environment Policy Team advise that, due to the presence of protected species on and adjacent to the site, the nature of development and extent of groundworks / excavation, the proposal is likely to have adverse effects on a European Protected Species and the proposed mitigation measures are unlikely to be effective. Notwithstanding the limited extent of natural habitat on the site and its brownfield nature, the proposal would have likely direct detrimental impact on protected species. It has not been demonstrated that alternative solutions have been considered and ruled out to avoid such disturbance. Thus, it has not been demonstrated that the development would accord with NPF4 policy 4 part f) and ALDP Policy NE3. As the development result in no significant social or economic benefits and given the need to apply the precautionary principle, it is therefore appropriate to refuse the application.

No evidence has been provided that the applicant has sought a suitable license for the development from Naturescot for works which potentially affect a protected species. Further, insufficient information has been provided that there would be adequate mitigation measures or avoidance of disturbance to protected species resulting from the development.

Tree Impact

The submitted tree report shows that the existing trees along the west edge of the site would be removed to accommodate the development. Whilst no details of replacement planting have been provided, given the limited age and maturity of these trees, had the recommendation been one of approval, a suspensive condition could have been imposed requiring provision of mitigatory tree planting on site and on adjacent land controlled by the applicant in accordance with NPF4 policy 6 and ALDP policy NE5.

Flood Risk

The Drainage Impact Assessment demonstrates that the extent of flood risk is not significant and does not warrant refusal of the development. It has been reviewed by relevant consultees who have no objection. Thus there is no conflict with NPF4 policy 22 and ALDP policy NE4 on flood

risk grounds.

Surface Water Drainage

Reduction in the extent of vehicle hard standing and manoeuvring areas is necessary in order to address the expectations of NPF4 policy 22 part c. That is because the extent of hard surfacing / roads appears to exceed that which is necessary to adequately service the development. The proposal would, however, incorporate SUDS features in accordance with relevant guidance. Had the recommendation been one of approval, a condition could have been imposed requiring implementation of on-site surface water drainage measures.

Foul Drainage

There is adequate public sewer treatment capacity to accommodate the proposed development, but no public sewer linkage to the site exists. It is proposed to connect to existing foul sewers located within the adjacent Dubford development to the east of the site. The drainage strategy shows that a new sewer would be formed along the edge / verge of Shielhill Road running north from the site. This would require agreement with the adjacent landowners and Scottish Water. However no details of such infrastructure works on adjacent land have been provided. Due to the change in levels between the site and adjacent land, a communal pumping station would be required to be provided. The strategy shows the pumping chamber being located with the private garden ground of a proposed house, at the north end of the site. Notwithstanding the legal complexities and challenges in relation to delivery of development on third party land, had the recommendation been one of approval, a condition could have been imposed requiring agreement and implementation of the requisite on and off site sewerage infrastructure works prior to commencement of the development in accordance with the expectation of ALDP policy NE4.

Contamination

Whilst the proposed end use is more sensitive than the existing industrial use of the site, and there is a risk of ground contamination due to that use and adjacent historic landfill use, there is no evidence that the degree of such contamination would be insurmountable. Furthermore, contamination risk associated with the previous use of the adjacent Dubford development site has been addressed by the redevelopment of that site. Had the recommendation been one of approval, a condition could have been imposed requiring that a risk assessment is undertaken prior to any construction works and that any mitigation measures are implemented prior to occupation, in accordance with the expectations of ALDP policy R2.

Pedestrian Access / Connectivity

Notwithstanding that ACC Roads Service have no objection to the development, reliance on Shielhill Road for pedestrian and cycle connectivity would not be an attractive solution given the absence of footpaths, the unrestricted high speed nature of that road, its rural nature, and its use by HGV vehicles (e.g. associated with the nearby Walker transport depot and workshop on Shielhill Road). The change in levels at the east edge of that road between the site and the Dubford housing site is such that a 2m wide footpath could not be provided within the existing verge and extensive engineering works on adjacent land outwith the site would be required.

The Safe Routes to School Assessment identifies a proposed route to both primary and secondary schools via the proposed remote footpath connection to the existing Dubford Development. A stepped path is proposed outwith the site, to its east that would connect to the footpath within the adjacent Scotstown Moor open space. The inclusion of steps is not ideal and generally should be avoided as it would not be suitable for disabled (wheelchair) use and would be limiting for use by cyclists. Resolving this issue would require this footpath connection to be redesigned or potentially rerouted.

Given the remote location of the site in relation to supporting facilities (e.g. schools, shops, community facilities) and lack of adopted path linkage it is likely that occupants may choose to use car transport to access supporting facilities. However, given that the site is allocated as an opportunity site for residential development in the ALDP, it would be unreasonable to refuse the application on the basis of the tension with the expectations of NPF4 policies 13 and 15 ALDP policy T2. Had the recommendation been one of approval, a suspensive condition could have been imposed requiring the detailing and provision of an appropriate path link outwith (east of) the site to provide suitable connection with the adjacent Dubford development in accordance with the expectations of the OP6 designation.

Vehicle Access / Parking

ACC Roads Service have no objection to the location and design of the road access and consider that suitable visibility and turning would be provided for safe vehicle access / egress. It is noted that the development would result in adjustment of an existing vehicle access onto Shielhill Road and due to removal of the existing industrial use, reduction in heavy goods vehicle traffic on Shielhill Road. An appropriate level of parking could be provided on site in accordance with ALDP policy T3.

Refuse Storage

Whilst the proposed use would generate waste, waste storage and uplift would be by wheelie bins. There would be adequate space for provision of waste and recycling bins within the external areas of the site and no physical measures (e.g. bin store) or condition is needed in this instance to ensure bin storage. No further information is therefore reasonably required, notwithstanding the tension with NPF4 policy 12 part (c) and ALDP policy R5 which require submission of details of waste storage, management and collection arrangements.

Amenity / Noise

Occupants of the development would enjoy large internal floorspace and access to generous garden ground in accordance with the expectations of ALDP policy D2 and related APG regarding amenity and space standards and food growing. Whilst there would be limited open space on site, occupants would have access to adjacent informal greenspace within the adjacent LNCS. Had the recommendation been one of approval, enhancement of greenspace with the area to the south of the site controlled by the applicant could have been secured by use of condition in accordance with the expectations of NPF4 policy 20 and ALDP policy NE2.

The submitted noise assessment demonstrates that occupants of the houses would not be adversely affected by exposure to noise and that mitigation measures could be implemented in accordance with the intent of NPF4 policy 23 and ALDP policy WB3. Notwithstanding that the location of the proposed acoustic fencing is not accepted on design grounds, had the recommendation been one of approval, a condition could have been imposed requiring implementation of on-site noise attenuation measures.

Other Technical Matters

No heat network zone is identified in the ALDP, such that there is no direct conflict with NPF4 policy 19. Whilst no connection to the existing district heating network is proposed, there is no such network in the immediate vicinity. Policy R8 states that heat networks are encouraged and supported. Such heating systems are desired in terms of sustainable design. However, as guidance referred to in policy R8 (i.e. Heat Networks and Energy Mapping APG) has yet to be published, the weight which can be afforded to that policy is limited. It would not therefore be reasonable to refuse the development on the basis that no connection to a heat network is proposed.

Affordable Housing / Developer Obligations

Whilst no social rented or affordable housing is proposed, as the development is below the policy threshold whereby provision of affordable housing and mitigation of development impact on supporting social infrastructure is required, there is no conflict with NPF3 policy 18 and ALDP policies H5 and I1.

Economic Impact

As the proposal would result in the loss of commercial / business premises, it may result in some limited adverse longer term economic impact which may conflict with wider economic development objectives, but this is not a significant factor given that the site is allocated for residential development in the ALDP and the site is vacant / unoccupied and thus currently has no associated employment. There is no known shortfall in employment or housing land supplies within the Aberdeen area, as evidenced by the ELA and draft HLA. There would be limited short term employment creation during the construction works, but this would not be significant relative to the scale of the local economy and does not warrant approval. There would appear to be no net economic benefit.

DECISION

Refuse

REASON FOR DECISION

01. Ecology Impact

Due to the presence of protected species on and adjacent to the site, the nature of development and extent of groundworks / excavation, in the absence of a suitable survey and acceptable mitigation details or measures to avoid disturbance to protected species resulting from the development, the proposal is anticipated to have direct adverse effects on a Protected Species. Thus it has not been demonstrated that the development would accord with Policy 4 (Natural Places) part f) within National Planning Framework 4 (NPF4) and Policy NE3 (Our Natural Heritage) within the Aberdeen Local Development Plan 2023 (ALDP).

02. Design / Overdevelopment

As the proposed development would not relate well to the semi-rural context and its poor relationship to the public road, by reason of the proximity and orientation of the proposed detached buildings, the arrangement, positions and sizes of the houses, the prominence of proposed fencing and the location of the private gardens for Plots 1 and 4 next to Shielhill Road, it conflicts with the design quality aspirations of NPF4 Policy 14 (Design, Quality and Place) and ALDP Policies D1 (Quality Placemaking) and D4 (Landscape).