

Public Document Pack



To: Councillor Milne, Convener; and Councillors Boulton, Corall, Cormie, Delaney, Finlayson, Grant, Jaffrey, Lawrence, MacGregor, McCaig, Jean Morrison and Thomson.

Also (as local members):- Councillors Crockett, Malone, Malik and Samarai.

Town House,
ABERDEEN, 14 June 2012

DEVELOPMENT MANAGEMENT SUB COMMITTEE (VISITS)

The Members of the **DEVELOPMENT MANAGEMENT SUB COMMITTEE (VISITS)** are requested to meet on **THURSDAY, 21 JUNE 2012 at 9.30 am.**

JANE G. MACEACHRAN
HEAD OF LEGAL AND DEMOCRATIC SERVICES

B U S I N E S S

WHERE THE RECOMMENDATION IS ONE OF APPROVAL

- 1.1 Aberdeen Airport Sports and Social Club, Farburn Terrace, Dyce - External alterations including the overcladding of the existing frontage, replacement windows and doors, formation of 2 no. new openings and internal fit out of existing building (Change of use from leisure facility - Class 11 - to passenger terminal) (Pages 1 - 18)

Reference Number – 120481

1.2 Bielside Lodge, North Deeside Road, Aberdeen - Erection of dwellinghouse (Pages 19 - 66)

Reference Number – 120491

Members are requested to note that the decision making in respect of these items will be carried out at the Development Management Sub Committee meeting of 19 July 2012.

Note: (One) The Planning Officials in attendance on the visits can be contacted by mobile phone, the number is :- 07802 323986.

(Two) The transport for the visits will depart the Town House from the Broad Street entrance at 9.30 prompt.

Should you require any further information about this agenda, please contact Martin Allan, tel. (52)3057 or e-mail mallan@aberdeencity.gov.uk

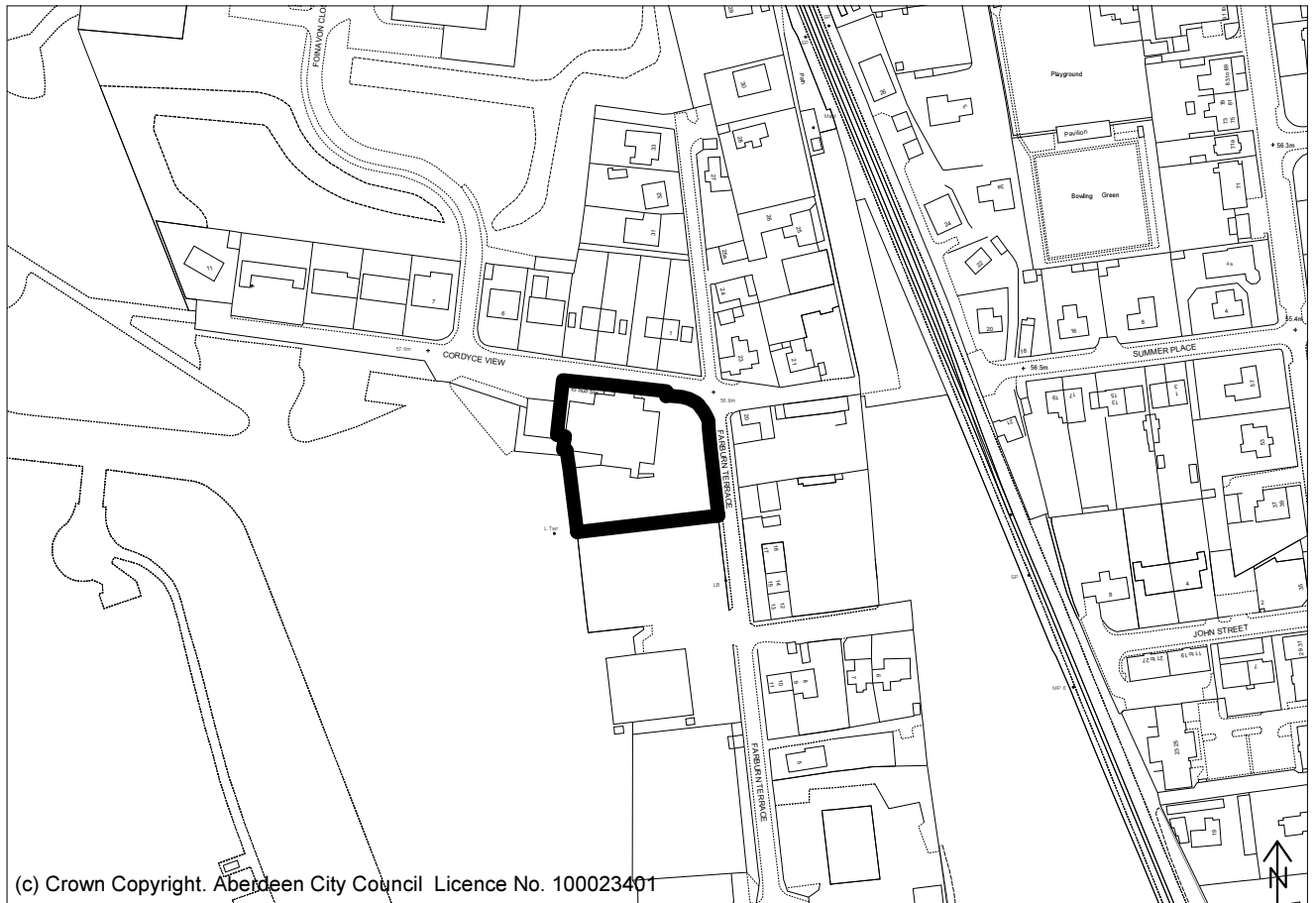
Agenda Item 1.1

ABERDEEN AIRPORT S&S.C., FARBURN
TERRACE, DYCE

EXTERNAL ALTERATIONS INCLUDING;
THE OVERCLADDING OF THE EXISTING
FRONTAGE, REPLACEMENT WINDOWS
AND DOORS, FORMATION OF 2NO. NEW
OPENINGS, AND INTERNAL FIT OUT OF
EXISTING BUILDING. CHANGE OF USE
FROM A LEISURE FACILITY (CLASS 11)
TO PASSENGER TERMINAL

For: Bond Offshore Helicopters

Application Ref.	: P120481	Advert	: Full Notify not poss.
Application Date	: 17/04/2012	(neighbours)	
Officer	: Matthew Easton	Advertised on	: 02/05/2012
Ward:	Dyce/Bucksburn/Danestone(B	Committee Date	: 14 June 2012
Crockett/G	Lawrence/N	Macgregor/G	Community Council : Comments
Samarai)			



RECOMMENDATION: Approve subject to conditions

DESCRIPTION

The site is the 'Glenburn Club' building, a former social club located on the corner of Farburn Terrace and Cordyce View, Dyce.

The building comprises a two storey element at the front which includes a substantial slate mansard wall covering a large portion of the first floor. The larger single storey element of the building to the rear is constructed in metal profile sheeting. The floor space of the building is 750m².

There is a car park to the south and west of the building which can accommodate approximately 24 vehicles and is accessed from Farburn Terrace.

The Aberdeen Airport perimeter fence forms the western boundary of the site, beyond which are airport aprons used for the parking of aircraft.

To the south of the site is a car park used by Bond/BP and used to park offshore worker's vehicles. Beyond the car park is an aircraft hanger operated by Gama Aviation and largely used by the Scottish Ambulance Service air ambulance aircraft.

To the east across Farburn Terrace are two small office buildings and to the north the area is predominately residential in character with properties facing onto Cordyce View and Farburn Terrace. There are also residential properties to the south on the east side of Farburn Terrace opposite the car park and Gama Aviation hanger.

HISTORY

Planning permission (090179) was granted by the Development Management Sub-Committee in July 2009 for formation of a formal parking area at the Glenburn Club.

PROPOSAL

It is proposed to change the use of the former social club to a passenger terminal for use by Bond as part of their offshore helicopter operations.

The ground floor of the converted building would comprise a check-in area, waiting area, departure area, arrivals area, baggage area, café and kitchen area and ancillary facilities such as toilets. The first floor of the building would accommodate an open plan office, staff room and further toilets.

Externally, minimal alterations would take place to the building. This would comprise the removal of the slate mansard style roof and its replacement with red insulated steel cladding panels to the upper storey at the front of the building. The ground floor would be clad in 'Goosewing grey' cladding panels and windows and doors would be repainted and or replaced in 'Merlin grey'. On the south elevation two new openings would be created to allow passengers and baggage trolleys to enter and exit the terminal.

At the front of the building an area would be created to allow six vehicles to drop-off and collect passengers. Fifteen parking spaces for staff and visitors would be created in the south east corner of the site and the remainder of the external space would remain as a gravel surface for staff parking. There would be no parking for passengers.

The airport security fence would be realigned so that departing and arriving passengers can access the terminal from the airside part of the airfield.

Bond intends to transfer two of the companies it provides offshore flights from its existing terminal at Farburn Terrace to the new terminal. This involves on average twelve flights per day Monday to Friday and three flights a day at the weekend. The flights occur in three rotations, departing approximately between 0700 – 0800, 1100 – 1200 and 1500 – 1600. Each flight has on average fifteen passengers, equating to sixty passengers per rotation. Passengers would be transferred by buses between the terminal and helicopters which would be positioned outside the existing Bond terminal.

Eighteen Bond staff and eight oil company staff would operate from the terminal.

REASON FOR REFERRAL TO SUB-COMMITTEE

The application has been submitted to the Sub-Committee because Dyce and Stoneywood Community Council have objected to the application.

CONSULTATIONS

ROADS SECTION – Satisfied that the car parking arrangement as proposed would be adequate to serve the development, bearing in mind that clients are not expected to park within the site, satisfied that the proposal would not create significant traffic as the traffic associated with the development is existing traffic on Farburn Terrace and a condition should be attached requiring a green travel plan to be submitted.

ENVIRONMENTAL HEALTH – No objection to application as no change to existing helicopter movements.

COMMUNITY COUNCIL – Object to the application on the grounds of potential for increased traffic, existing parking problems and the potential for them to be exacerbated and potential light pollution.

REPRESENTATIONS

Five letters of objection have been received from four separate individuals, all of whom live on Farburn Terrace or Cordyce View. The following matters of concerns are raised –

- The proposal would increase the volume of traffic and risk of road traffic collisions on Farburn Terrace which is already congested.
- The proposal would affect parking in the area.

- Concern that running helicopters would be positioned adjacent to the new terminal rather than the existing terminals
- The planning process has been prejudiced by Aberdeen Airport.
- Any impact an extension or signage on the building may have.

A letter of support for the proposal has been received from Aberdeen Airport Ltd. (owners of the site).

PLANNING POLICY

Aberdeen Local Development Plan (2012)

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.

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 D3 (Sustainable and Active Travel) – New development will be designed in order to minimise travel by private car, improve access to services and promote healthy lifestyles by encouraging active travel. Development will maintain and enhance permeability, ensuring that opportunities for sustainable and active travel are both protected and improved. Access to, and movement within and between, new and existing developments will prioritise transport modes in the following order - walking, cycling, public transport, car and other motorised vehicles.

Policy BI4 (Aberdeen Airport and Harbour) – Within the operational land applying to Aberdeen Airport and Aberdeen Harbour there will be a presumption in favour of uses associated with the airport and harbour respectively.

EVALUATION

The site within an area zoned for airport related uses. Therefore, although outside the current perimeter of the airport the principle of the use as a passenger terminal is acceptable because it is an airport related use in compliance with Policy BI4. The previous and authorised use as a social club had the potential to create disturbance from events taking place within the premises and customers leaving late into the evening. Therefore a less onerous use which operates largely during the day could be regarded as a preferable use to have adjacent to residential properties.

The local plan identifies the airport as a vital hub which provides a service for the region as a whole. The airport is a vital route for transferring people to offshore platforms in the North Sea and therefore it is important for the wider economy

that improvements at the airport which support the offshore industry are supported.

However, although the proposal is acceptable in principle and is supported by the local plan, it must also be assessed in terms of the specific impacts it may have upon the surrounding area.

Traffic / Parking

All objectors raise concern with the potential increase in traffic and parking issues which may arise from the proposed development. Opening of the new terminal would allow Bond to move two of the companies it provides flights for from the existing terminal to the new building. This would spread the load of passengers between the new site and old site, which should alleviate the congestion reported by residents near the existing Bond buildings at the Wellheads Drive / Farburn Terrace roundabout. The Council's Roads Service are satisfied that the proposal would not create significant traffic as the traffic associated with the proposed development is existing traffic on Farburn Terrace.

A large number of passengers arrive by taxi or private car, however Bond have a policy of encouraging passengers to utilise public transport. Various bus routes pass close by to the site on Wellheads Drive and on Victoria Street. Dyce railway station is approximately 250m to the north of the site and can be accessed via a footpath between the station and Farburn Terrace. There is also a shuttle bus service which passes Farburn Terrace. Passengers of larger companies utilise the Aberdeen Airpark parking facility which provides a courtesy shuttle bus to the site from the airpark at Kirkhill. Although Bond already encourages sustainable means of travel to their terminals, The Roads Service have requested that in order to show commitment to sustainable travel measures, that a green travel plan be submitted by the applicant. A condition has been attached reflecting this and in accordance with Policy D3.

The new off-street area for dropping off and picking up passengers which is to be provided should improve issues of parking congestion when people are being dropped off on Farburn Terrace, although this would be largely be down to the behaviour of passengers and drivers and whether they choose to utilise the drop off area. There are existing on-street residents only parking outside 12 – 16 Farburn Terrace. Roads officer are satisfied that the car parking arrangement as proposed would be adequate to serve the site bearing in mind that passengers are not expected to park within the site.

Physical Works

The existing building has little architectural merit and the proposed external alterations are considered acceptable. The red cladding would be similar to the existing Bond buildings situated on Farburn Terrace. Given the airport context of the site and its surroundings, it is considered that the works would be in accordance with Policy D1 and that there would be no adverse visual impact as a result of the external alterations proposed.

The building would not be extended and therefore there would be no impact, adverse or otherwise, on the amenity of surrounding properties arising in terms of physical works.

The Community Council have raised concerns regarding the potential for light pollution and how it may impact upon nearby residential properties. The applicants advise that the existing roof mounted floodlights on the building would be reduced in number. Those left would be directed towards the ground and operated via timers and motion detectors. A condition has been attached requiring details of the proposed lighting scheme.

Any sizeable signage is likely to require a separate application for advertisement consent to be made.

Other Matters

- Due to concern raised by residents, planning officers are aware that work commenced at the site in early April and have been advised by the applicant that this is due to the tight timescales which the applicant has for opening the new terminal. Whilst planning permission is not required for the internal fit out of the building; consent is required for the external alterations and for the actual use of the building as a passenger terminal.

A letter was sent by Aberdeen Airport Ltd, owners of the building, on 26th April advising residents in the area of the situation. The letter stated that '*planning permission for the works has been obtained*'. This was clearly incorrect as the application was only submitted on 17th April and is now before the Sub-Committee for determination. Several objectors have complained that the letter issued by the airport has prejudiced the planning process and may have discouraged some residents from submitting letters of representation. Whilst planning officers agree that the letter could be construed as misleading, it was sent by a third party and there is no recourse within the planning system enabling the Council to contest its contents.

- Concern is raised from objectors with regards to increased noise from aircraft. The applicants have advised that helicopters would operate as per the current situation in terms of where they would sit idling whilst waiting for passengers to load or disembark. Passengers would be transferred on buses to and from the terminal to the aircraft; therefore there should be no increase in disturbance from aircraft operations as a result of the new terminal becoming operational. However it should be noted that the planning authority has no control over where aircraft park or operate on the airfield.

RECOMMENDATION

Approve subject to conditions

REASONS FOR RECOMMENDATION

In principle the proposed use of the building as a passenger terminal is acceptable as it is an airport related use. The Council's Roads Service is satisfied that there would not be a significant increase in traffic and that the proposed parking arrangements would be adequate. In order to encourage sustainable travel measures a green transport plan will be submitted. The physical works proposed to the building are acceptable and would not have any adverse impact upon the visual amenity of the area.

it is recommended that approval is granted with the following condition(s):

(1) that the development hereby approved shall not be occupied unless the car parking and drop-off area hereby granted planning permission have been constructed, drained, laid-out and demarcated in accordance with drawing No. 002(Rev.B) of the plans hereby approved or such other drawing as may subsequently be submitted and approved in writing by the planning authority. Such areas shall not thereafter be used for any other purpose other than for the purpose of the parking of cars and as a drop-off and collection point for passengers using the terminal – in the interests of public safety and the free flow of traffic.

(2) that the terminal shall not be used 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.

(3) 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.

(4) that the terminal shall not be occupied unless a scheme for external lighting has been submitted to and approved in writing by the Planning Authority, and thereafter implemented in full accordance with said scheme - in the interest of the residential amenity of surrounding properties.

(5) that the development hereby approved shall not be occupied unless there has been submitted to and approved in writing a detailed Green Transport Plan, which outlines sustainable measures to deter the use of the private car, and provides detailed monitoring arrangements, modal split targets and associated

penalties for not meeting targets - in order to encourage more sustainable forms of travel to the development.

Dr Margaret Bochel

Head of Planning and Sustainable Development.

From: <webmaster@aberdeencity.gov.uk>
To: <pi@aberdeencity.gov.uk>
Date: 05/05/2012 11:49
Subject: Planning Comment for 120481

Comment for Planning Application 120481

Name : Bill Harrison
Address : 16 Summer Place
Dyce
Aberdeen AB21 7EJ

Telephone :

Email : [REDACTED]

type :

Comment : We object to this application for three reasons:

- 1) Traffic. Bond operate from before 6am to 11pm seven days per week. How much traffic will be generated in this residential area? At the very least, a traffic survey should be carried out.
- 2) Parking. There are already significant problems with parking at the other end of Farburn Terrace adjacent to the main Bond building. In our opinion, it is essential to provide sufficient *off-road* short-term parking at this site, adjacent to a hazardous junction where visibility is restricted. Road markings ("double yellow lines") are very worn and should be reapplied.
- 3) Light pollution. This building overlooks several residential properties. There should be no high-power floodlights etc. facing the houses.

All of these are in the interests of residential amenity.

Bill Harrison (Secretary, Dyce and Stoneywood Community Council)

7/5/12

F.A.O. Mr Matthew Easton

Dear Mr Easton

Planning Application Number 120481

I understand that you are the Planning Officer responsible for considering the above planning application, being a proposed development at Aberdeen Airport by Bond Offshore Helicopters to transform the former Glenburn Social Club into a passenger terminal. I am the owner and occupier of 17 Farburn Terrace, Dyce, Aberdeen and have lodged an objection to the application through the appropriate channels. However, I attach for your attention a copy of a letter recently issued to the residents by Aberdeen Airport. In said letter they state that planning permission has already been obtained for the works, which is clearly incorrect. I believe the content of this letter prejudices the entire consultation process. This letter will clearly deter residents from objecting to the application, as they are being led to believe that permission has already been granted. Surely this creates a fatal flaw in the planning process and I would request that this matter is investigated immediately. Meantime, I should be obliged if you could acknowledge receipt of this letter.

Yours sincerely

[Redacted signature]

Mark Nicol

17 Farburn Terrace

Dyce

Aberdeen

26959

RE ME

03 MAY 2012			
Imp	Strategy	Build Con	Admin
Action			

DM

26th April 2012

T: +44 (0)1224 444444
W: aberdeenairport.com

Dear Resident

I hope this finds you well.

I wanted to send you a letter to inform you about some works that have commenced on the east side of the airfield. You may know that we have been in discussion with Bond helicopters in recent months, on a deal for them to take over the operation of the old Glenburn Club. That negotiation has now concluded, and Bond has begun works to transform the former club into a passenger terminal.

Allow me to apologise for the delay in this communication. I was under the impression the information was being passed to you through another channel.

On the subject of the work there are a few key points I am keen you understand up front:

- Planning permission for the works has been obtained
- The works to the outside of the building will be limited, most of the transformation is taking place inside, and as such should cause minimal disruption
- All passengers using their new facility will be transported to their aircraft airside, and as such no road capacity will be taken up with their bussing operation.

This is an exciting development for Bond, providing new facilities for their passengers, and we are pleased to have reached a deal which gives the building a new lease of life.

That said, I was keen to make sure that you were aware of the works starting in the area. Should you have any questions regarding the planning permission or the impact on your local roads network, you may find the best option is to direct those issues through your local community council representative who can then take them up with the council authority.

Best Regards,



Sarah Campbell
Communications Manager, Aberdeen Airport.

7/5/12:

Aberdeen City Council
Planning Reception
Planning & Sustainable Development
Marischal College
Broad Street
Aberdeen AB10 1AB

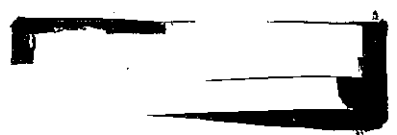
Dear Sirs

I wish to lodge an Objection to Planning Application Number 120481, being a proposed development at Aberdeen Airport by Bond Offshore Helicopters to transform the former Glenburn Social Club into a passenger terminal. I am the owner and occupier of 17 Farburn Terrace, Dyce, Aberdeen.

Firstly, I believe that the entire planning process has been prejudiced by Aberdeen Airport. The attached letter was circulated to all residents shortly after notification was received of the planning application. In said letter, it was stated that planning permission for the works proposed has been obtained. This is clearly incorrect, and in my view the attached letter will deter residents from lodging objections as they will be led to believe that permission has already been granted so there would be little point in them objecting. This creates a fatal flaw in the planning application process and this matter requires to be investigated immediately. I believe this letter has prejudiced the consultation process and was issued with the intent of deterring objections.

As a resident, I object to the proposed development as it will increase the volume of traffic and noise level in the area. All passengers using the terminal will require to get to and from the new terminal and this will led to a substantial and unacceptable increase in the level of traffic on Farburn Terrace. There is already very restricted parking for residents in the area and the addition of a passenger terminal will mean parking for residents will become very problematic unless some form of residents parking permit is introduced and is policed by the Council, thereby preventing non-residents from parking outside the residential properties.

Your s sincerely



Mark Nicol
17 Farburn Terrace
Dyce
Aberdeen

Knowsie Croft
10 Cordyce View
Dyce
Aberdeen
AB21 7DS

Aberdeen City Council Planning Committee
Aberdeen City Council
Marischal College
Broad Street
Aberdeen
AB10 1AB

12 May 2012

Dear Sir/Madam,

Planning Application No 120481

I wish to object to the above Planning Application, submitted on behalf of Bond Offshore Helicopters, on the grounds that the development will dramatically increase the volume of traffic and the risk of traffic accidents in the already narrow and congested thoroughfare of Farburn Terrace and will significantly impact the residences and businesses that live and operate beyond the proposed development.

This development, coupled with the 60 flats to be built on the land adjacent to the railway line to the east of Farburn Terrace and being accessed via the lane to the side of 12 Farburn Terrace, to the south of the proposed terminal and the proposed new Commercial Development at the south end of Farburn Terrace (which has parking spaces for some 38 vehicles excluding delivery vehicles) has the potential to add a further 200 to 250 vehicle movements per day to Farburn Terrace, which is already congested thoroughfare. (I believe this figure to be conservative and is based on only 2 vehicle movements per flat or parking space per day, plus an allowance for commercial vehicles plus. Making no allowance for traffic depositing and collecting passengers from the proposed helicopter terminal).

I would also wish to bring the following other information regarding traffic problems in the surrounding area to the committees attention, which have or will have an impact on the residents of Farburn Terrace and Cordyce View..

1. There is on street parking on Farburn Terrace for the owners of the Nos. 12 to 16 to the south of the proposed terminal which effectively cuts the road to a single carriageway.
2. There are 2 businesses which operate across the road from the entrance to the proposed terminal.
3. The entrance to the proposed terminal is just beyond a blind/obscured corner with Cordyce View. Where vehicles coming out of the proposed terminals entrance have their view obscured by the pillar to either side of the entrance.
4. There is a high volume of traffic emanating from Falck Nutec, BMI maintenance facility, Farburn Motors, Rae Brown buildier and the distribution warehouse, all of which operate in the streets beyond the entrance to the proposed terminal.

5. Opposite the on street parking on Farburn Terrace for Nos 12 to 16 there is a post box. The road is blocked twice a day while the post box is emptied.
6. From experience there are usually more than 6 vehicles parked outside the existing terminal building on Farburn Terrace, causing disruption to the flow of traffic in the area. If this also takes place at the proposed terminal, this will cause considerable disruption to the local residents and business and will increase the risk of accidents on Farburn Terrace at the entrance to the proposed terminal.

I would highly recommend a visit to the area of the proposed helicopter terminal to see for your selves the volume of traffic that is currently accommodated on the narrow and congested streets around Farburn Terrace and the likely impact this development and associated additional traffic will have on the area.

I am also concerned that eventually Bond will stop bussing their passengers airside and instead move the helicopters back to pick up directly from the proposed terminal. Should this happen, it would again mean that residents on Cordyce View will be subjected to a damaging amount of noise with helicopters running directly across the road from houses.

Yours faithfully,

From: <webmaster@aberdeencity.gov.uk>
To: <pi@aberdeencity.gov.uk>
Date: 26/04/2012 11:25
Subject: Planning Comment for 120481

Comment for Planning Application 120481

Name : susan barrie
Address : 1 cordyce view
dyce
aberdeen

Telephone : [REDACTED]
Email : [REDACTED]
type :

Comment : I was surprised to see work being carried out at this property (over the last couple of weeks)- including the erection of scaffolding on the roof. I am a very close neighbour and was concerned about possible changes , having no idea what these might be. I contacted Sarah Campbell at BAA who was surprised the neighbours had not been informed. She sent me some documentation which was sent to the community council which stated the change of use etc and that planning permission had been granted. This website stated this is not the case and the application is pending - however work is ongoing. Neighbours have not been notified of any changes. I have serious concerns about traffic implications of people dropping off / picking up at this site. At the current Bond terminal at the end of the street it is a huge problem with buses, taxis and cars parking on double yellow lines and causing congestion. The new site is on a difficult corner with poor visibility. I would also be concerned if the building is going to be extended up the way or have large signage erected as my house looks on to the side of the building. Bond may be able to reassure me on some of these points however there has been no information or consultation and as such I wish to voice my concerns

From: <webmaster@aberdeencity.gov.uk>
To: <pi@aberdeencity.gov.uk>
Date: 25/04/2012 20:15
Subject: Planning Comment for 120481

Comment for Planning Application 120481

Name : Ian Duncan
Address : 23 Farburn Terrace
Dyce
Aberdeen
AB21 7DR

Telephone :

Email

type :

Comment : I strongly object to this application ,due to the constant increased traffic at my doorstep.The drop off of passengers and the constant illegal parking of taxis on my doorstep is what i am objecting to in this allready very busy ,no through road.this was never in any plans when i purchased my house.

The alterations are well under way with no contact to immediate neighbours.surely immediate neighbours would have been contacted with the proposed change of use,BUT ,contractors skips and noise was the 1st indication.

You may want to reply to this email,regarding the procedure of this application,and why work has commenced with no authorised planning consent.Application only on 17/04/12.

I await your response.

Regards

Ian duncan

Aberdeen Airport Limited
Dyce, Aberdeen
AB21 7DU
Scotland

T:
W: aberdeenairport.com

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

FAO Harry Campbell Team Leader (Development Management)

25 May 2012

Dear Sirs


Former Glenburn Club, Aberdeen Airport. – Planning Application Reference Number P120481.



I refer to the above application submitted by Bond Offshore Helicopters. As the airport operator, we write to confirm our support for the proposed development. Enabling flexible and sustainable use of existing airport facilities is vital to the on-going role provided by Aberdeen Airport in supporting and driving the City and Shire economy.

We understand some concerns have been raised about the proposed development, however, the airport believe sufficient measures have been put in place to mitigate the impact of the proposed development as the proposed use has no bearing on the operation of rotary or fixed wing aircraft, which will continue to operate as per the current situation.

Furthermore, it is considered that the external works and associated landscaping proposed constitute an improvement in the overall appearance of the area. Please do not hesitate to contact me should you wish to discuss further.

Yours faithfully


Don Jacobs
Commercial Director

App. No.		
City Development Plan		
App.	27151	App. Dir.
Recd.	28 MAY 2012	App. Dir.
Imp.		
ACTION		
		



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Agenda Item 1.2

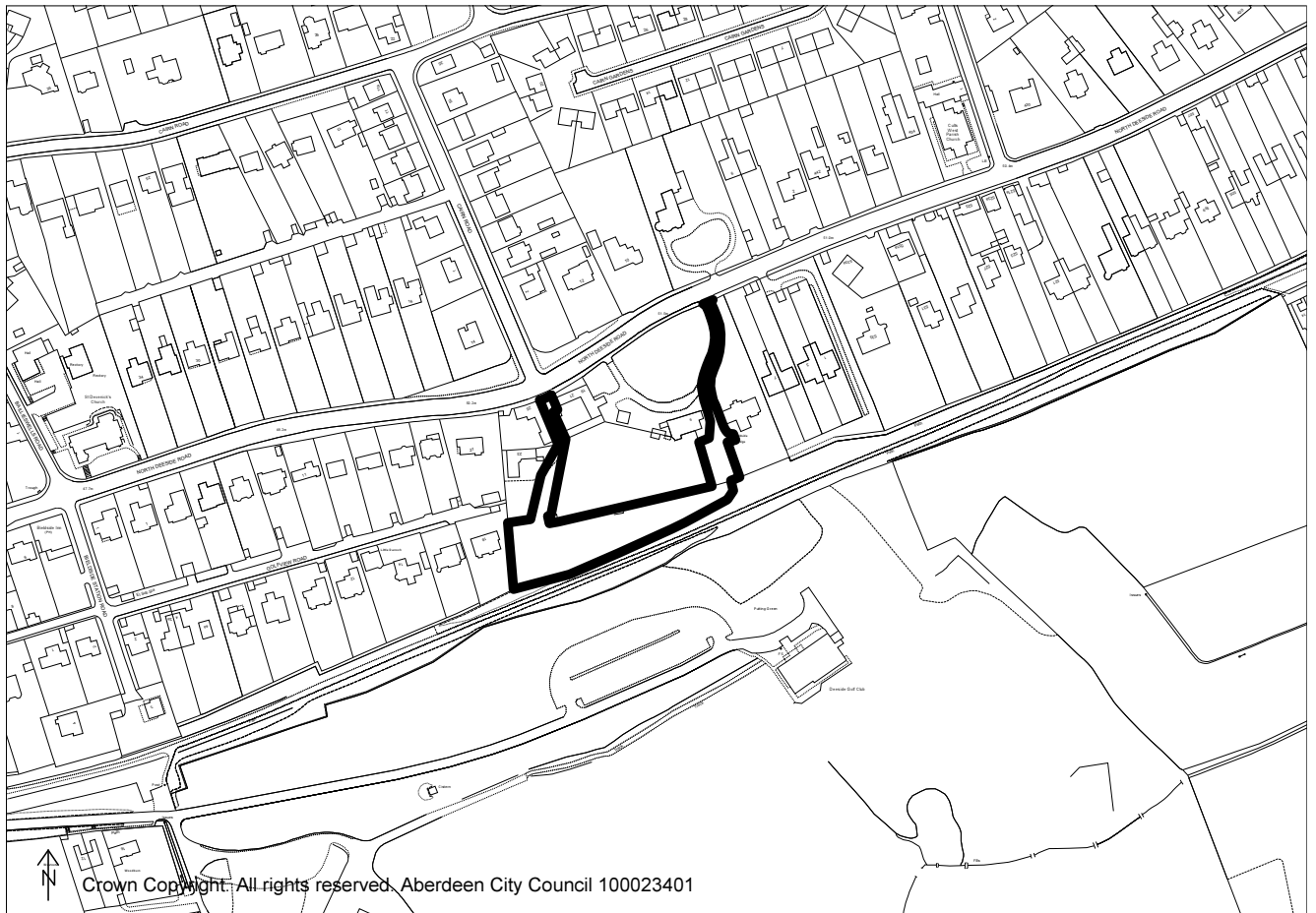
BIELDSIDE LODGE, NORTH DEESIDE
ROAD, BIELDSIDE, ABERDEEN

ERECTION OF DWELLINGHOUSE

For: Mr Iain Hawthorne

Application Ref. : P120491
Application Date : 05/04/2012
Officer : Lucy Greene
Ward: Lower Deeside (M Boulton/A
Malone/M Malik)

Advert : Section 60/65 - Dev
aff LB/CA
Advertised on : 25/04/2012
Committee Date : 14th June 2012
Community Council : Comments



RECOMMENDATION: Approve conditionally, with the permission being withheld until the applicant has entered into a legally binding agreement preventing vehicular access being taken further into the site.

DESCRIPTION

The application site extends to 0.33 hectares and consists of garden ground associated with Bielside Lodge, although it wraps around the walled garden to the Category B listed Bielside House and would originally have formed part of the grounds of Bielside House.

The site consists of a 'U' shaped piece of land, with the main part of the site forming the bottom of the 'U' and being an average of approximately 120m in length, whilst varying between approximately 35m and 7m in width. The two sides of the 'U', link the main part of the site to North Deeside Road. On the western side the site includes a steep woodland strip, linked to North Deeside Road by an existing drive that serves two houses (nos 21 & 23) and emerges opposite Cairn Road. On the eastern side the site takes in a strip of the garden ground to the rear of Bielside Lodge and the existing driveway, linking it with North Deeside Road.

On three sides the site bounded by the walled garden to the listed Bielside House. The wall forms part of the listing. An elevated 2-storey summer house/gazebo, forms a distinctive corner feature within the boundary wall. There is a metal gate within the walled garden wall providing access, via the application site and a further gate, onto the Deeside Walkway. The southern boundary of the site runs along the boundary of the former Deeside Railway line, now a public walk and cycle way, part of the Core Path Network and a Local Nature Conservation Site. To all other sides the area is residential.

The application site is wooded and the trees are protected by two Tree Preservation Orders. The main southern area of the site has a cross fall of approximately 4m. The eastern 'leg', has a fall of 12m between North Deeside Road and the southern end of the garden to the rear of Bielside Lodge. There is a further fall east/west across the site of 10m between the southern corner of the garden to the rear of Bielside Lodge and the main site to the south of the Bielside House gazebo. The western strip falls 9m between the shared driveway and the main part of the site.

HISTORY

Conditional planning permission was granted in 1991 for the erection of the applicants' house (Bielside Lodge) to the east of Bielside House. Condition 7 of that planning consent specifically prohibits the further sub-division of the site pertaining to Bielside Lodge (i.e. prohibiting the house proposed by the current application). This condition was imposed in order to preserve the amenity of the neighbourhood in general and the amenity and character of the adjacent Bielside House in particular because of its Category B listed status. A subsequent application for a Section 28A Variation application to delete the condition was refused.

Outline planning permission for a feu split of Bielside Lodge to erect a dwelling-house on the site which is the subject of the current application, was refused in 1996. The grounds of refusal were that the proposal was contrary to the R3 policy by reason of over-development, tree loss, road safety hazard (the design and location of the access drive, which was different to that proposed more recently and under the current application) and the setting of a precedent - all to

the detriment of the character of the area. The subsequent planning appeal was dismissed by the Scottish Office in February 1997. The Reporter concluded that the problems of visual impact, tree loss and relationship of the site to the listed building were very serious in themselves but the technical shortcomings of the access route (different to that currently proposed) were a very sound and decisive basis for refusal on their own. He was of the opinion that the loss of trees and the suburbanisation of the enclosing landscape would have a significant adverse impact on the setting of the listed building, its wall and gazebo. He also shared objectors' concerns that the structural integrity of the listed wall would be put under significant threat by the weight of construction traffic and the new access drive. He found no basis for exceptional approval in relation to the R3 policy and agreed that participation in a local plan review would be a more appropriate means of challenging the R3 policy. He also considered that severe practical and aesthetic problems with erecting a house on the site seemed likely to persist regardless of whether the site was re-zoned or not.

In January 2006 an application (ref. A5/1478) for outline planning permission for the erection of a house similar to that currently indicated, was considered by the Planning Committee. The application was recommended for refusal by officers on the grounds that it

- (1) would result in a road safety hazard by reason of the design and location of the access drive onto a classified primary distributor road and intensification of use of the access;
- (2) would result in the loss of trees which in turn would be detrimental to the amenity and landscape character of the area and to the setting of Bielside House; and
- (3) would adversely affect the setting of Bielside House by reason of the location and scale of the house in close proximity to the listed boundary wall and gazebo contrary to Policies R3 and 10.2.6 in the Aberdeen City-District Wide Local Plan, Policies 30, 31 and 36 of the emerging Finalised Aberdeen Local Plan, Section 10.1.0 of Historic Scotland's Memorandum of Guidance and para. 38 of NPPG 18.

However, the application was refused by the Visiting Sub-Committee of 26 January 2006 solely on the the grounds of road safety (see wording at (1) above).

In September 2007, an application (ref. A6/2114) for full planning permission was refused by Planning Committee, following an interim vote for approval by a visiting Sub-Committee, for reasons similar to those above. There were some differences in the width and gradient of access between applications A5/1478 and A6/2114.

In March 2010 an application (ref. 100444) was submitted for planning permission in principle to erect a three storey detached dwellinghouse on the site. Access was as proposed in this current application. The house proposed under this previous application was just under 11m at the highest point of the roof and 4m from the Deeside Walkway at the closest point.

The application was recommended for approval by officers but refused by the Development Management Sub-Committee for the following reasons:

(1) That the proposal does not comply with Local Plan Policies 40 (Residential Areas) and 33 (Protecting Trees and Woodlands), in that the location of a house as proposed would represent overdevelopment on the site to the detriment of existing levels of residential amenity, by reason of the scale and design of the building to be erected, the loss of trees that would result and the change that would occur in the character of the area.

(2) That the proposal would be contrary to Policies 29 (Green Space Network) and 31 (Landscape Protection) by reason of the impact the new building would have on the level of amenity enjoyed by users of the Deeside Walkway and on the landscaped character of the area generally.

(3) That the proposals for access to the new house do not comply with the Council's guidance in respect of the Sub-Division and Redevelopment of Residential Curtilages by reason of the contrived nature of the arrangements which will involve a steeply sloping driveway and a parking area some distance from the house itself.

(4) Approval of the application would be inconsistent with the Council's duty under Section 60 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, to have special regard to the desirability of preserving the listed buildings at Bielside House, their setting or any features of special architectural or historic interest that exist, because of the modern design and appearance of the new dwellinghouse proposed and its proximity to the listed property.

(5) The proposal, if approved, would set a dangerous precedent for future similar applications involving the many other houses with large feus which abut the Deeside Walkway.

A subsequent appeal (ref. PPA-100-2022) was dismissed, with the Reporter finding that the siting, scale, layout, design and landscape impacts of the proposed house are at odds with the terms of 2 policies that support the overarching local plan policy R40: residential Areas, namely, Policy 1: Design and Policy 31: Landscape Protection. The proposal does not accord with guidance set out in the council's SPG on sub-division and redevelopment of residential curtilages. It is also contrary to local plan policy policy 29: Green Space Network because of its adverse impact on the character and amenity of the Deeside Walkway. It was equally found that the proposal would have an unacceptable impact on the setting of a listed building, contrary to advice in the Scottish Historic Environment policy document (SHEP) and the supporting advice contained in the Managing Change in the Historic Environment guidance note on Setting published in January 2011.

The Reporter also considered that the degree of separation of the house from the parking area would be impractical and unsatisfactory and that it would be difficult to resist proposals in the future to alter this sub-standard layout.

The Reporter found road safety not be a reason for refusing the proposal; replacement tree planting could compensate for tree loss.

Summary:

1991 – conditional approval for Bielside Lodge

1996 – refusal of outline permission for house on current application site, reasons were road safety, overdevelopment in terms of R3 policy, tree loss, precedent.

1997 – Appeal dismissed – road safety reasons, also found visual impact, tree loss and relationship of the site to the listed building were very serious

January 2006 – refusal of outline permission on road safety grounds.

September 2007 – refusal of full permission on grounds of road safety, tree loss and setting of listed building

March 2010 – refusal of planning permission in principle for house on grounds of tree loss, over development, landscape impact, amenity of Deeside Walkway, setting of listed building, access arrangements and precedent.

January 2011 – appeal dismissed on grounds of design, landscape impact, impact on setting of listed building, ‘tandem’ development, access arrangements and amenity of Deeside Walkway.

PROPOSAL

The application is for planning permission in principle for a single storey detached house, that is described as ‘semi-subterranean’. The house would take advantage of the north – south slope of the land so that it’s single aspect south facing elevation would be approximately at the level of the Deeside Walkway, whilst the accommodation would be built into the slope, with varying proportions being under what is the current ground level. The plans indicate that the footprint of the house would be irregular in shape being a maximum of approximately 14m at its widest point, with a meandering front elevation extending approximately 42m across the site and that the roof of the house would be grassed / planted. The applicant’s agent has submitted cross sections indicating how the ground behind the house, ie that containing the listed walls and garden to Bielside House, would be retained by sheet piling close to the rear wall of the proposed house.

Various trees would be removed, proposed to be transplanted or felled for health reasons. In total 11no. trees would be removed, the tree survey reports that 2no. of these should be removed for health and safety reasons and attempts would be made to transplant two of the smaller trees, so that 7no. trees would be removed purely for development.

The house is of a completely different design to that refused permission previously. The most significant difference is in terms of its height above ground, plans indicate that it would be 3.3m to the lawn level on the roof. The house is also of a different shape on plan and would involve the removal of two trees more than the previous application – the additional trees are a 16m high lime and a 6m high holly.

REASON FOR REFERRAL TO SUB-COMMITTEE

The application falls outwith the scheme of delegation to officers due to the objection from the Community Council and the number of objections.

CONSULTATIONS

ROADS SECTION – Agree in principle to the proposal. Number of parking spaces complies with standard, additional comments on layout to be made on the detailed layout; visibility splays are sub-standard, however, additional traffic from the proposal would have no significant impact on safety at the existing access. Details of drainage and servicing are required.

ENVIRONMENTAL HEALTH – No comments received.

COMMUNITY COUNCIL – Object on the grounds that: the house would be too close and therefore would have a significant negative visual impact on the railway line; would set a precedent for further development close to the railway line; the principle of splitting the curtilage of Bielside Lodge and landscape impact of over development. The Community Council is opposed, in principle, to development within the outlook of Bielside House, as the house and its amenity should be protected. Also have concerns over the preservation of the listed gazebo and wall. The removal of 7no. healthy trees would also be to the detriment of the character of the area.

REPRESENTATIONS

Twenty four letters of representation have been received. These include one letter of support and letters from the Civic Trust and Architectural Heritage Society of Scotland – North East Group. The following issues were raised:

- the Civic Trust notes the significant advances made since the last proposal, to bed the proposal into the landscape mitigating some of the impact on the listed house and its setting, however, concerns remain regarding the potential impact on the setting of the listed building. It is futher stated that the design is striking and contemporary which sits well in the terraced landform, however, there are concerns relating to the proposal in relation to the plot splitting guidelines, relating to the impact on the setting of the listed walls and summerhouse and impact on the structural integrity of the walls and summerhouse as described further below.
- That the application site is within the curtilage of Bielside House;
- As much will depend on the detail of the design an application for full planning permission should be required;
- Although the height has been reduced, the frontage visible from the public path has been expanded, which will result in the view of the the listed garden wall and gazebo being blocked;
- The proposed roof would not be as indicated on the plans as there would need to be rooflights and there would be unlikely to be relatively developed trees on the roof;

- that this is one of a series of refusals on the site, including 2 appeals;
- grounds for refusal have not been changed by the new Local Development Plan (LDP); the proposal is contrary to a number of policies and the SPG
- The proposal is backland development and impacts adversely on the Deeside Walkway, it is therefore contrary to the supplementary guidance on curtilage splits;
- Loss of trees some of which are protected, this will impact adversely on the environment;
- Access is contrived and the applicant will seek to alter this;
- Construction access: taking this along the Deeside Walkway is unacceptable and contrary to policy – the Green Space Network.
- Impact on the Category B listed Bielside House; setting is formed by views from and to the House and the proposal is within its curtilage
- The building of the lodge was allowed on condition that there was no further development and national planning policy affords this protection; there is no reason to lift the restrictions and the Council should continue to follow this approach;
- Site ownership issues including relating to the mill lade run off; and that the driveway is owned by another party and does not allow access to the site of the proposed house;
- That the applicant would in the future seek to take access down the narrow strip of land under his ownership to the west of Bielside House, with the result that vehicles would be extremely close to the listed summerhouse and to its structural detriment; this access would be dangerous;
- Plans are insufficient to make judgement that the design is of a positive nature and therefore must be regarded as negative;
- Access from North Deeside Road to proposed property is dangerous, there have been a number of accidents (4 reported to have happened within the last year); it is questioned whether the Council's Roads Officer has researched this properly. One objector states that his wife was badly injured in an accident at the junction of Cairn Road and North Deeside Road;
- In relation to the letter of support from the applicant's agent, Ryden, it is stated that there are inaccuracies and a lack of clarity on issues such as levels and that this letter refers to a prior report of dubious merit;
- That photomontages, images and visuals submitted are inaccurate in terms of the taking of photographs and the representation of scale and layout of the site;
- The arboriculturalists report requires careful scrutiny as the trees required to be felled for health are in full leaf;
- That the report on setting, submitted by the applicant's agent is misleading in its illustrations and misrepresentative and deliberately attempts to mask the tandem nature of the proposed development;
- The proposal is not designed with consideration for its setting and is contrary to Policy D1 of the LDP;
- That the proposal would not have a public face and is therefore contrary to Policy D2;

- In terms of Policy D5: Built Heritage, the proposal affects a listed building and should only be permitted if it complies with Scottish Planning Policy (SPP). The application does not comply, and this is confirmed in the appeal decision, SHEP, the Planning Act and the Listed Buildings Act;
- That the proposal would be contrary to Policy D6: Landscape and Supplementary Guidance (SG) on Trees and Woodlands in terms of loss of trees and SG on Natural Heritage.
- That Deeside Walkway is a local nature Conservation Site and the application site is home to bats;
- That the proposal does not comply with Policy H1: Residential Areas as it would have an unacceptable impact on the character and amenity of the surrounding area;
- That the proposal would erode the character of the Green Space Network and is therefore contrary to Policy NE1;
- That the site is subject to flooding from the outflow from the old mill lade and it is not within the applicant's control to divert this. The proposed house would therefore be at risk of flooding
- That the proposal would not comply with the SG on Splitting Residential Curtilages for reasons including over development, lack of a public face, its lack of detail to be assessed in terms of elements of this policy, it is tandem development, loss of trees and contrived and over used access;
- That the LDP allocates areas for new residential development and there is no reason to suggest that this site is appropriate.

The letter of support states that the applicants have addressed all previous concerns by the use of innovative, interesting and clever design. The use of topography allows views to be maintained and the house makes a positive contribution to its setting.

PLANNING POLICY

The Aberdeen City and Shire Structure Plan – August 2009

Quality of the environment – Objective: To ensure that new development maintains and improves the region's important built assets.

Paragraph 4.24 draws attention to the sites and area valued for their contribution to the built and historic environment and the need to protect these from the negative effects of development.

Population growth – Objective: to increase the population of the region.

Paragraph 4.14 describes how if the aimed for population growth occurs the number of houses built will need to increase. Para. 4.17 links this to the Scottish government's desire to see a 40% increase in new house building across Scotland.

The Aberdeen Local Development Plan 2012

Policy H1 - Residential Areas: Proposals for new residential development will be approved in principle if they, amongst other things,:

- do not constitute over development;
- do not have an unacceptable impact on the character or amenity of the area;
- comply with SG on Curtilage Splits.

Development is expected to be designed with regard to the City Council's published supplementary guidance. The Council has published guidance entitled 'The Sub-division and Redevelopment of Residential Curtilages'. This includes the following guidance:

- new development should not adversely affect privacy, daylighting, overlooking or sunlighting;
- rear gardens should be at least 11m in lengths for this size of house, these should not be excessively shaded by trees, and should be enclosed by 1.8m enclosures to ensure security and privacy;
- new dwellings should be designed and orientated to make the most of opportunities for views and sunlight;
- design and external features should complement those of the surrounding area. High quality contemporary design that enhances the appearance of the area, or that provides an attractive contrast to surrounding buildings, will be encouraged where appropriate;
- New dwellings must be designed to respect the intricate relationship between buildings and their surrounding spaces that forms the character of the area;
- No more than a third of the site should be built upon;
- Where the predominant pattern of development is one of dwellings in a formal or semi-formal building line fronting a road and having gardens to the back, then the construction of dwellings in rear gardens and areas that do not front roads is alien to the established character, and this type of tandem or backland development can set a precedent;
- New dwellings should front onto an existing publicly maintained roadway, there are exceptions to this, including: in the case of redevelopment of an exceptionally large site, where it may be possible for detached houses to be built which gain access from a new private driveway;
- Scale and massing should complement the scale of the surrounding properties;
- Presumption in favour of retaining semi-mature or mature trees. If trees are lost, replacement planting will be required;
- Pedestrian and vehicular access to existing and new dwellings from the public road, is essential, this should be safe and convenient, avoiding contrived solutions

Policy D1 – Architecture and Placemaking: New development must be designed with due consideration for its context and make a positive contribution to its setting, considering factors such as scale, massing, colour, materials, details, proportions and landscaping

Policy D2 – Design and Amenity: To ensure amenity principles will be applied in terms of: privacy, public and private faces, design in relation to views and sunlight.

Policy NE5 -Trees and Woodlands: presumption against all activities that result in the loss of or damage to established trees or woodland that contribute significantly to the landscape character or local amenity. New planting should be of native species. Existing trees must be protected during construction. Refers to SG on Protecting Trees and Woodlands and Trees and Woodland Strategy.

The site bounds an area zoned as green belt green space network.
Policy NE1 - Green Space Network: The Council will protect and enhance the wildlife, recreational, landscape and access value of the network.

Policy D5 – Built Heritage: Proposals affecting listed buildings will only be permitted if they comply with SPP.

Policy D6 - Landscape: seeks to ensure that development does not adversely affect landscape character, including respecting the quality of local landscape character.; or disturbs or damages wildlife resources.

Under Section 60 of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997, the planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Scottish Planning Policy states in paragraph 113 that the layout, design, materials scale and siting of any development that would affect the setting of a listed building should be appropriate to the character and appearance of the building and setting. For further guidance it refers to the Scottish Historic Environment Policy (SHEP)2011. SHEP requires having regard to retaining or enhancing the setting of listed buildings and where change is proposed it should be carefully considered, including effective arrangements for monitoring the condition and safety of the historic asset

Managing Change in the Historic Environment ‘Setting’: Setting often extends beyond the property boundary, or ‘curtilage’, of an individual historic asset into a broader landscape context. Guidance is given on assessing and enhancing setting.

EVALUATION

The application shall be determined in accordance with the development plan unless material considerations indicate otherwise. The planning history is a material consideration, in so far as it is relevant, in particular the Reporter’s appeal most recent appeal decision.

Residential Use

The proposed residential use is acceptable in principle as the site lies within an area zoned for residential use. This is subject, however, to whether the proposal is over development of the site; the impact on the character and amenity of the surrounding area and the SG on Curtilage Splits remain to be considered

The issues of impact on the setting of the listed building, loss of and potential for damage to trees, impact on the Deeside Walkway and other issues raised by objectors and the Reporter in respect of the previous appeals also require to be given careful consideration.

In terms of its plot size and density, the proposed house would not constitute over development. This issue will be discussed further in the context of the SG on Curtilage Splits.

Sub-division of residential curtilage - SG

The proposed house would not adversely affect privacy, daylighting, sunlighting or overlooking in terms of the occupiers of neighbouring houses, and would create a satisfactory level of amenity for any future occupiers. The area of garden ground would also comply with the requirements of the supplementary guidance (SG) and the building would occupy a proportion of the site well below the guideline one third. The garden would contain a number of trees, including those that would be planted, it would be significantly larger than is required by the SG and it is considered that the size and nature of the proposed garden would provide an adequate level of amenity within the outdoor space. The indicative plans show large elements of south facing glazing, although with boundary treatment along the southern boundary, views would be limited. Given the constraints of the site, the use of views and sunlight have been maximised. It is considered that the plans indicate the potential for a high quality contemporary design that would contrast in a positive way with the more traditional buildings in the surrounding area. Conditions could be attached requiring further permissions in respect of the detailed design and materials.

Considering the pattern of development within the area and the application proposal in relation to this: there are a significant number of houses in the surrounding area that do not front onto a public road with a private area of garden ground to the rear, in the typical conventional layout. In the immediate area of the application site, Bielside Mill is accessed via a driveway, with no frontage onto a public road. Between the Deeside Walkway and North Deeside Road to the east of the application site, are a number of houses that both front south onto the Deeside Walkway, and consist of 'backland' development in the sense that they do not have frontages onto public road. A large number of houses have a 'front' elevation facing south onto the Deeside Walkway and this is part of the nature of the area. The proposed house would also follow this local convention. The recent Reporter's decision found that the proposal would be a form of 'tandem' development and this led the Reporter to the conclusion that the siting of a house so far forward of Bielside House, would have a detrimental effect on the character of the appeal site and the wider local area contrary to guidance in the SG. It is acknowledged that the proposal is a form of 'tandem' development, however, this it is considered that this is not out of character with the layout of development in the surrounding area. In the case of the current application, the proposed house would be significantly less visible being at a height of approximately 3.5m above ground level (rather than the 11m height previously proposed) and therefore, although it would be in front of Bielside House it would not be seen as such, not obscuring views at all. It is therefore considered that being 'tandem' development does not result in a negative impact on the surrounding area and the proposal would not be unduly out of keeping with the pattern of development in the surrounding area. It is considered that this does not constitute a reason for refusal. Due to the unique characteristics of the site and surrounding area, it is considered that this would not set a precedent.

There are a range of styles and designs of house within the surrounding, one common theme is that due to the south facing slope of the land, the south elevations often contain large elements of glazing. Large detached houses, many of which have been significantly extended, also predominate. The proposed

house is set at a lower level than many of the houses along the Deeside Walkway, the proposal has been specifically designed so that it does not disrupt views of the listed structures and house to the north and north east.

There are trees along the side of the Deeside Walkway, outside the application site as well as a fence that currently screens views into the site. The proposal includes the planting of a beech hedge, with the intention that this would be allowed to grow to 2m in height. This would almost entirely screen views of the house when in leaf. The length of the elevation would extend alongside the Deeside Walkway for approximately 42m, being between 6m and 12m from the site boundary (approximately 10m at its closest from the edge of the walkway itself). This aspect of the proposal is discussed further below.

Access: The Council's Roads Section is satisfied with the proposal. Pedestrian access is provided to the proposed house and this is considered acceptable. Direct vehicular access is not provided, this is because in order to construct a driveway providing vehicular access from the area to the rear of Bielside Lodge, through the gap at the south east corner of the site would result in further tree loss and substantial earth retaining work that would be awkward and be highly likely to have a significant visual impact within the wider area. The access arrangements are somewhat contrived due to the difficulties of the site gradients and boundaries. The access arrangements do not create any safety issues, although they do not strictly comply with the SG. The Reporter's recent appeal decision found that the access arrangements would be sub-standard and that future applications to correct this situation would be difficult to resist once the house has been approved. The applicant is willing to enter into a legally binding agreement to prevent access being taken up to the proposed house and it is considered that on this basis the proposal should not be refused on this basis. It is also recommended that a condition be attached to any permission granted removing permitted development rights, including for the laying of hard surfaces.

Trees

The proposal has been designed to allow the Category A grand fir to be retained. This does not have branches a low level that would directly block light and it is therefore considered reasonable to assume that there would not be a high degree of pressure for its removal if the house were to be built and occupied. The construction of a house close to its root protection area would need to be very carefully managed so as to avoid damage and this is the subject of conditions recommended to be attached. The proposal would, however, involve the loss of 7no. trees for the house, in addition to the immediate loss of the large Elm tree that is close to the proposed house and is suspected of being diseased. 2no. trees would be relocated within the site – a 6m high Holly and 12m Cherry, there is some doubt that this transplantation would be successful, especially for the Cherry, due to its size and as its roots are likely to be intertwined with those of other trees. All of the nine trees that would be felled or transplanted are of moderate quality and value and judged to make a significant contribution. The trees to be removed are:

6m Norway Maple – Cat. B/C

13m Cherry – Cat. B

2no. 9m Cypress – Cat. B
17m Sycamore – Cat. B
16m Lime – Cat. B
6m Holly – Cat. B

6m Holly – to be transplanted

12m Cherry – to be transplanted

A small Norway Maple is also recommended to be removed for health and management reasons.

A Category A grand fir and a Category B wych elm would remain with canopy spreads close to the house.

Replacement planting of 34no. trees is proposed, as detailed in the 'Proposal' section above. In terms of compliance with the SG it is considered that the proposal would be acceptable in terms of tree loss and replacement. The recent appeal decision did not find that tree loss for the house would be a reason for refusal, however, because of the different footprint of the house two more trees are proposed to be removed under the current proposal. One of these is a 16m high lime tree and with the other being a relatively small holly. On balance it is considered that the loss of these trees would be adequately mitigated by replacement planting of a greater number of trees.

Design

The proposals indicate an attractive, high quality contemporary architecture for the proposed house. Set down into its sloping landscape setting the new development would present only one single aspect towards the former railway. Being single storey and with a grass roof are all attempts to make the building as visibly unobtrusive as possible and not obstruct views of the listed walls and gazebos. It is noted that the glass on the south elevation is to be clear whereas tinted glass may make the internal use of the building less visible to passers by, however, this has to be weighed against the fact that the southerly elevation would be the only source of natural light in the building.

Conditions could be attached that would require further application(s) providing details of design and materials.

The proposed house would be unlikely to be particularly visible in long views along the Walkway, neither would it be highly visible and dominant from the Walkway within the immediate area. The artists impressions indicate that only the upper edge of the elevation and roof would be visible over a boundary consisting of a 2m hedge. In winter there would be an obscured view of the house through the hedge, however, views of Bielside House and the listed wall and summerhouse would remain unobscured by the proposed house. The current impression at this point of the Walkway is of a wooded area, with glimpses of the the listed summerhouse and wall amongst the trees and very small glimpses of the listed Bielside House and its terraced garden at a much higher level. The proposed house would be significantly closer than other houses on Golfview Road and North Deeside Road. There are two houses at Bielside Station that are located closer to the Walkway, with one of these being less than 12m from the path itself, with small trees alongside the Walkway.

The Deeside Walkway is a popular and well used leisure facility, however, it is not within a Conservation Area and the trees, shrubs and other planting in the 5m strip alongside the path would remain. This application involves the loss of trees and these are currently visible from the Walkway to varying degrees. As the proposed house would be set at a low level, along this short stretch of the walkway views of Bielside House would be opened up and the listed building would be seen through less of a veil of trees than is currently the case. It is considered that the proposal would alter the character of the Walkway within this immediate area, however, this is considered not to be a negative impact. However, as the replacement trees become established, the proposed house would be within more of a semi wooded setting.

The recent appeal considered a house of very different proportions, with a resulting different impact on the walkway. In terms of this issue, it is considered that the Reporter's comments, whilst informative in terms of the issues to be addressed, are not highly relevant.

Impact on setting of the listed Bielside House

As acknowledged above, it is considered that the proposal, due mainly to its affect on the landscape setting would impact upon the setting of the listed Bielside House.

Previous applications and the recent Reporter's decision, have considered the application site to fall outside the curtilage of the listed building, yet affecting its setting. The application site was part of the same ownership at the time of listing and prior to that. The site has never been part of the walled garden, however, windows in the summerhouse look out over the application site and beyond.

In terms of setting the following comments are made:

The setting of Bielside House has changed over time. Originally built in 1805 the listed building would have been largely surrounded by woodland on three sides. This was significantly altered however by the coming of the railway branch line from Aberdeen to Ballater, constructed between 1853 and 1856 by the Deeside Railway Company. The site to the south of the walls is likely to have been subject to frequent firing from the steam locomotives particularly in the main area of the proposed dwellinghouse, closest to the railway line. To a depth of several meters this would have prevented the woodland growth seen today. Up until the branch line closure in 1966 the setting of Bielside House would have been more open to the south with the house and gardens clearly visible from the railway. The current setting has reverted to one of greater woodland, providing Bielside House with a secluded, leafy setting.

The changing nature of Bielside House's setting over time makes the assessment of the impact of the proposed development difficult. There is no direct relationship between the listed building, both as constructed and as later remodeled, with the railway. Historically the wider landscape setting has always been one of woodland albeit one that was influenced by the impact of an operational railway for over a hundred years.

The current proposed design attempts to address earlier concerns about the setting of the adjacent listed building. Setting was one of the reasons cited in the Reporter's Appeal Decision Notice. Hunkered down into its sloping landscape setting the new development would present only one single aspect towards the former railway. Being single storey and with a grass roof are all attempts to make the building as visibly unobtrusive as possible and not obstruct views of the listed walls and gazebos. The glass on the south elevation is to be clear whereas tinted glass may make the internal use of the building less visible to passers by however this has to be weighed against the fact that the southerly elevation would be the only source of natural light in the building.

In common with all residential developments it can often be the domestic arrangements outside that can have more of a visual impact on the wider setting than the building itself – cars, access road, washing lines, bins, play equipment etc. All of this would be more noticeable from the walkway because of the reduction in the number of trees required to develop the site. If the development is to proceed some of these concerns can be mitigated through the use of appropriate conditions to remove permitted development rights.

The setting of the category B listed Bielside House would undoubtedly be affected by the proposed development, but it is a question of degree. The scheme has tried to address this issue and it is hard to see how much more could be done in terms of the design of the main dwellinghouse in order to reduce its visual impact. If residential use on this site is acceptable in principle then the adverse impact on the setting of a listed building is not considered sufficient to warrant refusal of this application on these grounds alone.

Access

The house is closer to the access than was previously proposed, however, it remains at some distance from the parking area. As stated above, the access is contrived and this is a function of its location. The location of the access is dictated by safety concerns on the public road. There are several aspects to the access issue: access for construction, access for deliveries and residents use and the impact of the parking area and access driveway itself.

The Council has control over access along the Walkway for construction purposes. Access would be permitted for limited periods whereby the gate off Golf Road would be opened for a limited period to allow materials and construction vehicles to be delivered to the application site. These would not be kept on the Walkway, nor the Walkway be closed. Construction would undoubtedly be awkward due to this restriction, and would be likely to require the use of smaller vehicles. A method statement could be required as a condition of this application, in order to ensure that this is planned to avoid damage to trees.

Access for emergency vehicles: the house could have a self contained fire alarm and sprinkler system and this would fulfill the requirements of the fire service.

The access arrangements are not particularly practical in terms of deliveries and residents use, however, these are matters to be managed by the residents themselves.

The parking area would be located to the east of the side wall of the walled garden to Bielside House and directly to the south of Bielside House itself. The existing trees would remain in this area and would help to screen the parking

area. The hard surfaced area would be at least 1.5m from the listed garden wall and the construction of this could be the subject of conditions to ensure that it does not damage trees. It is considered acceptable in its impact on the setting of Bieldside House and the wall, and on visual amenity. It is also recommended that conditions are attached to remove permitted development rights.

Wildlife

The application site is not within the Local Nature Conservation Site (LNCS) and the application proposal would not impact directly on the LNCS. In terms of bats in the area in general, the trees to be removed are not those with holes and other features typically used as roosts by bats. We have not previously requested a bat survey on the site and would not do so as a rule unless there were vacant buildings or trees of a nature typically used as roosts.

Previous Appeal decisions

There have been two appeals on the site. The Reporter's decision on the appeal (1996 application) is also a material consideration. The policy zoning has changed since the appeal, with the current residential policy being less onerous in terms of its requirements for the size of site and emphasis on the treed landscape. The proposal has altered, mainly in respect of the design and access, which is no longer considered unsafe and no longer involves the loss of trees for the driveway and the significant risk of damage to a number of other mature trees. This latter factor reduces the extent to which the proposal would affect the treed landscape character of the area and removes the concern relating to the potential of the access driveway on the integrity of the listed wall.

The Reporter's decision on the appeal (2010 application) is a material consideration. The application proposal has changed, with the height, massing and footprint being significantly different. A comparison with the most recent Reporter's decision has been included in the paragraphs above. The Reporter's concerns have been addressed by the conditions, the legal agreement and as the proposed house differs significantly in its design, as described in the report above.

Objections

Additional issues raised by objectors:

The following is stated in relation to the points raised by objectors:

- the issue of construction access and the Deeside Walkway is dealt with above, and is an issue in as much as it may impact upon protected trees;
- the issue of loss of trees affecting the setting of the listed building, is dealt with above;
- land ownership issues are not a material planning consideration. There is no reason to consider that the correct certificates have not been served on owners of land within the application site;
- that a full planning permission is not required as the application contains sufficient detail to allow an assessment to be made, and conditions are recommended to be attached to cover additional matters;
- in terms of pressure to remove trees in future due to overshadowing, the trees within the site are protected by Tree Preservation Order, and those along the Walkway are on Council land. The house is south facing and is

- considered that there would be sufficient light through the trees taking into account that the elevations are predominantly glazed;
- the house is designed so that views of the listed Bielside House and summerhouse would not be interrupted. The issues of curtilage and impact on the setting are dealt with above.
 - The visual impact on and proximity to the Walkway are dealt with above;
 - Access arrangements have been dealt with above;
 - The removal of trees has been dealt with above.
 - In terms of working close to trees, tree protection fences are shown on the submitted plans. The construction of the house would be likely to require scaffolding to be erected close to trees and conditions will require that permission must be sought for any work to trees.
 - With regard to the former lade from Bielside Mill crossing the site. A condition could be attached to any permission granted requiring approval of details of work across the application site;
 - There are no rooflights proposed as the habitable rooms are located so that they have windows, it is acknowledged that it will not be easily possible to have trees on the roof and these have been removed from amended plans;
 - The issues that have changed since the previous application have been highlighted above. The condition on the planning permission does not prevent the granting of planning permission for the application proposal, nor the implementation of the proposal.

Other issues raised by objectors have been dealt with in the Evaluation section of this report and by the comments of the Roads Section.

The proposed house would comply in principle with the residential zoning of the site within the adopted local plan, it would not constitute over development. Due to its design it would not have an adverse impact on the surrounding area, although would affect the setting of the listed Bielside House. In terms of the SG on Curtilage Splits, the access is somewhat contrived, however, further development of a vehicular access would have a negative impact on the site and can be prevented by legal agreement and conditions. The proposed is 'tandem' development, however, it is not uncharacteristic of the layout of the area and would not have an overbearing presence from outwith the site. The level of tree loss and replacement planting are such that the impact of the proposal on the treed landscape setting of the site and the adjacent listed Bielside House, its summerhouse and walled garden are acceptable. There are no trees proposed to be lost for the access and the access arrangements are satisfactory in public road safety terms. The impact on visual amenity on the Deeside Walkway would be acceptable due to the design and massing of the proposed house.

It is considered that although there is some tension with the SG on Curtilage Splits, and therefore some tension with Policy H1, the proposal is not contrary to the overall aim of the policy and guidance.

For the reasons stated in the evaluation above the proposal also complies with policies in relation to design, the green space network

The proposal affects the setting of the Category B listed Bielside House, however, with conditions restricting the dimensions of the building and permitted development rights, this impact is not considered sufficient reason to warrant refusal of the application.

RECOMMENDATION: Approve conditionally, with the permission being withheld until the applicant has entered into a legally binding agreement preventing vehicular access being taken further into the site.

Reason:

The proposed house would comply in principle with the residential zoning of the site within the adopted local plan, it would not constitute over development. Due to its design it would not have an adverse impact on the surrounding area, although would affect the setting of the listed Bielside House. In terms of the SG on Curtilage Splits, the access is somewhat contrived, however, further development of a vehicular access would have a negative impact on the site and can be prevented by legal agreement and conditions. The proposed is 'tandem' development, however, it is not uncharacteristic of the layout of the area and would not have an overbearing presence from outwith the site. The level of tree loss and replacement planting are such that the impact of the proposal on the treed landscape setting of the site and the adjacent listed Bielside House, its summerhouse and walled garden are acceptable. There are no trees proposed to be lost for the access and the access arrangements are satisfactory in public road safety terms. The impact on visual amenity on the Deeside Walkway would be acceptable due to the design and massing of the proposed house.

It is considered that although there is some tension with the SG on Curtilage Splits, and therefore some tension with Policy H1, the proposal is not contrary to the overall aim of the policy and guidance.

The proposal affects the setting of the Category B listed Bielside House, however, with conditions restricting the dimensions of the building and permitted development rights, this impact is not considered sufficient reason to warrant refusal of the application.

It is recommended that the application is approved with the following conditions:

- (1) that no development pursuant to the planning permission in principle hereby approved shall be carried out until such time as a further application has been made to the planning authority for approval of the matters specified in this condition and such approval has been granted; these matters being details of the
 - (i) detailed design and external appearance of the building(s) the highest point of which shall be no more than 37.5m AOD and shall be planted with grass or other plants in accordance with a scheme to be agreed as required by other conditions;
 - (ii) the landscaping of the site, including construction and laying out of the access and the installation of a swale or other measures in order to handle water from the former mill lade;
 - (iii) details of the boundary treatment, including the hedge and temporary treatment to the boundary in the period before the hedge reaches its intended height;
 - (iv) a construction method statement including details of how construction of the house and any retaining structures shall take place avoiding damage to the listed structures near to the site, including the garden wall and summerhouse; and, how construction vehicles and materials will be brought to and stored upon the site,

including how these will be transferred onto the site taking into account the need to protect trees.

- in order to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

(2) that this planning permission in principle shall lapse unless a further application for approval of the matters specified in condition(s) attached to this grant of planning permission in principle has been made before whichever is the latest of the following;

(i) the expiration of 3 years from the date of this grant of planning permission in principle;

(ii) the expiration of 6 months from the date on which an earlier application for the requisite approval of matters specified in conditions was refused;

(iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed;

- in order to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

(3) that this planning permission in principle shall lapse on the expiration of 2 years from the approval of matters specified in conditions being obtained (or, in the case of approval of different matters on different dates, from the requisite approval for the last such matter being obtained) unless the development to which the permission relates is begun before that expiration - - in order to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

(4) that, except as the Planning Authority may otherwise agree in writing, no construction or demolition work shall take place:

(a) outwith the hours of 7.00 am to 7.00 pm Mondays to Fridays;

(b) outwith the hours of 9.00 am to 4.00 pm Saturdays; or

(c) at any time on Sundays,

except (on all days) for works inaudible outwith the application site boundary. [For the avoidance of doubt, this would generally allow internal finishing work, but not the use of machinery] - in the interests of residential amenity.

(5) that notwithstanding the provisions of Article 3 and Schedule 1, Parts 1, 2 and 3 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 no extensions, alterations or improvements which materially affect the external appearance of the dwellinghouse, nor any means of enclosure shall be erected or carried out either on, or in the curtilage, of the dwelling houses hereby approved without a further grant of planning permission from the planning authority - in the interests of visual amenity.

(6) 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.

(7) 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.

(8) that the dwellinghouse hereby granted planning permission shall not be occupied unless a scheme for the provision of foul sewerage and wholesome water facilities has been submitted to and approved in writing by the Planning Authority and that the said scheme has been implemented - in the interests of public health.

(9) that the developer shall afford access at all reasonable times to any archaeologists nominated by the planning authority and shall allow them to observe work in progress and record items of interest and finds. No development pursuant to this planning permission shall take place unless written notification of the commencement date has been given to the Keeper of Archaeology, Aberdeen City Council not less than 14 days before development commences - in the interests of recording and /or preserving such items of historical importance as may exist within the application site.

(10) 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.

(11) 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.

(12) 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.

(13) that no part of the development hereby approved shall be occupied unless a plan and report illustrating appropriate management proposals for the care and maintenance of all trees to be retained and any new areas of planting (to include timing of works and inspections) has been submitted to and approved in writing by the Planning Authority.

The proposals shall be carried out in complete accordance with such plan and report as may be so approved, unless the planning authority has given prior written approval for a variation - in order to preserve the character and visual amenity of the area.

(14) 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: 1989 "Recommendation for Tree Works" before the building hereby approved is first occupied - in order to preserve the character and visual amenity of the area.

(15) 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.

(16) that notwithstanding the provisions of Article 3 and Schedule 1, Parts 1, 2 and 3 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 as amended no extensions, alterations or improvements which materially affect the external appearance of the dwellinghouse, nor any hard surface be laid, nor any means of enclosure shall be erected or carried out either on, or in the curtilage, of the dwelling house, hereby approved without a further grant of planning permission from the planning authority – in the interests of visual amenity.

Dr Margaret Bochel

Head of Planning and Sustainable Development.

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**290 North Deeside Road
Cults, Aberdeen
AB15 9SB**

20 May 2012

**Ms Lucy Greene
Enterprise, Planning and Infrastructure
St Nicholas House, Broad Street
Aberdeen
AB10 1AR**

Dear Ms Greene,

12 0491: Bielside Lodge, Bielside

I am writing on behalf of Cults, Bielside and Milltimber Community Council (CBMCC) to object to the proposal to construct an additional house at the above site.

The position of the proposed house is too close to the railway line and would have a significant negative visual impact from the railway line. Allowing the construction of new residential accommodation so close to the railway line would set a precedent for further development along the edge of the railway line. This is a very popular amenity not just for local residents but also for the wider Aberdeen community. CBMCC is opposed to splitting of the curtilage of Bielside Lodge. This location is a very special landscape that would be adversely impacted by 'cramming in' further development.

CBMCC objected to earlier planning application 100444 and is in principle opposed to development within the outlook of Bielside House which is of significant heritage. We see that the house and its amenity should be protected and do not see the need to permit development of the type proposed.

Due to the position of the proposed house and limited options for access, CBMCC also has concerns over the preservation of the gazebo and walls of Bielside House which together with the House itself are Listed.

This development would also require the felling of 7 healthy trees with TPOs in place. These are categorised in the tree report by Astell Associates of 6th April 2012 as Category B, i.e. 'those in such a condition as to make a significant contribution'. Removal of these trees will be to the detriment of the character and appearance of the area.

CBMCC requests that you take these points of objection into consideration when reviewing the above application.

Yours faithfully

Christine McKay, Planning Coordinator

Copy to: Councillor Marie Boulton, Councillor Aileen Malone

Aberdeen City Council
Planning & Sustainable Development
Marischal College
Broad Street
Aberdeen AB10 1AB

The Elms
7 North Deeside Road
Aberdeen AB15 9AD

4th May 2012

Dear Sirs

**Proposed Development, Bielside Lodge, North Deeside Road, Bielside, Aberdeen
A15 9AD - Erection of dwelling house
Application No. 120491**

In response to your recent letter providing details of the above developmental proposals we wish to lodge our formal objections. We should point out that our objections are virtually identical to those that we raised in 2006 and 2010 to the developmental proposals that were subsequently rejected by the Planning Department in Aberdeen and later in Edinburgh following an appeal, when the applicant proposed very similar applications to this one. Our objections are also very similar to the objections that were raised in 1997 by the Scottish Office (Ref P/PPA/100/17), when yet another similar application, made by the same applicant, was rejected.


We are particularly concerned about the following:


1. The proposed house will have adverse effects upon the area as a whole and in particular to the disused railway line that the city council has clearly been promoting as a wildlife and leisure amenity. In addition to the planned location of the proposed house that will place it far closer to the disused railway line than any of the surrounding established properties, the plans suggest a sizeable property that will be in plain view to all passers by.
2. We appreciate that the proposal would involve the felling of a significant number of attractive mature trees, some of which are protected, to facilitate the construction of the house. In addition it is hard to conceive that future occupants of the new house would not seek further permission to fell even more of the surrounding trees to improve the natural lighting. This would have yet further ramifications for the area as a whole as mentioned above.
3. Having lived in this area for fourteen years during which time we have witnessed ever increasing volumes of traffic using the North Deeside Road, we perceive dangers to all current and future users of the North Deeside Road as a result of increasing the volume of traffic using the proposed access road. In particular, the proposed access road would exit onto a busy section of the North Deeside Road that is on a bend, close to traffic lights and directly opposite another junction with Cairn Road. This stretch of road has been the scene of at least three significant road traffic accidents during the fourteen years that we have lived at the above address, two of which have involved cars emerging from, or in the close proximity of the proposed access road.
4. In addition to the aforementioned points, having studied the supporting documentation for the proposed construction of the new dwelling house, there is

one additional concern that we need to raise. The proposed access listed in the application will not be suitable for heavy construction vehicles unless the applicants intend to remove even more of the mature trees than their plans suggest. Admittedly the applicants may have plans to access the plot from either the disused railway track or from Golfview Road, Bieldside, during the construction phase, but both of these options would result in yet more damage to the natural environment while inconveniencing others considerably.

We would appreciate it if our objections could be put before the Planning Committee.

Yours faithfully


Professor Alan J Johnstone


Dr Rona L Johnstone

20-04-2012

Lucy Green
Senior Planner
Enterprise, Planning & Infrastructure
Aberdeen City Council
Business Hub 4
Marischal College,
Broad Street
Aberdeen
AB10 1AB

Norman Johnston
Whinhill House
Aberdeen
AB11 7UR

SUBJECT: PROPOSED HOUSE AT BIELDSIDE LODGE

Dear Ms. Green

I write in support of the recent application for a proposed new dwelling house in the garden of Bielside Lodge.

The applicants have addressed all previous concerns and have done so by the use of innovative, interesting and clever design.

I particularly like the use of the sites topography and the seamless manner in which the proposed house nestles in to its surroundings, subtly adding to the character and setting but in an unobtrusive and considerate manner.

The landscaped roof ensures that the character of the area is maintained for both neighbours and viewers of the property alike while the height of the house allows views to and from surrounding properties to be maintained.

In short, this proposed new house makes a positive contribution to its setting and the applicant and his architect are to be congratulated for having given substantial consideration to ensuring that the integrity of the site and the amenity of the area are maintained in a site which has been designated for Residential use.

I look forward to seeing this new proposal take form in the not too distant future.

Yours sincerely,



John Johnston



the
Tobacco Merchants
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42 Miller Street
Glasgow
G1 1DT

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Your Ref: 120491
Subject: Erection of dwellinghouse
Bielside Lodge
North Deeside Road
Bielside, Aberdeen
AB15 9AD

Our Ref: 1336

Date: 21-May-12

The Trust has examined this application for the above and wishes to comment as follows:

The Trust has commented on two previous applications for a house on this site. Our previous objections have been based on the impact on B-listed Bielside House. We note the significant advances made by the applicant and his agent, since we last commented, to bed the new house into the landscape mitigating some of the impact on the listed building and its setting. However, we continue to have concerns about this potential impact.

The Assessment on Historic Setting document suggests that the application site is not within the curtilage of Bielside House. The usual tests used by a planning authority to determine if curtilage applies are:

Were the structures built before 1948?

Yes. The land within the curtilage of Bielside House was assembled between 1903 and 1921 by prominent local architect George Watt who acquired and remodelled Bielside House and grounds

Were they in the same ownership as the main subject of listing at the time of listing?

Yes, the building was listed in 1981 before the land was divided in 1990.

Do the structures clearly relate in terms of their (original) function to the main subject of the listing?

The land formed wooded garden area beyond the walled garden and was a key part of the setting and view to and from Bielside House, gazebo, and walled garden.

Are the structures still related to the main subject on the ground?

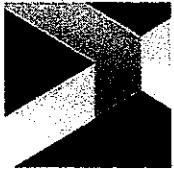
Yes. The land in question abuts the listed walled garden and gazebo and forms part of their setting.

However, this question may anyway be academic since it is recognised in Historic Scotland's Managing Change Guidance Note on 'Setting' that the setting of a historic asset may go beyond the formal curtilage.

The Trust feels that the revisions made by the applicant address many of the issues relating to views to and from the main house. The resulting dwelling, cut into the landscape, is a striking and contemporary design which sits well in the terraced landform. However we have two main concerns about the proposal.

The first is the suitability of residential development on this site at all. Aberdeen City Local Plan Policy 6: Design and Amenity states that "residential development should be designed: to have public face to the street and a private face to an enclosed garden or court." The Trust is concerned that development on this site would

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Alistair Scott
Paul Smart
Robert Wilson
Norman Yarrow

constitute 'backland' development, out of character with the overall pattern of development of the surrounding area and setting an undesirable precedent for future applications of a similar nature, as noted in Aberdeen City Council's SPG on The Sub-division and Redevelopment of Residential Curtilages (2008).

At the last appeal regarding residential development on this site the Reporter noted that car parking is provided to the east of the proposed house position, with a footpath through the garden and remaining trees connecting the house to the parking and service area. He stated "I believe that this degree of separation would be impractical and unsatisfactory for routine domestic servicing, deliveries and property maintenance. In my view, it is very likely that future residents of the house would seek to alter this sub-standard layout to bring a vehicular access much closer to the house with potentially damaging effects on the landscape setting and tree cover." This issue has not been addressed in this application and access arrangements for the site remain a concern, suggesting that the site may not be best suited to this kind of development.

The second main concern is the impact of the proposals on the walled garden and gazebo. While the impact of the proposals on views to and from the house have been assessed, the walled garden and gazebo also form part of the listing and as this proposal is very close to both there are concerns about its impact on their setting. Additionally the earthworks that would be required for a development such as this would surely have an impact on the structural integrity of the wall itself. It would be useful for a more full assessment of the potential impact on these features to be made.

The previous three applications for a dwelling house on this site have been refused due, at least in part, to the impact on the setting of the B-listed Bielside House. A clear case can be made for this site being within the curtilage of the listed building. There seems to be little doubt that development on this site will have an impact on the setting of Bielside House, its walled garden and gazebo; the question is to what extent. We would suggest that while the proposal indicates a high quality contemporary design, much will hinge on the details, especially on such a sensitive site. For this reason, the Trust would suggest that an application for Planning Permission in Principle is not sufficient to fully assess the potential impact of the proposals. We recommend that this application be withdrawn and a detailed application for full Planning Permission be submitted. This will allow the quality of detailing, materials and the construction methods all to play a part in the decision-making process.



Gemma Wild
Heritage & Design Officer

City Development Services Letters of Representation	
Application Number	120491
RECEIVED	22 MAY 2012
Dev. (Name)	(Name) (Sign)
Case Officer Initials:	LCG
Date Acknowledged:	28/5/12

To Head of Planning and Sustainable Development, Aberdeen City Council
Cc Historic Scotland, AHSS



Bielside Mill
23 North Deeside RD
ABERDEEN
AB15 9AD

Director of Planning
Aberdeen City Council
Planning & Sustainable Development
8th Floor
St Nicholas House
Broad Street
ABERDEEN
AB10 1BW

18 May 2012

Dear Madam

Application Number 120491
Bielside Lodge

We are writing to express our strong objection to the above application in my capacity as owner of THE adjacent property Bielside Mill.

This is, we believe, the fifth application to develop this piece of ground. The local plan and aspects of legislation might have changed but the fundamentals have not. All previous objections from neighbours, statutory consultees and local interest groups remain valid.

Firstly the proposed site layout plan drawing No SP001 is misleading as it includes land on the Western perimeter that is currently owned by both Robert Arthur Ruddiman of Bielside House and Mr & Mrs Bryce of Bielside Mill.

The historical Eastern perimeter of Bielside Mill is clearly identified in the Land Register of Scotland title document No ABN73030 ref exhibit i) below. The Land Register of Scotland title document ABN91439 reflects the current boundary post disposition of Bielside Mill by Robert Arthur Ruddiman in favour of Mr & Mrs Bryce of Bielside Mill. The proposed site layout plan drawing No SP001 mistakenly includes this land.

In addition Robert Arthur Ruddiman retains ownership of the trees marked as T4/T5 and associated land in the Land Register of Scotland title document ABN91439 ref exhibit ii) below. The applicant is subject to an interdict preventing access to this heritable property. Again, clear evidence that these plans are inaccurately drawn in material and contentious way.

Clearly the applicant has ambitions to drive an access road down the Eastern perimeter of Bielside Mill to permit vehicular access to the proposed dwelling in due course ref Exhibit iii). The likely vehicular route has been highlighted in yellow in the aforementioned document, and the B listed summer house is marked with a red X. The future vehicular access is likely at the heart of the misrepresentation of the border with Bielside Mill. Should a single track road for vehicular access be constructed in due course on the applicant's legitimate land it is so narrow that

it would almost touch the B listed summer house. The summer house is currently supported by a period brick stilt and any vehicular access would invariably be to the structural detriment of the B listed building. For a true representation of the applicant's land please refer to the Land Register of Scotland title document ABN91439 or Appendix i,ii or iii. Document ABN91439 shows how narrow any access would be from a vehicular perspective on the applicant's owned land and confirms the likely road's proximity to the B Listed summer house. Any additional future vehicular access from North Deesdie Rd will add to congestion on the already dangerous intersection opposite Cairn Road. Three road traffic accidents have already occurred within 50 yards of this intersection over the last twelve months.

Exhibit i) Land Register of Scotland title document No ABN73030. This document shows the and footprint pertaining to Bielside Mill, Bielside House and Bielside Lodge. It should be noted that the land shown in orange in title document No ABN73030 is not owned by the applicant and one wonders if the owners have been properly notified?

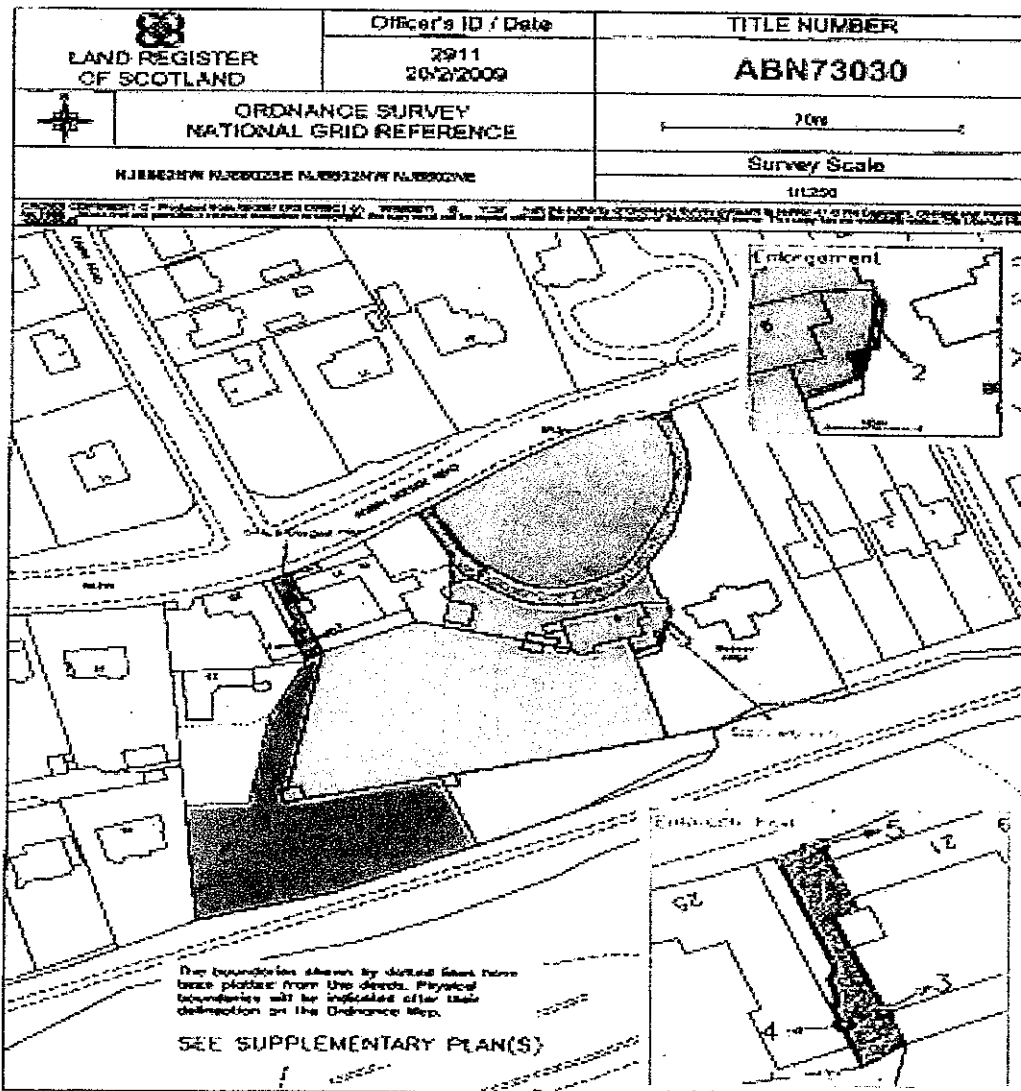
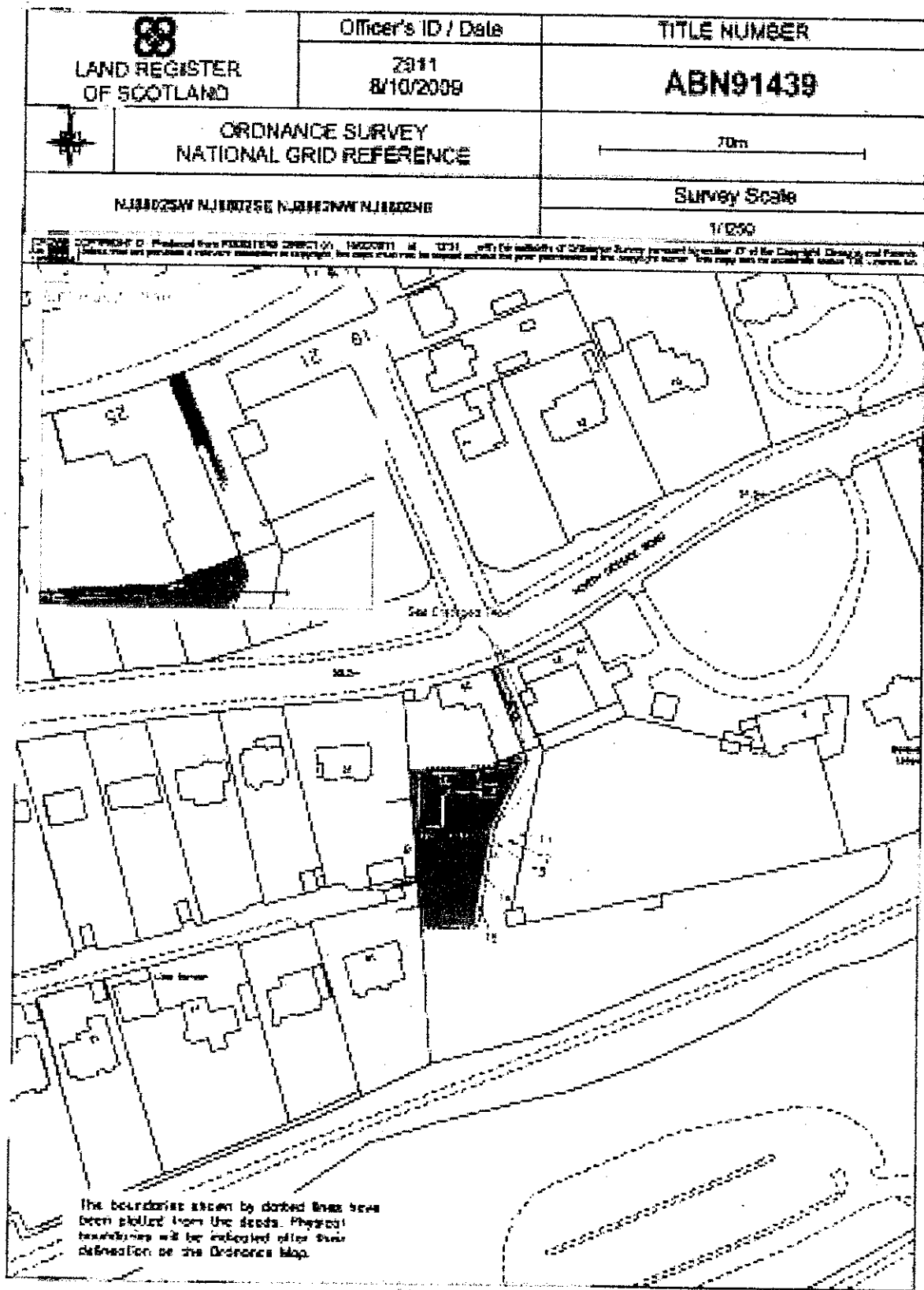


Exhibit ii) Land Register of Scotland title document No ABN91439. This image shows the tree T5 which is subject to the interdict relevant to the applicant.



4. The applicant has indicated that access for construction could be taken in part from the Deeside Walkway. This would be a wholly inappropriate use of this leisure facility and ironically, not only would any construction access be to the detriment of this amenity but the end result would also diminish it.
5. The outline plans are insufficient to form a view as to whether the design is of a positive nature and as such must be regarded in the negative. The access to the property is contrived and certainly could not comply with the requirements of legislation to enable disabled access.
6. The North Deeside Road has recently seen a number of accidents in the stretch where access is proposed. Further traffic using a substandard access is contrary to public policy on grounds of safety. It is questionable that the Council roads officer has adequately researched this issue.
7. There have been two previous appeals in respect of this site. The most recent of these was dismissed in January 2011 and the current application should be dismissed on similar grounds. The newly adopted local plan arguably has more material considerations adverse to this application than had its predecessor.

Yours Sincerely

~~Toby Bryce / Susan Bryce~~

~~Beeldside Mill~~

Tilquhillie
By Banchory
Kincardineshire, AB31 6JT

Enterprise, Planning and Infrastructure
Aberdeen City Council
Business Hub 4
Marischal College
Broad Street
Aberdeen AB10 1AB

17 May 2012

Dear Sirs;

REFERENCE: Application Number 120491 - Bielside Lodge

This current application has not addressed all of the issues cited in the Appeal Decision of 20 January 2011. In fact, all that has changed is the design nature of the proposed development. While the height has been reduced, there has been a corresponding expansion of the building footprint and the exposed frontage on the public path known as the Deeside Way. Considering the expected height of the new roof, most of the listed garden wall and gazebo will be blocked from view from the south. Walkers on the path will be confronted by a high and large wall of glass which may, at that vantage point, still block part of Bielside House. This would seem to be the case due to the proximity of the proposed building to the path. The actual view from Bielside House would still be compromised by this new proposal as there would have to be sky lights for the back rooms in the building. There is no indication of the nature of the roof treatment, but the computer generated site drawings show a rather idyllic green sward blending in with the adjacent grassy areas, with relatively developed trees growing on the roof. It seems highly unlikely that this could be feasible on a domestic construction such as the one proposed. The reality would be quite different and totally out of character with the site and the local area.



The appeal refusal called attention to the detrimental effects that a development on this site would have on the setting of the listed walled garden, gazebo, and the wider curtilage of Bielside House. It was noted that this site was meant to be seen from the south and that the proposed development would have an adverse effect. The report also noted the open nature of the sloping gardens in the area, and stated that development on this site would be detrimental to the landscape character of the area and the green network formed by the gardens. It would also be detrimental to the amenity of the general area. There is little in the new application which adequately addresses these issues.

In making his decision, the reporter took notice of the importance of Bielside House. It is one of the oldest houses in the area, and one of considerable historic and architectural significance. The development of the Deeside Way has given it an even greater prominence and importance. It would be a considerable step backward to approve a development which would harm this important setting.

There are also certain practical considerations, one of which was very prominent in the refusal, that being the lack of access to the site. The parking and path were described as "impractical and unsatisfactory", and it was noted that there would almost certainly be a future demand to have a more extensive and unacceptable vehicular access directly to the site. This limited access presents a real problem for any construction on the site. As described, the proposed building would require considerable excavation and concrete foundations. It is difficult to see how this could be accomplished without the very real risk of damage to the listed walls of the garden. Old walls such as these have no real foundation, and any disturbance caused by heavy vehicles and excavation could cause the total collapse of large sections of wall. This new proposal, being partly submerged and covering a much greater area than the previous proposal, would present an even greater risk.

Having attended the site visit by the reporter, I was impressed by his detailed examination of the site and the local area. His conclusions were well thought out and very objective. This new proposal is extremely vague and implies that the refusal was based solely on the design of the previous house. A reading of the report shows that this was not the case and that the issues noted in refusal have not been addressed by this new proposal.

Yours faithfully



Dr John Coyne

DONALD GRANT
Brentwood
16 North Deeside Road
Bielside
Aberdeen AB15 9AB

Aberdeen City Council
Planning and Sustainable Development Department
Marischal College
Broad Street
Aberdeen AB10 1AB

18th May 2012

Dear Sirs,

Application Number 120491 – Bielside Lodge

I have written in the past to object to the repeated applications to construct a house at this location.

The arguments against this that I put forward are as before:

I consider that the proposed construction compromises both road and pedestrian safety. I have lived in this area for 34 years and in this house for 20 years. There have been numerous accidents on this stretch of road (four that I am aware of in the last few months). Indeed, part of my garden was purchased by the Council in order to realign the road as part of a campaign for "road safety improvements" and yet the accidents continue. As I have written previously, a further vehicular access on from the south side of the North Deeside Road is just not safe for either the vehicles accessing the road nor for the road users moving in both an easterly and westerly direction. I gather that the Roads Officer from the Council has lodged an incomplete report which acknowledges the access to be substandard yet appears to support the application whilst taking no account of either the recent accidents nor the increasing and continuous traffic that exists in both directions at peak times.

Furthermore the proposal involves the removal of a significant number of trees, some which I believe would be protected under Tree Preservation Orders. This will have an adverse impact on the area, the landscape and wildlife.

Constructing a large single storey glass fronted house adjacent to the Deeside Walkway / Railway Line would be totally out of context with the existing mature environment and completely inappropriate for the sylvan recreational facilities enjoyed by many Aberdeen residents.

The previous Applications have been rejected, as should this one. We have a continual growth in traffic on the A93 through the increased construction of houses in Milltimber, Drumoak, Banchory etc. We have a proven increase of accidents on a bend in the road where the applicant proposes to construct his access.

As one who knows more about this stretch of road than most, and having observed the eyeline that drivers use when driving in both directions on this bend under no circumstances should this application be approved.

Yours faithfully,



Mr Geoff Purcell
52 Fonthill Road
Ferryhill
ABERDEEN
AB11 6UJ

Aberdeen City Council
Planning and Sustainable Development
Marischal College
Broad Street
ABERDEEN
AB10 1AB

14 May 2012

Dear Sirs

Application No 120491
Bielside Lodge

Please note my objections to the above proposal on the following grounds:

1. The impact of a house adjacent to the Deeside Walkway would have an undesirable impact on this attractive amenity.
2. The proposal involves the removal/adverse impact on mature trees which is unacceptable.
3. The proposal would have a material adverse impact on the setting of Bielside House which is afforded statutory protection by its B-listing.
4. Many people including myself use the railway line and appreciate it for the peace and quite, beautiful trees and period properties. I do not feel this development will enhance any of these positives, in fact detract enormously.

Please consider my objections to this proposal which appears to be contrary to the adopted Local Plan and national planning legislation and guidance for protection of listed buildings.

Yours faithfully

G Purcell



Keith Gordon
Counteswells House South
Bielside
Aberdeen
AB15 9BT
18 May 2012

Planning Reception
Aberdeen City Council
Planning & sustainable Development
Marischal College
Broad Street
ABERDEEN
AB10 1AB

Dear Sirs

Application 120491, Bielside Lodge

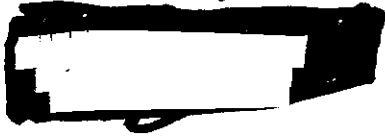
I am writing to object to the above planning application on the following grounds:

1. Road safety and access. There have been a number of accidents on this stretch of road recently and significant works were carried out historically in order to seek to make the road safer. Consultation with the Police will confirm the number of accidents-they have been "in attendance" on at least 3 occasions in the past 12 months. This stretch of road is particularly dangerous at peak commuter times (morning and evening), on Sunday mornings with church goers and in the winter following snow fall. Many of the surrounding access driveways become impassable in winter which leads to large numbers of vehicles being parked by the roadside. The access to the proposed dwelling is also contrived and would over time inevitably be widened/increased having a further adverse impact on Bielside House and the adjoining Green Space Network.
2. The impact on both the B listed property and its setting. The proposed development is at odds with national planning policy, the newly adopted local plan (and its supplementary guidance re cartilage splitting among others) and Historic Scotland guidance re listed buildings. The building of Bielside Lodge was permitted only with specific restrictions (which are still in force) which were specifically in most instances to protect the existing listed building (Bielside House). The designs are not detailed but the earthworks associated with a development of this nature would threaten the structural integrity of the listed walls and gazebo of Bielside House. There should be no further development here.

3. Previous applications and appeals. The applicant has now had many applications refused and has on 2 occasions appealed these. Both appeals failed and the findings of the respective Reporters in 1997 and 2010 are equally valid in the context of the current application. The local plan might well have evolved but the fundamental planning principles are unchanged. A single storey glass fronted building with a significant frontage onto the Deeside Walkway will impact adversely on the Deeside Walkway and the setting of Bieldside House, its Gazebo and walls.

I sincerely hope that the Council will apply its own policies and overriding national policies and refuse the current application.

Yours faithfully,

A large black rectangular redaction box covering the signature area.

Keith O Gordon

Bielside House Cottage
19 North Deeside Road
ABERDEEN
AB15

Director of Planning
Aberdeen City Council
Planning & Sustainable Development
Marischal College
Broad Street
ABERDEEN
AB10 1AB

17th May 2012

Dear Sir

Bielside Lodge Planning ~ Application Number 120491

I am writing to object to the above planning application.

Our property (Bielside House Cottage) is one which shares the access drive owned by Bielside House which is the current access route to Bielside Lodge and the subject of the application.

We object on the following grounds:

1. The adverse impact on the B-listed Bielside House. There have now been many similar applications in respect of this site. Two of these were indeed appealed unsuccessfully. The principles appear unchanged and the application should fail on this ground alone.
2. The likely loss of protected trees and mature trees.
3. The adverse impact on the Deeside Walkway.
4. The proposed access is unsafe and would place further burden on an unmade driveway which is already shared by pedestrians and vehicles from 3 properties. Additionally, the access proposed would appear somewhat contrived.

Yours faithfully



Mr D. R. Covey

From: <webmaster@aberdeencity.gov.uk>
To: <pi@aberdeencity.gov.uk>
Date: 20/05/2012 12:04
Subject: Planning Comment for 120491

Comment for Planning Application 120491

Name : John Warrender
Address : 1 North Deeside Road
Bielside
Aberdeen
AB15 9AD

Telephone :

Email :

type :

Comment : Dear Sir/ Madam,

I am writing to raise an objection to the planning application for erection of a new house in the grounds of Bielside Lodge, Bielside, North Deeside Road, Aberdeen, Application Number 120491. My objection is based on the following observations;

1. Repetition of a repeatedly refused application. This is one of a series of applications in respect of the same site. These have been twice appealed unsuccessfully to Scottish Ministers. Grounds for refusal in 2011 are not changed by the new local Development Plan for the reasons set out in that Appeal.
2. Main Road Access. In commenting on the application the Council roads team appears not to have taken account of a history of road accidents at this location. With increasing traffic on the North Deeside Road the access risks have only increased with each successive application and the fact that the applicant himself has had a serious accident emerging from the entrance to the proposed development is highly relevant. Four accidents have occurred on this stretch of road in the past year, the most recent of which is still evidenced by the hole in the railings around Bielside House only yards from the proposed access to the development. I would urge the Officer to visit the area at peak commuter times or on a Sunday morning when churchgoers park along this stretch of road. Additionally the substandard access is already used by 3 properties. The Council has a duty to have proper regard for safety in assessing the application.
3. Loss of trees and woodland, some protected. The applicant has a poor record in this regard with unauthorized fellings simply dumped on council land adjacent to the Deeside Walkway (photographic evidence to support this can be provided). Further loss of trees will adversely impact the environment at a time when the Council claims in policy to be encouraging tree and woodland development.
4. Newly adopted local plan and associated supplementary guidance. Whilst there is a new local plan the planning philosophies underlying it remain the same and the application fails to meet a number of these policies.
5. Impact on B listed Bielside House. This property was listed for good reason and is one of only a very small number of listed properties in the area. The development of Bielside Lodge was only allowed on very strict conditions including a bar on further development of the site specifically because of impact on Bielside House. National planning policy affords protection and there is no reason to lift the restrictions.
6. Residential Curtilage. The Council supplementary guidance on splitting of residential curtilage sets out a number of requirements which the application fails to meet. Any development would set an unwelcome precedent in respect of backland development impacting adversely on the Deeside Walkway which is designated Green Space Network.
7. Property Access. Access (i.e. the distance between the parking area and the property) is clearly contrived. It is unsuitable for emergency services and disabled users and any house buyer would find it unacceptable. The applicant has a history of incrementing beyond the original application and it is inevitable over time that he would attempt to increase access to full vehicular access before the development was completed. Further loss of trees and vegetation will occur as and increased impact on setting of B listed property and adjacent Deeside walkway
8. Construction Access. There is a proposal that the access for Construction might be taken along the

Deeside Walkway. This is wholly unacceptable and contrary to policy re the Green Space Network. The use would be to the detriment of the walkway as would the finished product.

9. The application is supported by many misleading documents and photographs.

I would be grateful for a response on the above important issues at your earliest convenience.

I look forward to hearing from you.

Yours faithfully,

John Warrender

From: <webmaster@aberdeencity.gov.uk>
To: <pi@aberdeencity.gov.uk>
Date: 21/05/2012 12:21
Subject: Planning Comment for 120491

Comment for Planning Application 120491

Name : Mr S Arnott
Address : 3 Station Road
Bielside
AB15 9DP

Telephone :

Email :

type :

Comment : Please accept my objection to the planning application for erection of a new house in the grounds of Bielside Lodge, Bielside, North Deeside Road, Aberdeen, Application Number 120491. This objection is based on the following observations;

1. Repetition of a repeatedly refused application. This is one of a series of applications in respect of the same site. These have been twice appealed unsuccessfully to Scottish Ministers. Grounds for refusal in 2011 are not changed by the new local Development Plan for the reasons set out in that Appeal.
2. Newly adopted local plan and associated supplementary guidance. Whilst there is a new local plan the planning philosophies underlying it remain the same and the application fails to meet a number of these policies.
3. Residential Curtilage. The Council supplementary guidance on splitting of residential curtilage sets out a number of requirements which the application fails to meet. Any development would set an unwelcome precedent in respect of backland development impacting adversely on the Deeside Walkway which is designated Green Space Network.
4. Loss of trees and woodland, some protected. The applicant has a poor record in this regard with unauthorized fellings simply dumped on council land adjacent to the Deeside Walkway. Further loss of trees will adversely impact the environment at a time when the Council claims in policy to be encouraging tree and woodland development.
5. Property Access. Access (i.e. the distance between the parking area and the property) is clearly contrived and disingenuous. It is unsuitable for emergency services and disabled users and any house buyer would find it unacceptable. The applicant has a history of incrementing beyond the original application and it is inevitable over time that he would attempt to increase access to full vehicular access before the development was completed.
6. Construction Access. There is a proposal that the access for Construction might be taken along the Deeside Walkway. This is wholly unacceptable and contrary to policy re the Green Space Network. The use would be to the detriment of the walkway as would the finished product.
7. Impact on B listed Bielside House. This property was listed for good reason and is one of only a very small number of listed properties in the area. The development of Bielside Lodge was only allowed on very strict conditions including a bar on further development of the site specifically because of impact on Bielside House. National planning policy affords protection and there is no reason to lift the restrictions.

Thank you,

S.Arnott

c/o Pinsent Masons
52-54 Rose Street
Aberdeen
AB10 1uD

18 May 2012

Director of Planning & Sustainable Development
Marischal College
Broad Street
Aberdeen
AB10 1AB

Dear Madam,

Planning Application 120491, Bielside Lodge

I am writing to object to the above application. This is not a short letter as it requires to address a number of material considerations in respect of a matter which has a long and complex history. Additionally a number of misleading statements/representations accompany the application which require to be addressed. Whilst the Local Plan might be in question pending the "Tesco challenge" it requires careful interpretation and application in the early stage of its existence and the analysis of specific Policies is essential in considering what are material considerations.

Reference is made in this letter to:

- 1 Town and Country Planning (Scotland) Act 1997 ("TCPA");
- 2 The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 ("the Listed Act");
- 3 Aberdeen Local Development Plan 2011 ("the Local Plan");
- 4 Supplementary Guidance to the Local Plan ("SG");
- 5 SG re Sub-Division and Redevelopment of Residential Curtilage ("SG Curtilage");
- 6 SG re Trees and Woodland ("SG Trees/Woodland");
- 7 SG re Natural Heritage ("SG Natural Heritage");
- 8 Support letter submitted by Rydens dated 3 April 2012 "on behalf of Mr Hawthorne setting out a justification for approval of the application" ("the Ryden letter");
- 9 Archial Assessment on Historic Setting ("AAHS");
- 10 Appeal Determination dated 24 February 1997 by the Scottish Office Inquiry Reporters "in respect of outline planning permission for the erection of a dwellinghouse (with tree removal) in the grounds of Bielside Lodge, Bielside House" ("the 1997 Appeal");

- 11 Appeal Decision Notice dated 20 January 2011 issued by Iain Urquhart, a Reporter appointed by the Scottish Ministers in deciding appeal ("the 2010 Appeal") Reference PPA-100-2022("the 2011 Appeal Decision");
- 12 Aberdeen City Council "PAARF and Statement of Observations" dated 18 November 2010 in relation to the 2010 Appeal ("the Observations");
- 13 Scottish Historic Environment policy and associated Guidance Notes ("SHEP");
- 14 Scottish Planning Encyclopedia edited by The Hon Lord Gill ("SPE");and
- 15 Report by W A Fairhurst & Partners , Consultant Civil Engineers dated 30 November 2006 re inspection of listed walls and gazebo foundation at Bielside House and assessment of potential impact of construction activity on same ("Fairhurst Report").

Status of Objectors

It has been suggested in respect of prior applications that multiple objections have been lodged by the same parties. This is not correct. I am the owner of land adjacent to Bielside Mill including 2 protected trees , Maren Ruddiman is the owner of Bielside House and, Turcan Connell Trustees own land to the North West of the application site. Each of these 3 parties has separate legal persona and are proprietors of separate legal interests.

Local Plan/Scots Planning Law/Listed status

Aberdeen benefits from a new Local Plan. Section 25(1) (a), TCPA requires the Council to determine any application in accordance with the Local Plan unless any material consideration indicates otherwise. The new Local Plan has, in association with it , various Supplementary Guidance documents/policies. Section 24, TCPA makes clear that the Local Plan together with SG form the "development plan"-this is of fundamental importance in evaluating any application under the Local Plan as there might be a tendency to rank SG provisions as being of a lesser significance than policies within the Local Plan itself.

The provisions of the Listed Act tie in closely with TCPA. Section 59(1) of the Listed Act establishes the duty of local planning authorities and the Scottish Ministers when considering whether to grant planning permission "...in relation to development which affects any listed building or its setting..." to "...have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses..". This is discussed in SPE at A5513 when it addresses whether minor detriment to a listed building might be acceptable-SPE concludes that this is not the case and listed buildings should be afforded high levels of protection.

Listed Building and Curtilage / Conditions re Bielside Lodge

A proper assessment of the application can only be made with an accurate and full assessment of planning history and general historical context.

Bielside House was "B" listed in January 1981 (at which time the application site was within the ownership of Bielside House).This applied to the house, railings, walls and gazebo in recognition of the importance of the architecture and setting. The property dates back to pre 1640 and it is believed that the round wall at the South West corner of the property is associated with the original tower house. The original western approach to Aberdeen was along what is now a public right of way within Deeside Golf Course. First reference to "Bielsyde House"(sic) was in 1645 when the Marquis of Montrose wrote to the Provost of Aberdeen from "Bielsyde House" alerting Aberdeen to his imminent arrival with significant troops but offering amnesty if the Provost wished to avoid

bloodshed. Copies of the letter are within the City archives. The ensuing events are an important part of local history. The property was subsequently further developed circa 1804 prior to its acquisition in 1903 by prominent local architect George Watt who remodelled it in the Arts & Crafts style whilst retaining many of the 1804 features. The original drawings and detailed design of the house, balcony and gazebo all survive. Bielside House is one of only 3 "B" listed properties in the area.. **Policy D5 (Built Heritage) Local Plan-** ".....Proposals....affecting....Listed Buildings will only be permitted if they comply with Scottish Planning Policy". **Policy D6 (Landscape) Local Plan** 1. and 2. are also relevant here.

The extent of listing requires clarification. The land in question is also within the curtilage of the B listed building. B Listing was granted 26 January 1981. There are 4 accepted tests/factors when assessing questions of curtilage:

- a) was the land part of main listing pre 1 July 1948? Yes. The land within the curtilage of Bielside House was assembled between 1903 and 1921 by prominent local architect George Watt who acquired and remodelled Bielside House and grounds in the Arts & Crafts style (the Observations, Production 5).
- b) was the land in the same ownership at the time of listing? Yes, the land was not divided until 1990.
- c) relationship in terms of original function to main subject of listing? The land formed wooded garden area beyond the walled garden and was a key part of the setting and view to and from Bielside House and also was (and still is) critical to the siting of the house, garden, gazebo, walls and the views to and from the property.
- d) current relationship to main subjects? The land in question abuts the listed walls and gazebo and is critical to their setting in design and form.

The council confirmed in the Observations that the application site was within the curtilage of Bielside House (see para 7.16, the Observations). Bielside Lodge was permitted pursuant to Council reference P91/1937 ("the Lodge Permission") which attached 10 conditions of which some 6 referred specifically to the desire to protect the B listed property and the application itself was "For the erection of a dwellinghouse within a site to the east of and forming part of the curtilage of Bielside House which is a category B listed building". Council records subsequently reflect this approach albeit on occasions planning officers have, erroneously, not been minded to adopt this approach. It should also be noted that condition 7 of the Lodge Permission prohibited further subdivision of the site.

The Application

The applicant and his agents have submitted various documents, reports, photographs, plans and images which purport to show the general layout of the site, the proposed dwelling and also to address substantive planning matters. These should be carefully scrutinised by the Council as they are materially misleading. By way of example:

-the plans lead the viewer to believe the Appellant enjoys greater ownership/rights than is the case. The North West Access is owned at its northmost point on the east and west extremities by a party other than the Appellant and not as shown on the plan. The boundary abutting Bielside Mill is significantly further east and south than is shown on the map-this is critical as it encloses 2 protected trees (T4 and T5) and the free flowing mill lade run off which are within my control. The driveway

which is proposed to be used for access is owned by Maren Ruddiman and the applicant has very limited rights of access which do not extend as far as the location of the proposed house itself.

- there are 2 gates in the walls of Bielside House which enjoy access across the applicant's own property and the land on which the house is proposed-these are not shown on the plans.
- the Ryden letter refers to Paul Pilath's views (para 9) on the application yet your Director of Planning has indicated he is not involved in assessing it.
- the Ryden letter claims the proposed house will not obstruct views of the boundary wall (para 9) yet in para 2 it indicates the house would sit "at or below the level of the boundary wall"-which is it?!
- the Ryden letter, para 2 ,refers to a prior report which was of dubious merit. The council's position was fully and accurately stated in the Observations.
- a number of photographs have been submitted purporting to show "views" of Bielside House from the Deeside Walkway. These are taken with the camera lens pointing in an east-west or west-east axis following the line of the Walkway. Bielside House sits to the North of the Walkway so it is of little surprise it is not prominent in these "views".
- visualisations submitted do not remotely represent the actual scale or layout of the features/landscape which is apparent on even the most cursory viewing of the site and surrounding landscape.
- the arboriculturists report requires careful scrutiny/challenge by an expert. This report purports to follow an inspection on 5 April 2012 yet all the trees in the photographs are in full leaf. The report recommends felling healthy trees for "health and safety" yet these trees are now (mid May) coming into full leaf. A miraculous recovery?
- AAHS "Image of Proposed Dwellinghouse from the South" shows a building sitting at the foot of the South wall of Bielside House yet the Ryden Letter claims (paras 2 and 9) two alternative propositions. Which is it? This "Image" does not show the gate on the South Wall of Bielside House and indeed the building appears to be in front of it. The site on the Image is deeper "north-south" than the whole of the walled garden of Bielside House. Again a cursory visit will show this to be pure fiction.
- AAHS Figure 1 has an arrow which is in the garden of the property in Golf View Road-a deliberate attempt to seek to mask the "tandem" nature of the proposal. The 2011 Appeal Decision addressed this point which is a material consideration
- AAHS Figure 6 is materially misleading. This photograph is not from Bielside Lodge but, as shown by the handrail in the foreground was taken from the balcony of Bielside House. To add to this misrepresentation the photograph was not taken with my permission and is a gross intrusion.
- AAHS Figure 10-again this is materially misleading and the most basic inspection will illustrate this.

Local Plan/SG Specifics

Local Plan Policy D1-Architecture and Placemaking-requires new development to be designed with consideration for context and setting. The setting is that of the Curtilage of one of few listed buildings in the area together with the Deeside Walkway which is integral to the Local Plan. The application does not meet this.

Local Plan Policy D 2-Design and Amenity-residential development to have a public face to a street .The application will not.

Local Plan Policy D5-Built Heritage-proposals affecting listed buildings only permitted if they apply with Scottish Planning Policy. The application does not comply-see 2011 Appeal Decision, TCPA, the Listed Act and SHEP.

Local Plan Policy D6-Landscape-development will not be acceptable unless it avoids....the proposal impacts an important historic property and impacts the Green Space Network and threatens loss of a number of trees (some protected) and numerous shrubs and bushes. **SG Trees and Woodlands** is relevant and the proposal is at odds with that policy. More fundamentally, **SG Natural Heritage** identifies the Council duty to protect certain areas and habitats-this policy identifies Deeside

Walkway as a Local Nature Conservation Site. Section 8 identifies protected species and in particular European Protected Species. Bats are included in this category and are afforded full protection under the Wildlife and Countryside Act 1981 and European Law. The application site is clearly recorded by Nesbrec (www.nesbrec.org.uk) as having bats present and these are in evidence throughout the summer months. The Council has a duty to protect bats.

Policy H 1-Residential Areas-the applicant and his agents contend that the proposal is supported by this policy. Whilst the Local Plan is "new" the fundamental planning policies remain albeit the policy has some subtle changes which mitigate further against development of this nature than did the previous local plan. The site is within a H1 zone and the policy states development will be approved in principle if it.....The application fails in respect of 2. and 4. of this policy in that it will have an unacceptable impact on the character and amenity of the surrounding area and it does not comply with **SG Curtilage**. Crucially also the policy has the word "and" after 4. meaning that to be approved an application must apply with all of 1. to 5.

Policy NE 1-Green Space Network-the application envisages a single storey glass fronted house with a considerable frontage onto the Deeside Walkway. This will erode the character of the Green Space Network and will also adversely affect wildlife and landscape.

Policy NE 6-Flooding and Drainage-the application site is impacted by the outflow from the old mill lade at times of heavy rain and it is not within the applicant's control to divert this. The proposed property is at risk of flooding.

SG Curtilage-the application does not meet the requirements of this policy and would amount to overdevelopment of the site (as supported by the Observations section 7.9).

-3.6-the property would not face a public street.

-3.10-the outline is lacking detail but it appears not to meet this policy

-3.11-again outline lacking detail but appears not to maximise passive solar gain and any house on this site is likely to lead to pressure for further removal of trees

-4.0 this is subjective but in the context of the Listed Act this should not be taken as complementing the listed building or its setting.the impact is also adverse on the GreenSpace Network

-5.3 the proposal is alien to the surrounding area per the 2011 Appeal Decision. This would amount to tandem/backland development .The houses to the west for part of the established Golf View Road and should not be confused with this rear garden development which will not front onto a public road. The policy clearly states "there will be a general presumption against" construction in rear garden ground.Approval of this would also set an unwelcome precedent (section 8.1) in the context of the Deeside Walkway.

-6.1-the site has TPOs and the proposal is at odds with this policy.

-6.2 the ground makes a visual contribution to the setting of a listed property, contains attractive trees and is also a natural habitat for wildlife

-7.0 the access is contrived and is already used by pedestrians and vehicles accessing 3 properties.

How would deliveries, utilities, emergency services or the disabled access the property? Any development is likely to be followed by a desire to improve access further impacting the listed property and the Green Space Network.

Impact on Listed Building

The impact of the proposed house on the listed subjects, their setting and views to and from has changed little from previous applications and whilst the house might be single storey it appears to have a lengthy footprint and the agents supporting documents are confused as to its height and relationship with the Listed walls and gazebo. The proposed turf roof would have a dramatic impact

on the Gazebo and the views of the walls. It would also dominate parts of the garden of Bielside House which itself is an important part of the setting of the listed property. The Fairhurst Report examined the structure of the listed walls and the foundations of them and the gazebo and it is clear that the necessary earthworks for a development of this nature would cause them to fail. The 1997 Appeal and the 2011 Appeal Decision both concluded that the applications had an adverse impact on the listed building as did the Observations and no material considerations have been put forward by the applicant or his agents to justify a departure from that position as supported by the TCPA and the Listed Act.

Historic Scotland do not as policy comment on applications of this nature. They have however recently confirmed that their previous comments per the Observations Production 6 are still valid and reflect their current view.

The Local Plan identifies specific areas for large scale development and there is no material consideration to suggest this site is appropriate for this development..

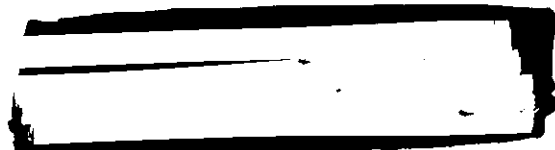
Road Safety

The driveway to Bielside House which also serves Bielside House Cottage and Bielside Lodge is not made up and is shared by both pedestrian (children, adults and OAPs) and vehicular traffic. Use of this by a 4th property would constitute a safety issue which for some reason the Council's Road officers do not seem to recognise. It is not within the Appellants control to address any aspect of this and no consent will be given by the owners for any mitigation measures. The Council roads officer has issued a rather confused memo dated 01/05/2012 in which he notes the access is substandard, that he doesn't have all the information yet seems to "agree in principle". Consultation with the Police will show that there have been a spate of accidents on this road in recent months. The Council should have regard to the volumes of traffic at peak commuter times and the significant issues caused on Sundays by churchgoers parking on this stretch of road. Additionally, in winter many residents are forced to park on the North Deeside Road as their driveways become impassable with snow. Road safety requires to be fully researched in respect of this application.

Conclusion

The Council is respectfully invited to refuse the application for the reasons stated above, per the Observations, per the numerous letters of objection and in accordance with national planning policy, the 1997 Appeal, the 2011 Appeal Decision, the Local Plan, SPG and statutory protection afforded to listed buildings. The application is in direct contravention of these and there are no contrary material considerations of sufficient weight or merit to suggest the application should be anything other than refused.

Yours faithfully,

A large black rectangular redaction box covering the signature of Robert J A Ruddiman.

Robert J A Ruddiman ,LLB, DipLP, NP

cc
Cllrs for Lower Deeside
Cults,Bielside,Milltimber Community Council
G McIntosh, Director, Planning and Sustainable Development