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ADDITIONAL CIRCULATION



To: Councillor Milne, Convener; and Councillors Boulton, Corall, Cormie, Finlayson, Grant, Greig, Jaffrey, Lawrence, MacGregor, Jean Morrison MBE, Samarai, Jennifer Stewart, Thomson and Townson.

Town House,
ABERDEEN, 23 October 2013

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

The undernoted item is circulated in connection with the meeting of the **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE** to be held here in the Town House on **TUESDAY, 29 OCTOBER 2013 at 9.00am.**

JANE G. MACEACHRAN
HEAD OF LEGAL AND DEMOCRATIC SERVICES

B U S I N E S S

PLANNING APPLICATIONS WHICH ARE THE SUBJECT OF WRITTEN REPORTS

WHERE THE RECOMMENDATION IS ONE OF APPROVAL

- 2.4 Edgehill House, North Deeside Road, Milltimber - Replacement of existing house and construction of five additional dwellings with associated infrastructure, improved access and tree protection works (Pages 1 - 16)

Members, please note that this is a replacement report – please disregard the version circulated with the original agenda papers (pages 171-184).

Reference Number – 130211

Should you require any further information about this agenda, please contact Martin Allan on 01224 523057 or email mallan@aberdeencity.gov.uk or Martyn Orchard on 01224 523097 or email morchard@aberdeencity.gov.uk

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Planning Development Management Committee

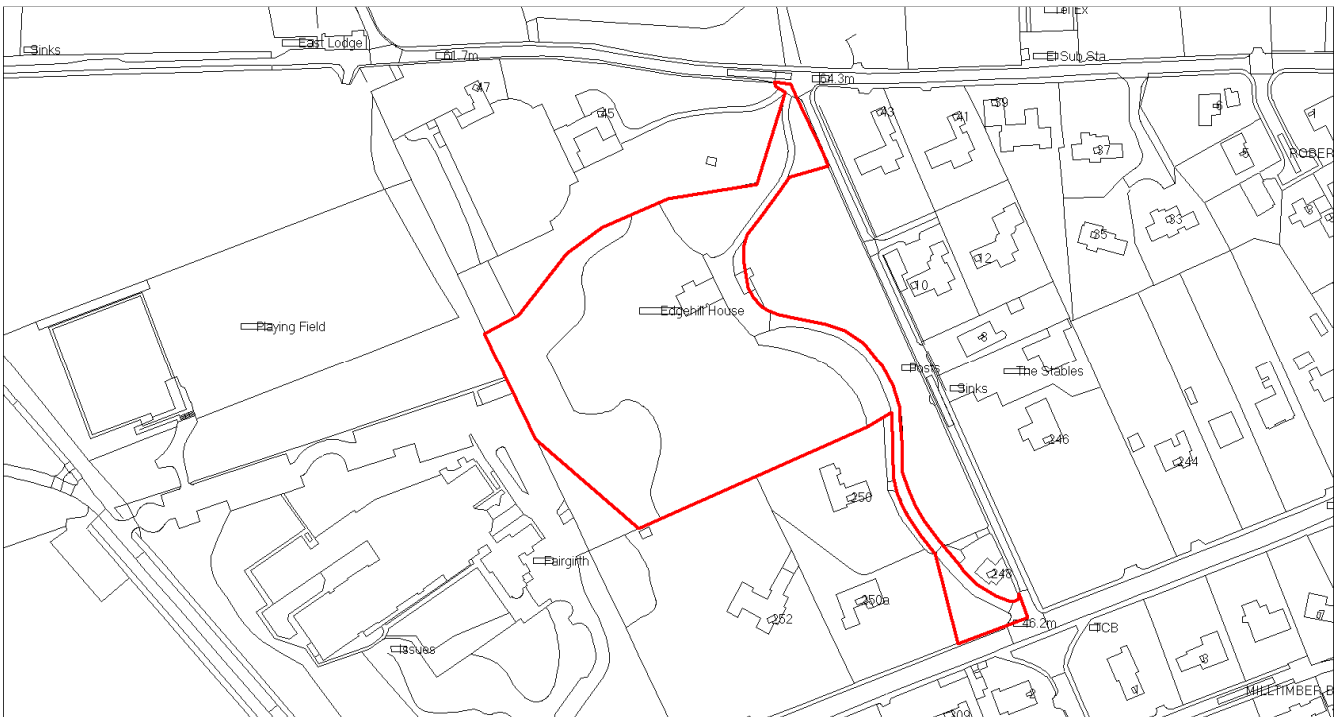
EDGEHILL HOUSE, NORTH DEESIDE ROAD,
MILLTIMBER

REPLACE EXISTING HOUSE AND
CONSTRUCT FIVE ADDITIONAL DWELLINGS
WITH ASSOCIATED INFRASTRUCTURE,
IMPROVED ACCESSES AND TREE
PROTECTION WORKS

For: Truedeal Securities Ltd

Application Type : Detailed Planning Permission
Application Ref. : P130211
Application Date: 19/02/2013
Officer: Gavin Evans
Ward : Lower Deeside (M Boulton/A Malone/M
Malik)

Advert : Can't notify neighbour(s)
Advertised on: 06/03/2013
Committee Date: 29 October 2013
Community Council : No response
received



RECOMMENDATION:

Willingness to approve subject to conditions, with consent being withheld pending satisfactory conclusion of a planning agreement relating to the payment of monies in connection with developer contributions and affordable housing provision

DESCRIPTION

The application site, which extends to some 1.7ha/17,000sqm, is located on the edge of the Milltimber settlement, to the west of Aberdeen in the Deeside valley. The site lies between Culter House Road, to the north, and North Deeside Road, to the south, and currently comprises a single detached dwellinghouse and associated detached garage, set within extensive grounds. The site can presently be accessed via a winding driveway which links the house to both Culter House Road and North Deeside Road. The majority of the site does not benefit from any direct road frontage, being set back behind other residential plots. To the north of the site lie 45 Culterhouse Road (Edgehill Cottage) and 47 Culterhouse Road (Gardenside), both detached residential properties set within generous plots. To the south, there are four detached dwellinghouses set between the application site and North Deeside Road, three of which are on the western side of the access driveway (250, 250A & 252) and one on the eastern side (248). To the east of the site, beyond the winding driveway, lies a further area of undeveloped woodland, which does not form part of the application site but is in the applicants' ownership. Beyond that woodland lies Bellenden Walk, a roughly surfaced road/track which runs between Culter House Road and North Deeside Road. Bollards at a central point prevent through access, with the properties arranged along Bellenden walk being accessed by one or other of North Deeside Road and Culter House Road. To the west of the application site lies land allocated as Green Belt in the Aberdeen Local Development Plan, including 'Fairgarth', the former home of the Aberdeen International School, which was subject to compulsory purchase in connection with the construction of the Aberdeen Western Peripheral Route, the path of which takes in land adjacent to the western site boundary.

The building within the application site itself is a large 1 ½ storey detached dwellinghouse, constructed in granite and cement and featuring a hipped roof with projecting pitched roof gables the upper sections of which are clad in hanging tiles. The existing dwellinghouse is understood to have been constructed in the late 1960s, occupying part of the footprint of the Victorian granite mansion that had previously been present. An area of the grounds immediately adjacent to the existing dwelling forms its principal garden grounds, and is distinct from the remainder of the site, being free of trees and more traditionally landscaped and laid to grass. Beyond a retaining wall, the wider site is less formally landscaped and features a number of established trees, particularly along the western and northern boundaries. Of the four dwellings to the south, the three on the western side of the access driveway were developed in the 1970s, the land having previously been part of the Edgehill House plot. The house on the eastern side of that driveway is Edgehill Lodge, a traditional granite cottage which was formerly part of the original Edgehill House site.

RELEVANT HISTORY

Application P110038, submitted in January 2011, proposed the demolition of the existing lodge, which lies to the south of the application site, adjacent to North Deeside Road, and the erection of a replacement dwelling. Planning permission was granted under the Council's scheme of delegation in March 2011. The replacement dwelling approved at that time is similar in its design and styling to that currently proposed.

PROPOSAL

This application proposes the demolition of the existing Woodbank House and the construction of 6 houses within the wider site. The proposed dwellings would be arranged around an extended part of the existing driveway, each inclined to face the turning circle which forms the centre of the space.

The dwellings themselves would be substantial 2-storey houses, set within generous plots ranging from 0.403 acres/1630sqm to 0.796 acres/3221sqm. Each of the houses would be predominantly finished in traditional wet-dash render, with smooth cement render also used alongside synthetic granite margins and entablature. Coursed granite stonework would be used in the construction of a central projecting feature of each house, which would sit proud of the face of the dwelling and incorporate the main doorway and an upper floor bedroom window. Windows would feature stained timber frames with lead astragals forming a cross-hatched fenestration pattern. Each of the dwellings would be constructed with a hipped natural slate roof, with painted timber fascias and soffits. Adjoining each dwelling would be a double garage, each of which would feature a hipped, slated roof.

Access to the site would be taken primarily from the south via North Deeside Road, with a new vehicular access constructed. The existing vehicular access from North Deeside Road would become a pedestrian only access, while the existing access from Culter House Road, to the north, would have bollards installed to close off vehicular access, thereby preventing a through route. A footway would be incorporated adjacent to the access point from North Deeside Road, but discontinued thereafter, giving way to a shared surface area. The access road would be single track, with passing places provided.

UPDATE

At the 22nd August meeting of the Planning Development Management Committee, members resolved as follows: *'To defer consideration of the application meantime to enable members to visit the site. The reason for visiting the site was to clarify the proposed road access to the development site onto North Deeside Road; its location in relation to the proposed slip road for the Aberdeen Peripheral Route and the proposed relocation of a bus stop.'*

At the sub-committee visit, which took place on 29th August, members directed various questions to the officers in attendance, particularly with reference to the proposed access onto North Deeside Road. The visiting sub-committee resolved: *'that the application be deferred pending discussion with the applicant as regards the feasibility of changes to access arrangements to give a single point of vehicular access from Culter House Road and that any amended application be submitted to a future meeting for consideration.'*

The applicant has made every reasonable effort to investigate the scope for a single point of access to the site from Culter House Road, however difficulties arising from the convergence of a number of vehicular accesses at a single point on Culter House Road and sub-optimal visibility at this point are such that the Council's Roads Projects Team have stated strong reservations about the feasibility of providing safe access in an appropriate manner, particularly given

the scope to provide a safe access point onto North Deeside Road, which would benefit from good visibility and appropriate separation from other access points. The applicants proposed an access arrangement onto Culter House Road which would utilise 'build-outs', which would project into the westbound lane, requiring westbound traffic to give way and thereby allowing traffic using the new access point to move further forwards within the area between those build-outs and gain better visibility by requiring westbound traffic to give way to eastbound vehicles.

The Roads Projects Team have advised that such an approach is generally found in urban areas, and that the character of this road is such that traffic speeds may render the build-outs unsafe. The applicant was instructed to undertake a speed survey to gauge traffic speeds on Culter House Road. The results of that survey demonstrate that vehicles regularly exceed the speed limit, and the upper end of those speeds surveyed are of significant concern. It remains the view of officers that the build-out solution proposed would not be appropriate to this location, where motorists are unlikely to expect such a feature and may be travelling at speeds which could render the access unsafe.

An addendum to the submitted tree survey has been provided, detailing the impact of the intended Culter House Road access on existing trees. This indicates that one tree would be felled for health and safety reasons, with a further tree being transplanted to a new location. The Council's Arboricultural Planner has accepted that there would be no undue impact on the landscape character or local amenity value of the site as a result of the intended works.

Taking these matters into account, it is concluded that the applicants have investigated the available options for providing a single point of access to the site from Culter House Road, as instructed by the visiting sub-committee. Nevertheless, it has not been possible to achieve a safe means of access to the satisfaction of the planning authority. It is therefore put to members that the previous proposal, with access taken solely via a newly constructed access point onto North Deeside Road, should be reconsidered in light of this further work.

Supporting Documents

All drawings and the supporting documents listed below relating to this application can be viewed on the Council's website at - <http://planning.aberdeencity.gov.uk/PlanningDetail.asp?130211>

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

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the the Planning Development Management Committee because a total of 6 letters of objection have been received. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Project Team – Accept parking provision in accordance with Council standards. Note and accept the proposals for access to the development site, provided that delivery of the visibility splay demonstrated at the access onto North Deeside Road be secured via a condition to attached to any consent. Also request that the relocation of an existing bus stop on the northern side of North Deeside Road be required by condition, in order that the visibility splay may be free of any obstruction. Highlight necessary contributions to the Council's Sustainable Transport Fund (STF), which may be obtained through use of an appropriate legal agreement. The submitted Drainage Impact Assessment is noted, and it is requested that a condition be attached to prohibit development until such time as the drainage approach proposed has been agreed with Scottish Water and SEPA. Please also see the update section, earlier in this report, which details discussions with the Council's Roads Projects Team regarding alternative access arrangements.

Environmental Health – No response received.

Developer Contributions Team – The development is required to make developer contributions commensurate with the scale and impact of the development proposed, and as set out in the Council's Infrastructure and Developer Contributions Manual. Contributions are required in relation to Affordable Housing, community facilities, sports and recreation, libraries, and core paths network.

Enterprise, Planning & Infrastructure (Flooding) - Require full details of surface water drainage proposals. This can be obtained through use of an appropriate condition attached to any consent.

Education, Culture & Sport (Archaeology) – No response received.

Community Council – No response received.

REPRESENTATIONS

6 letters of representation have been received. The objections raised relate to the following matters –

1. The site is formerly green belt, and this green wedge between Milltimber and Peterculter would be compromised by development, increasing overall housing density.
2. The site makes an important contribution to the landscape setting of this part of the city by virtue of its woodland character.
3. The proposal to create a third access point, onto North Deeside Road, would create an increased public safety hazard. The existing access is hazardous due to inadequate sight lines at the junction with Bellenden Walk. Suggests that access be restricted to a single point, via Culter House Road. Bollards across the single-track access road could restrict through traffic.
4. The proposal represents overdevelopment of the site, as it exceeds the allocation specified in the ALDP.
5. Construction traffic should be restricted to the northern access, via Culterhouse Road, on safety and amenity grounds.

6. The site is partially covered by a Tree Protection Order. This should be extended across the entire site to allow statutory protection to the existing trees and woodland.
7. Members are urged to undertake a site visit.
8. Objection is stated in relation to the submitted tree report, as it fails to take into account the annoyance, loss of light and property damage caused by these trees. The removal of certain trees is requested, based on their impact on Bellenden walk.
9. The proposed development would contravene the City Council's presumption against feu splitting.
10. The trees to be retained should be protected by planning conditions and by clauses in the deeds for the properties or by Tree Protection Orders.

PLANNING POLICY

National Policy and Guidance

Scottish Planning Policy (SPP)

Paragraph 82 of SPP highlights the important contribution that infill sites within existing settlements can make to the supply of housing land. It further states that infill sites should respect the scale, form and density of the surroundings and enhance the character and amenity of the community.

Aberdeen Local Development Plan (ALDP)

Policy LR1: Land Release Policy

Housing and employment development on sites allocated in Phase 1 will be approved in principle within areas designated for housing or employment. Development on an allocated site or in close proximity to an allocation that jeopardises the full provision of that allocation will be refused.

Policy I1: Infrastructure Delivery and Developer Contributions

Sets out that development must be accompanied by the infrastructure, services and facilities required to support new or expanded communities and the scale and type of developments proposed. Where development either individually or cumulatively will place additional demands on community facilities or infrastructure that would necessitate new facilities or exacerbate deficiencies in existing provision, the Council will require the developer to meet or contribute to the cost of providing or improving such infrastructure or services.

Policy T2: Managing the Transport Impact of Development

New developments will need to demonstrate that sufficient measures have been taken to minimise the traffic generated.

Maximum car parking standards are set out in Supplementary Guidance on Transport and Accessibility and detail the standards that different types of development should provide.

Policy D1: Architecture and Placemaking

To ensure high standards of design, new development must be designed with due consideration for its context and make a positive contribution to its setting. Factors such as siting, scale, massing, colour, materials, orientation, details, the proportions of building elements, together with the spaces around buildings, including streets, squares, open space, landscaping and boundary treatments, will be considered in assessing that contribution.

Policy D2: Design and Amenity

Policy D2 sets out a series of criteria for new development, intended to ensure that an appropriate level of amenity can be secured for residents of both that new development and neighbouring land and buildings.

Policy H3: Density

States that the City Council will seek an appropriate density of development on all housing allocations. It is further stated that all residential developments of over one hectare shall meet a minimum density of 30 homes per hectare; have consideration of the site's characteristics and those of the surrounding area; and create an attractive residential environment and safeguard living conditions within the development.

Policy H5: Affordable Housing

States that developments of five units or more are required to contribute no less than 25% of the total number of units as affordable housing.

Policy NE1: Green Space Network

The City Council will protect, promote and enhance the wildlife, recreational, landscape and access value of the Green Space Network. Proposals for development that are likely to destroy or erode the character or function of the Green Space Network will not be permitted.

Policy NE5: Trees and Woodlands

There is a presumption against all activities and development that would result in the loss of or damage to established trees and woodlands that contribute significantly to nature conservation, landscape character or local amenity. Appropriate measures should be taken for the protection and long-term management of existing trees and new planting, both during and after construction. Buildings and services should be sited so as to minimise adverse impacts on existing and future trees and tree cover.

Policy NE8: Natural Heritage

Sets out the policy position as regards protected species and designated sites. Development that, taking into account any proposed mitigation measures, has an adverse effect on a protected species will only be permitted where it satisfies the relevant criteria in Scottish Planning Policy. This policy also sets out the requirement for surveys to be provided where development may have an adverse effect on a protected species.

Policy R7: Low and Zero Carbon Buildings

All new buildings, in meeting building regulations energy requirements, must install low and zero carbon generating technologies to reduce the predicted carbon dioxide emissions by at least 15% below the 2007 building standards. This percentage requirement will be increased as specified in Supplementary Guidance.

Supplementary Guidance

'Low and Zero Carbon Buildings'; 'Trees and Woodlands'; 'Transport and Accessibility' and 'Sub-division and Redevelopment of Residential Curtilages' documents are of relevance.

Other Relevant Material Considerations

The matters raised in representations are material to the assessment of this application, only so far as they relate to legitimate planning considerations.

EVALUATION

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

Zoning / Land Release & Principle of Development

The application site is allocated for residential development in the Aberdeen Local Development Plan, having been identified through the plan preparation process as being capable of accommodating a notional allocation of 5no dwellings. It is noted that the allocation figures are notional, based a broad estimate of the development potential of a site based on its area, and the stated allocation should not be taken to preclude a development for a greater number of units where it can be demonstrated that such development is otherwise accords with the provisions of the development plan. Policy LR1 sets out that Phase 1 housing allocations such as this will be approved in principle within areas designated for housing, and that development on or near an allocated site that would prejudice the full delivery of that allocation will not be permitted. In this instance, the application proposes delivery of the full allocation, and so there is no conflict with policy land release policy as expressed in policy LR1 of the ALDP.

Housing and employment development on sites allocated in Phase 1 will be approved in principle within areas designated for housing or employment. Development on an allocated site or in close proximity to an allocation that jeopardises the full provision of that allocation will be refused. Having been allocated for residential development, the principle of development of this type is established, and this application should be considered on the basis of the form in which that residential development is proposed.

Existing Trees and Green Space Network Designation

It is noted that the application site features a significant number of established trees, and that the proposed development will require the removal of some of

those trees. A total of 232 trees were surveyed and recorded within the supporting tree report, of which 29 trees are identified for removal. None of those 29 trees is identified for removal directly as a result of the development proposal, with all 29 being identified for removal due to their existing condition and for woodland management reasons. This has been accepted by the Council's Arboricultural Planner, who is confident that the removals proposed would not adversely affect the wooded character of this part of the site. On visiting the site, the Council's Arboricultural Planner noted that there appeared to have been a number of trees recently removed. On this basis, the replacement planting proposed is not considered to be sufficient, and should be enhanced to reflect those trees removed prior to submission of the planning application. An appropriate scheme of replacement planting, to the satisfaction of the planning authority, can be secured via an appropriate condition in the event of approval.

A further addendum to the tree survey has been provided in relation to the new lower driveway access to be formed onto North Deeside Road, as this area was not part of the initial survey area. That driveway and access would result in the direct loss of 5 trees, with a further 5 removed for reasons of good woodland management based on their current condition. The Council's Arboricultural Planner has noted this tree loss, but is of the opinion that this may be adequately mitigated by replacement tree planting and the use of a 'no-dig' construction method in the formation of the new driveway. The tree loss arising from the works is considered to be acceptable in the context of this heavily wooded site, and therefore the proposal is not considered to affect landscape character or local amenity. Appropriate conditions can be attached to any consent in relation to replacement planting and use of a no-dig construction methodology in the construction of the driveway in close proximity to trees.

Parts of the woodland around the edges of the application site are included within the Council's designated Green Space Network. It is noted, however, that the existing house and its formal garden, along with much of the space to the south, are not included in that designation. As noted above, there are no existing trees to be lost as a direct result of the proposed development. With the proposed development being centred on the footprint of the existing house and garden, any overlap with the Green Space Network would be minimal, and would be restricted to its subdivision for the formation of individual residential plots. On this basis, it is concluded that the proposed development would not represent any material threat to the character or function of the Green Space Network.

Protected Species

Given the woodland nature of the site, which provides good habitat for bats, a European Protected Species, it was necessary for the applicant to provide a bat survey in order to ascertain whether bats or their roosts were present on the site. The submitted survey demonstrated to the satisfaction of the Council's Environmental Planner that there was no evidence of bats using the building. In this regard, the proposal is not considered to result in any adverse impact on a protected species, and therefore accords with policy NE8 (Natural Heritage) of the Aberdeen Local Development Plan.

Roads & Access

The proposed access arrangements have been arrived at following liaison with the Council's Roads Projects Team, who have stated their satisfaction with the arrangements proposed, provided that appropriate visibility can be maintained at the access onto North Deeside Road. A design showing an acceptable access has been provided, and it will be necessary to ensure that the access is provided prior to any occupation of the dwellinghouses proposed, in order to ensure that a safe access is in place to serve the development. Appropriate levels of car parking have been provided to serve the development, in accordance with policy T2 (Managing the Transport Impact of Development) of the ALDP and the associated 'Transport and Accessibility' supplementary guidance.

Planning Gain & Affordable Housing

The proposed development has been subject to assessment by the Aberdeen City and Aberdeenshire Developer Contributions Team, with contributions payable as noted in the 'Consultations' section of this report, above. The applicants are aware of this requirement, and have intimated their agreement to enter into an appropriate agreement under section 75 of the planning act to regulate payment of those monies.

Design, Density & Quality of Environment

The proposed new dwellings are large, detached houses, set within generous plots in a semi-woodland setting. In this regard, the proposal reflects the character of the surrounding community, which is characterised by large detached dwellings of this nature. The application site is located towards the western periphery of the Milltimber settlement, with the land immediately to the west, between Milltimber and Peterculter, zoned as green belt. It is noted that there is considerable variety in the wider area in terms of architectural style, including both traditional granite properties such as those seen along North Deeside Road and at Edgehill Cottage, to the north, along with more modern house types such as those seen immediately to the south and west of the application site. The use of vernacular material such as natural slate, timber windows and natural granite help to establish the relationship between the development and its surroundings. The proportions and styling are consistent across the six houses, and it is noted that the approach taken and materials used closely match those used in planning application P110038, which was granted planning permission for the construction of a new house in place of the existing Edgehill Lodge, to the south-east of the application site, adjacent to the access onto North Deeside Road. This consistent approach is welcomed, and helps to establish a distinct identity for this small pocket of Milltimber. The hipped-roof design of the dwellings is commonly seen in the surrounding area, while the principal elevations present a regular form and symmetry in detailing which is considered to make a positive contribution to the setting of these new buildings. In an area with no direct street frontage, and where dwellings are commonly set within large, well screened plots, there is no necessity to slavishly replicate the styling of an adjacent dwelling. As a standalone development site which will not be readily perceived from North Deeside Road, the proposed dwellings are considered to demonstrate due regard for their context and make a positive contribution to their setting, as required by policy D1 (Architecture and

Placemaking) of the Aberdeen Local Development Plan. The proposal also demonstrates due accord with the general principles set out in the Council's published supplementary guidance entitled 'The Sub-division and redevelopment of Residential Curtilages'.

The density of the development is broadly consistent with the allocation of the OP61 site for a development of 5 homes, involving the replacement of one existing house and the construction of 5 additional dwellings. The low-density character of the development reflects the character of the area, which is characterised by large detached dwellings in large plots, and is in part driven by requirements to retain existing trees so far as is possible on the site, which is heavily wooded in parts, particularly along its boundaries. This density of development is considered to be appropriate to this site, in accordance with policy H3 of the ALDP. The minimum density target of 30 dwellings per hectare specified in policy H3 cannot readily be achieved on a site such as this, as it would risk threatening the woodland character of the site and fundamentally altering the character of the area by introducing a high density form of development in an area where it would appear incongruous. It is therefore concluded that the proposal demonstrates due regard for the terms of policy H3.

The generous plots, distance between the new dwellings and those present on adjacent site, and screening provided by existing tree cover are such that the proposed development would not raise any material concerns regarding direct impact on privacy and amenity afforded to residents of adjacent dwellings. The new dwellings would not have a direct street frontage onto North Deeside Road, however it is acknowledged that this is not possible on this particular site. In any case, the newly created shared access road, taken off the existing driveway at the centre of the site, would form the focal point of the development and each of the new dwellings would front onto this in the same manner as a street frontage. Each of the dwellings would benefit from extensive garden grounds, and would be afforded ample outdoor amenity space within a pleasant woodland setting. Car parking associated with the development would not serve to dominate the site, and its woodland setting would be retained, creating a desirable residential environment for prospective residents.

Policy R7 (Low and Zero Carbon Buildings) and Associated Supplementary Guidance

The application does not include any details to demonstrate how Low and Zero Carbon Generating Technologies will be incorporated into the dwellings, or alternatively how the buildings could achieve deemed compliance with the Council's published 'Low and Zero Carbon Buildings' supplementary guidance. On this basis, it will be necessary to attach an appropriate condition to secure such information in the event that the application is to be approved.

Matters raised in representations

It should be highlighted that the site's former designation as green belt is of no relevance to determination of this application, which should focus on how the development proposal relates to the current development plan, in which the site is allocated for residential development. Any increase to overall housing density in the area would be minimal, with the generous plots of the new dwellings

appropriately reflecting their surroundings and the densities commonly seen on comparable sites in the surrounding area. The site's contribution to the landscape setting of this part of Aberdeen is acknowledged in this report, and it is concluded that the woodland character of the site and its landscape setting value would not be compromised by the development, which is sited in such a way as to avoid any material tree removals.

It should be noted that, while a new access is to be created, this would act as the only vehicular access to the development, with other existing accesses being closed to vehicular traffic. This has been agreed with the Council's Road Projects Team, with acceptable visibility being demonstrated at the new junction. An existing bus stop on the north side of North Deeside Road would require to be re-sited in order to allow the necessary visibility, but this can be readily achieved through use of a condition attached to any grant of planning permission.

As noted earlier in this report, that the site is allocated for 5 dwellings in the ALDP should be seen as notional and indicative, and it is entirely appropriate to consider any proposal on its own merits based on what a given site can readily accommodate. In this instance, the proposal maintains the character of the surrounding area, with large detached houses set within generous plots in a semi-woodland environment. That the number of dwellings proposed exceeds that which the site is allocated for should not in isolation be seen as grounds for refusal of the application. Members may wish to consider also that making efficient use of the available land within and immediately adjacent to our existing settlements assists in maintaining a sustainable settlement pattern and avoiding urban sprawl. It is not considered necessary to restrict the means by which construction traffic may access the site, and it is questionable if this is a legitimate course of action, given that the site can presently be accessed by any vehicular traffic via North Deeside Road using the public road.

The statement made regarding the presence of a Tree Protection Order (sic) is not correct. There is no formal protection for the existing trees on this site, however the planning authority has a duty to ensure, whenever appropriate, that in granting planning for any development adequate provision is made, by the imposition of conditions, for the preservation or planting of trees. Appropriate conditions can require tree protection measures to be implemented during the construction phase, require replacement planting in mitigation for any trees removed, and to ensure that the developer is obliged to inform the authority of any additional tree works which may appear to become necessary during the construction phase. The making of any new Tree Preservation Order (TPO) is not a matter to be considered in assessment of this planning application, and utilises separate powers afforded to the planning authority. It is for members to decide if they wish to undertake a site visit if they deem it necessary.

Objection is stated to a number of trees being retained, based on their existing impact on adjacent properties and the amenity of those residing there. This is not relevant to the planning authority's consideration of the impact of the current development proposal, and will not be addressed further in this report. Culter Community Council, whose area does not include the application site, make reference to the development contravening the City Council's presumption

against feu splitting, however there is no such presumption. The City Council has published supplementary guidance on this topic, entitled 'The Sub-division and Redevelopment of Residential Curtilages', which sets out a series of principles to guide development of that nature. It is by no means accurate to say that there is a general presumption against such development, but rather than any such proposals must demonstrate accordance with the guidance contained in the aforementioned document.

Summary

In summary, the proposed development relates to a site allocated in the current Aberdeen Local Development Plan for a residential development of 5 houses within the first phase of the plan. The proposal is therefore consistent with the zoning of the site in the ALDP. The density of the development is consistent with the surrounding area, and is guided by the presence of existing trees within the site. Appropriate means of access has been agreed with the Council's Roads Projects Team, with conditions required to ensure that the new access to serve the development is implemented in advance of occupation of any new dwelling. It should be noted that the applicant has made all reasonable efforts to progress an alternative means of accessing the site from the north, as instructed by members at the Planning Development Management Committee visit on 29th August, however it has not been possible to reach agreement with the Council's Roads Projects Team on a safe means of access. The design and form of the development, and its relationship with its surroundings, are considered to accord with the general principles set out in the Council's supplementary guidance relating to the splitting of residential curtilages. The impact of the development on existing infrastructure and services can be appropriately mitigated through developer contributions in accordance with the Council's published supplementary guidance on the topic, the payment of which can be controlled via a section 75 planning agreement. Compliance with the Council's Affordable Housing policy can be secured via the same means, with a commuted sum having been agreed in consultation with the Council's Developer Contributions Team. A bat survey has established that there is no evidence of bat activity on the site, as required by policy NE8 of the ALDP. Similarly, a tree survey has established the level of tree removal involved, which has been accepted by the Council's Arboricultural Planner. The extent of replacement planting is currently insufficient, however additional planting can be secured via the use of an appropriate condition attached to any consent granted. The proposal is not considered to have any adverse impact on the character or function of the Green Space Network. Taking these matters into account, it is concluded that the proposal demonstrates accordance with the relevant provisions of the development plan, and that no material considerations have been identified that are of sufficient weight to warrant determination other than in accordance with that plan. It is therefore recommended that members express a willingness to approve this application subject to the following conditions, and subject also to the satisfactory conclusion of a legal agreement controlling the payment of developer contributions and a commuted sum in relation to affordable housing provision, as determined following consultation with the Council's Developer Contributions team. The consent document shall not be issued until such time as an agreement to that effect has been concluded and appropriately registered against the land.

RECOMMENDATION

Willingness to approve subject to conditions, with consent being withheld pending satisfactory conclusion of a planning agreement relating to the payment of monies in connection with developer contributions and affordable housing provision

REASONS FOR RECOMMENDATION

The proposed development is consistent with its residential zoning and its opportunity site designation in the Aberdeen Local Development Plan (ALDP), and provides an appropriate design, scale and form of development, in accordance with policies H1 (Residential Areas) and D2 (Design and Amenity) of the ALDP and the associated supplementary guidance document in relation to the Sub-division and Redevelopment of Residential Curtilages. The Green Space Network designation which applies to the site would not be adversely affected by the proposed development, and the development has been proposed in such a way as to avoid any significant impact on the existing trees and woodlands, in compliance with policies NE1 (Green Space Network) and NE5 (Trees and Woodlands) of the ALDP. An appropriate form of development is proposed, and supporting surveys indicate that there would be no resultant adverse impact on bats, a European Protected Species, in accordance with policies H3 (Density) and NE8 (Natural Heritage). The individual and cumulative impacts of the development identified through consultation with the Council's developer contributions team can be adequately mitigated through the payment of contributions calculated in accordance with the Council's published Infrastructure and Developer Contributions Manual.

CONDITIONS

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

(1) That no development shall be undertaken until such time as the existing bus stop on North Deeside Road has been relocated in accordance with drawing 96035/1001, or any other such drawing as submitted to and approved in writing by the planning authority for this purpose - in the interests of safeguarding road safety by making provision for appropriate visibility at the main site access to/from North Deeside Road.

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

(3) that no development pursuant to this planning permission shall take place, nor shall any part of the development hereby approved be occupied, unless there has been submitted to and approved in writing by the Planning Authority, a

detailed scheme of site and plot boundary enclosures for the entire development hereby granted planning permission. None of the buildings hereby granted planning permission shall be occupied unless the said scheme has been implemented in its entirety - in order to preserve the amenity of the neighbourhood.

(4) that no development shall take place unless a scheme detailing all external finishing materials to the roof and walls of the development hereby approved has been submitted to, and approved in writing by, the planning authority and thereafter the development shall be carried out in accordance with the details so agreed - in the interests of visual amenity.

(5) that no development pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing for the purpose by the planning authority a further detailed scheme of landscaping for the site, which scheme shall include indications of all existing trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of development, and the proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting - in the interests of the amenity of the area.

(6) that all planting, seeding and turfing comprised in the approved scheme of landscaping shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority - in the interests of the amenity of the area.

(7) that no development shall take place unless a plan showing those trees to be removed and those to be retained and a scheme for the protection of all trees to be retained on the site during construction works has been submitted to, and approved in writing by, the Planning Authority and any such scheme as may have been approved has been implemented - in order to ensure adequate protection for the trees on site during the construction of the development.

(8) that any tree work which appears to become necessary during the implementation of the development shall not be undertaken without the prior written consent of the Planning Authority; any damage caused to trees growing on the site shall be remedied in accordance with British Standard 3998: 2010 "Recommendations for Tree Work" before the building hereby approved is first occupied - in order to preserve the character and visual amenity of the area.

(9) that no materials, supplies, plant, machinery, spoil, changes in ground levels or construction activities shall be permitted within the protected areas specified in the aforementioned scheme of tree protection without the written consent of the Planning Authority and no fire shall be lit in a position where the flames could

extend to within 5 metres of foliage, branches or trunks - in order to ensure adequate protection for the trees on site during the construction of the development.

(10) that the dwellinghouse hereby approved shall not be occupied unless provision has been made within the site for the off-street parking of motor vehicles in complete accordance with Plan No. 1796-EHD-P03 or such other scheme as may be subsequently approved in writing by the planning authority - in the interests of road safety, the free flow of traffic and visual amenity.

(11) That the dwellings hereby granted planning permission shall be occupied unless provision has been made within the application site for refuse storage and disposal in accordance with a scheme which has been submitted to and approved in writing by the planning authority - in order to preserve the amenity of the neighbourhood and in the interests of public health.

(12) that the dwellings hereby approved shall not be occupied unless a scheme detailing compliance with the Council's 'Low and Zero Carbon Buildings' supplementary guidance has been submitted to and approved in writing by the planning authority, and any recommended measures specified within that scheme for the reduction of carbon emissions have been implemented in full - to ensure that this development complies with requirements for reductions in carbon emissions specified in the City Council's relevant published Supplementary Guidance document, 'Low and Zero Carbon Buildings'.

(13) that no development in connection with this consent shall be commenced until such time as details of an appropriate 'no-dig' construction methodology for the formation of the new driveway and vehicular access have been submitted to, and approved in writing by, the planning authority. Thereafter, all works shall be carried out in full accordance with the agreed method statement, unless otherwise agreed in writing by the planning authority - in order to minimise scope for damage to the trees present on site in construction of the new driveway.

Dr Margaret Bochel

Head of Planning and Sustainable Development.