

# Public Document Pack



To: Councillor Boulton, Convener; Councillor Jennifer Stewart, Vice Convener; and Councillors Allan, Alphonse, Cooke, Copland, Cormie, Donnelly, Lesley Dunbar, Greig, Hutchison, John, Malik, McLellan, Sellar, Sandy Stuart and Wheeler.

Town House,  
ABERDEEN 7 June 2017

## **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

The Members of the **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE** are requested to meet in **Committee Room 2 - Town House** on **THURSDAY, 15 JUNE 2017 at 10.00 am.**

FRASER BELL  
HEAD OF LEGAL AND DEMOCRATIC SERVICES

### **B U S I N E S S**

**MEMBERS PLEASE NOTE THAT ALL LETTERS OF REPRESENTATION ARE NOW AVAILABLE TO VIEW ONLINE. PLEASE CLICK ON THE LINK WITHIN THE RELEVANT COMMITTEE ITEM.**

#### **DETERMINATION OF URGENT BUSINESS**

1.1 Determination of Urgent Business

#### **DETERMINATION OF EXEMPT BUSINESS**

2.1 Determination of Exempt Business

#### **DECLARATION OF INTERESTS**

3.1 Declarations of Interest

## **MINUTES OF PREVIOUS MEETINGS**

- 4.1 Minute of Meeting of the Planning Development Management Committee of 25 May 2017 - for approval (Pages 5 - 14)

## **COMMITTEE TRACKER**

- 5.1 Committee Tracker (Pages 15 - 16)

## **GENERAL BUSINESS**

## **PLANNING APPLICATIONS WHICH ARE THE SUBJECT OF WRITTEN REPORTS**

### **WHERE THE RECOMMENDATION IS ONE OF APPROVAL**

- 6.1 109 Hilton Road - Sub-division of Residential Curtilage and Erection of Dwelling House (Pages 17 - 24)

Planning Reference – 170414

The documents associated with this application can be found at:-

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OOC65SBZK5900>

Planning Officer – Dineke Brasier

- 6.2 Land adjacent to 11 Bailiieswells Road - Erection of Detached House with Associated Access and Landscaping (Pages 25 - 36)

Planning Reference – 170221

The documents associated with this application can be found at:-

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OMFT19BZJC100>

Planning Officer – Jamie Leadbeater

- 6.3 Land at Bay of Nigg - Approval of Matters Specified in Condition 8 (Culvert Capacity) of PPIP Ref No: P151742 (Aberdeen Harbour Expansion Project) (Pages 37 - 40)

Planning Reference – 170342

There are no relevant documents associated with this planning reference.

Planning Officer – Andrew Miller

- 6.4 Land at Bay of Nigg - Approval of Matters Specified in Condition 3 (Reinstatement and Restoration of temporary construction areas) of PPIP Ref No: P151742 (Aberdeen Harbour Expansion Project) (Pages 41 - 46)

Planning Reference – 170417

There are no relevant documents associated with this planning reference.

Planning Officer – Andrew Miller

- 6.5 Taree, 1 Glenhome Terrace - Installation of Log Cabin to Rear (Retrospective) (Pages 47 - 52)

Planning Reference – 170385

The documents associated with this application can be found at:-

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=ONZO5FBZK0800>

Planning Officer – Siobhan Wolverson

## **OTHER REPORTS**

- 7.1 Confirmation of Tree Preservation Order number 237 (2016) Land at Pitfodels (Pages 53 - 72)

- 7.2 Confirmation of Tree Preservation Order number 238 (2016) Former Waldorf School (Pages 73 - 88)

- 7.3 Confirmation of Tree Preservation Order 242 (2017) Ground at Rubislaw Den Gardens (Pages 89 - 94)

EHRIA's related to reports on this agenda can be viewed at  
[Equality and Human Rights Impact Assessments](#)

To access the Service Updates for this Committee please use the following link:  
<https://committees.aberdeencity.gov.uk/ecCatDisplayClassic.aspx?sch=doc&cat=13450&path=0>

Website Address: [www.aberdeencity.gov.uk](http://www.aberdeencity.gov.uk)

Should you require any further information about this agenda, please contact Mark Masson on 01224 522989 or email [mmasson@aberdeencity.gov.uk](mailto:mmasson@aberdeencity.gov.uk) or Lynsey McBain on 01224 522123 or email [lymcbain@aberdeencity.gov.uk](mailto:lymcbain@aberdeencity.gov.uk)



## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 25 May 2017. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Jennifer Stewart, Vice Convener; and Councillors Allan, Allard (as substitute for Councillor Alphonse), Cameron (as substitute for Councillor Cormie), Cooke, Copland, Donnelly, Lesley Dunbar, Greig, Hutchison, John, Malik, McLellan, Noble (as substitute for Councillor Stuart), Sellar and Wheeler.

**The agenda and reports associated with this minute can be found at:-**

**<https://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=348&Mid=4365&Ver=4>**

**Please note that if any changes are made to this minute at the point of approval, these will be outlined in the subsequent minute and this document will not be retrospectively altered.**

### DECLARATIONS OF INTEREST

1. Councillor Allard declared a personal interest in regards to item 2.1 on the agenda (Maidencraig mixed use development) by virtue of him knowing the applicant. Councillor Allard considered that the nature of his interest required him to leave the meeting and he intimated that he would depart the meeting at the appropriate time and take no part in the Committee's deliberation.

### INTRODUCTION

2. The Vice Convener welcomed everyone to the first meeting of the Planning Development Management Committee following the local government election.

The Vice Convener advised that (a) there would be a one minute silence at 11am to remember the victims of the Manchester terror attack, (b) that in regards to the new Standing Orders, if members declared an interest and felt that they should leave the room for consideration of the item, they must leave the room immediately and take no part in the consideration or discussion of the item and (c) the revised Standing Order stated that for quasi-judicial items of business, members must be present for all part of the discussion for the item, and should they leave, would not be permitted to participate in the determination of the item nor any vote.

### MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 20 APRIL 2017

3. The Committee had before it the minute of its previous meeting of 20 April 2017 for approval. The Vice Convener advised that the three returning members who had

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been in attendance at that meeting were required to approve the minute, given the changes to the Committee membership following the local government election.

Councillor Hutchison requested that in regards to item 10 of the minute, Former Royal Cornhill Hospital, that the amendment from Councillor Nicoll be altered as follows:-

“that the application be refused on the grounds that it was contrary to the Local Development Plan as affordable housing should be on site, in order to create a sustainable mixed use community”.

### **The Committee resolved:-**

- (i) to agree the amendment to item 10 as outlined above; and
- (ii) to otherwise note that the minute was approved by returning Councillors Jennifer Stewart, Greig and Hutchison.

### **DECLARATION OF INTEREST**

As above, Councillor Allard declared a personal interest in regards to the following item by virtue of him knowing the applicant. Councillor Allard considered that the nature of his interest required him to leave the meeting and he took no part in the Committee's deliberation thereon.

### **MIXED USE DEVELOPMENT INCORPORATING RESIDENTIAL, COMMERCIAL USES, COMMUNITY FACILITIES, OPEN SPACE, LANDSCAPING AND ASSOCIATED INFRASTRUCTURE AT MAIDENCRAIG, NORTH AND SOUTH OF A944 - 130265**

4. The Committee had before it a report by the Interim Head of Planning and Sustainable Development, **which recommended:-**

That there be a willingness to approve conditionally, but to withhold the issue of the consent document until the applicant has entered into a Legal Agreement to deliver (a) affordable housing, (b) developer contributions towards primary education, community facilities, recreation facilities, library facilities, core path networks, healthcare facilities, flood prevention scheme and road improvement to mitigate the impact of the development and (c) entitling the Council to acquire land as reasonably required for upgrading/dualling works to the A944.

The Vice Convener advised that this application was back before members due to the legal position regarding the Strategic Transport Fund and not to reconsider the application which had already been approved.

Fiona Closs, Solicitor, provided information in regards to the Strategic Transport Fund (STF) and advised that the Strategic Development Planning Authority (SDPA) adopted supplementary guidance in respect of a Strategic Transport Fund (STF), however this is subject to a legal challenge. Following this challenge, the Court of Session quashed

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the STF in April 2016. The SDPA appealed the Court of Session's decision and this hearing will take place at the Supreme Court (sitting in Edinburgh) in June 2017. As a result the planning authority cannot take payments for STF at this time. In the absence of STF the interim position is to be adopted.

Scott Lynch, Senior Engineer, also provided an update in regards to the STF, and advised that since STF was quashed, a new mechanism was introduced in order to calculate payments due in lieu of STF. As a result, the Council and the applicants had agreed appropriate mitigation measures and contributions to cover the following:-

- A944 Skye Road/Lang Stracht signalised junction refurbishment;
- B9119 Skene Road – Springfield Road bus priority measures and pedestrian linkages to south end of development;
- Aberdeen City Car Club contribution for two vehicles located within the development; and
- Cycle share scheme located within the development.

Members then asked a number of questions of officers.

### **The Committee resolved:-**

to approve the recommendation contained within the report; and thereby show a willingness to approve conditionally subject to a legal agreement with revised strategic transport contribution.

## **NETHER ANGUSTON CONVERSION OF FARM STEADING TO FORM FOUR DWELLINGS, CHANGE OF USE OF AGRICULTURAL LAND TO INCLUDE STABLES AND OUTDOOR RIDING MANEGE - 170142**

5. The Committee had before it a report by the Interim Head of Planning and Sustainable Development, **which recommended:-**

That the application be approved, subject to the following conditions:-

### **CONDITIONS**

- (1) That no development relating to this planning permission shall take place unless a Drainage Impact Assessment in line with SUDS principles 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 agreed details - in order to safeguard water qualities in adjacent water courses and to ensure that the development can be adequately drained.
- (2) That prior to occupation of any part of the development hereby approved, a scheme for the provision of mains water supply has been submitted to and approved in writing by the Planning Authority and the said scheme has been

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implemented in full, unless the planning authority has given written consent for a variation – in the interests of public health.

- (3) That no development shall take place unless a scheme detailing all external finishing materials to the roof, walls, windows and doors 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.
- (4) That notwithstanding the provisions of Article 3 and Schedule 1, Class 1A through to Class 1D, Class 3A and Class 3E 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 hereby approved dwelling house, or the residential curtilage, shall be constructed without a further grant of planning permission from the Local Planning Authority - to safeguard the visual amenity of the overall site and the traditional character of the steading building.
- (5) That no demolition of any part of the original steading, other than that shown in the plans hereby granted planning permission, shall take place unless details of such additional demolition have been submitted to, and approved in writing, by the planning authority - in the interests of preserving the original character of the steading and the amenity of the green belt.
- (6) That no development shall commence on site unless a plan has been submitted for the further written approval by the Planning Authority, in consultation with the Roads Authority, which shows how the access track leading to the application site will be upgraded. Thereafter, no residential unit shall be occupied unless the access track upgrades have been implemented in full accordance with the approved details - in the interests of road safety.
- (7) That no development pursuant to the planning permission hereby approved shall be carried out unless a scheme of hard and soft landscaping works has been submitted to and approved in writing by the planning authority.

Details of the scheme shall include:

- An indication of any existing trees to be removed;
- Appropriate protection measures for any trees being retained;
- The location of new planting (trees, shrubs, hedges, grassed areas, etc);

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- A schedule of planting to comprise species, tree/plant sizes and proposed numbers and density;
  - The location, design and materials of any hard landscaping works (including all boundary enclosures (ie walls, fences, gates, etc) and furniture);
  - A programme for the implementation and completion of the proposed soft and hard landscaping;
    - in the interests of the visual amenity of the area.
- (8) That all soft and hard landscaping proposals shall be carried out in accordance with the approved scheme, and in any event prior to occupation of any part of the development hereby approved. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the planning authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted. The approved scheme of planting associated to the semi-natural landscaped areas which lie beyond the formal garden ground shall be permanently retained. Once provided, all hard landscaping works, including all boundary treatment, shall thereafter be permanently retained - to ensure the implementation of a satisfactory scheme of landscaping, and that an appropriate level of semi-natural landscape which is suitably in-keeping with the rural location is retained, in the interests of the visual amenity of the area.
- (9) That the areas demarcated as "informal/wild landscaped ground" on Drawing No. GG001 Rev 3 shall remain as such and at no time shall be incorporated into the formal garden ground of the dwelling-houses hereby granted planning permission - in order to comply with the Policy NE2 Green Belt of the Aberdeen Local Development Plan and to preserve the character and landscape setting of the green belt

### ADVISORY NOTE FOR APPLICANT

- (1) In the event of any ground contamination being discovered during development work, the Planning Authority should be notified immediately. The extent and nature of the contamination should then be investigated and a suitable scheme for the mitigation of any risks arising from the contamination should be agreed and implemented to the satisfaction of the Planning Authority.
- (2) ACC's Flooding & Coastal team has advised that in order to minimise surface water run-off, consideration should be given to the incorporation within the proposed development of rain water attenuation storage, such as water butts, and to the use of permeable block paving.

The Committee heard from Daniel Lewis, Development Management Manager, who spoke in furtherance of the application and members asked various questions.

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### **The Committee resolved:-**

to approve the recommendation and therefore approve the application conditionally.

### **LAND AT BAY OF NIGG – PARTIAL APPROVAL OF MATTERS SPECIFIED IN CONDITION 4 (TEMPORARY VISITOR CENTRE) OF PPIp 151742 (ABERDEEN HARBOUR EXPANSION PROJECT)**

6. The Committee had before it a report by the Interim Head of Planning and Sustainable Development, **which recommended:-**

That the application be approved with a time limited period.

Andrew Miller, Senior Planner, spoke in furtherance of the application and answered a number of questions from members, whereby it was noted that there was provision for a toilet that would be wheelchair accessible along with appropriate parking measures.

### **The Committee resolved:-**

- (i) to request that it be suggested to the appropriate officers that the visitor centre be promoted for the Doors Open Day;
- (ii) to request that details of opening hours and the proposed volunteering programme be reported back to the next Committee for information; and
- (iii) to otherwise approve the application with a time limited period.

### **LAND AT BAY OF NIGG – APPROVAL OF MATTERS SPECIFIED IN CONDITIONS 7 (CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN) AND 9 (SSSI ENGINEERING ASSESSMENT OF PPIp 151742 (ABERDEEN HARBOUR EXPANSION PROJECT)**

7. The Committee had before it a report by the Interim Head of Planning and Sustainable Development, **which recommended:-**

That the application be approved unconditionally.

Andrew Miller, Senior Planner, spoke in furtherance of the application and also answered a number of questions from members, in regards to the traffic route used by the heavy goods vehicles as well as the new breakwaters and the hours of operation for undertaking the work.

### **The Committee resolved:-**

to approve the application unconditionally.

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### **DUNMAIL, 3 SOUTH AVENUE – PROPOSED DEVELOPMENT OF 21 SHELTERED APARTMENTS (RETIREMENT LIVING) WITH ASSOCIATED LANDSCAPING AND PARKING – 170087**

8. The Committee had before it a report by the Interim Head of Planning and Sustainable Development, **which recommended:-**

That the application be refused.

Andrew Miller, Senior Planner, spoke in furtherance of the application and answered a number of questions from members. It was noted that a previous planning application for the site was refused by the Committee and the application was currently with Scottish Ministers due to an appeal by the applicant.

The Vice Convener, seconded by Councillor Cameron moved:-

That the application be refused, in line with the recommendation contained within the report.

Councillor John, seconded by Councillor Donnelly moved as an amendment:-

That the application be approved due to there not being a detrimental impact on the residential amenity of the area, or an adverse effect on the trees, and that it was not an intensification of the density of the plot.

On a division, there voted:- for the motion (13) – the Vice Convener and Councillors Allan, Allard, Cooke, Copland, Cameron, Lesley Dunbar, Greig, Hutchison, Malik, Noble, Sellar and Wheeler; for the amendment (3) – Councillors Donnelly, John and McLellan.

#### **The Committee resolved:-**

to adopt the motion and therefore refuse the application.

### **INCHGARTH HOUSE, INCHGARTH ROAD – FORMATION OF NEW ACCESS AND DRIVEWAY WITH GATE, WALL, PILLARS AND LANDSCAPING (PART RETROSPECTIVE)**

9. The Committee had before it a report by the Interim Head of Planning and Sustainable Development, **which recommended:-**

That the application be refused and to instruct enforcement action within the site, as appropriate, in order to ensure removal of the existing unauthorised driveway works, reinstatement of appropriate topsoil, site landscaping and replanting of new trees on site and other works as may be required to reinstate the original ground condition. This was required in the interest of preservation of the setting of the listed building, preservation of the character of the conservation area and to mitigate the adverse tree impact of the unauthorised site works.

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The Vice Convener advised members that the applicant had withdrawn the application and therefore could not be considered. However members agreed to determine whether enforcement action should be undertaken for the unauthorised works.

Members heard from Sepi Hajisoltani, Planner and Robert Forbes, Senior Planner Enforcement Officer, who provided information on the unauthorised works that had been carried out. It was noted that the application site was within the Pitfodels Conservation Area, and noted that Inchgarth House was a listed building.

Fiona Closs, Solicitor, also provided information to members and advised that no discussion should take place around the withdrawn application, and should focus only on whether or not to proceed with enforcement action.

Members asked a number of questions to officers, whereby it was noted that (a) the applicant had stopped the ground works voluntarily, after officers raised concerns at the unauthorised works, so no stop notice was served, (b) there was an existing driveway on the site which would be acceptable for access to the property and (c) around 150 trees had been removed without permission, and the site was classified as ancient woodland.

### **The Committee resolved:-**

- (i) to instruct enforcement action within the site, as appropriate, in order to ensure removal of the existing unauthorised driveway works, reinstatement of appropriate topsoil, site landscaping and replanting of new trees on site and other works as may be required to reinstate the original ground condition. This being required in the interests of preservation of the setting of the listed building, preservation of the character of the Conservation area and to mitigate the adverse tree impact of the unauthorised site works; and
- (ii) to request that a briefing note be prepared by Legal Services in advance of the next Committee and circulated around Members of this Committee outlining the possible routes of enforcement the Planning Authority could undertake.

## **CONSERVATION AREA CHARACTER APPRAISALS AND MANAGEMENT PLAN – ROSEMOUNT AND WESTBURN CONSULTATION RESPONSES**

**10.** The Committee had before it a report by the Interim Director of Communities, Housing and Infrastructure, which outlined the results of the public consultation exercise undertaken on the draft Rosemount and Westburn Conservation Area Character Appraisal.

### **The report recommended:-**

that the Committee approves the draft Rosemount and Westburn Conservation Area Character Appraisal as Planning Advice for inclusion in the Conservation Area Character Appraisals and Management Plan Local Planning Advice suite of documents.



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Members asked a number of questions in regards to the Character Appraisal. Councillor Cooke enquired about the removal of street trees. Daniel Lewis advised that Richard Nicholson was the appropriate Council officer to liaise with in regards to street trees.

### **The Committee resolved:-**

- (i) to note that should Councillors have any concerns with street trees or otherwise in Council ownership within their ward, to contact Richard Nicholson on [richardn@aberdeencity.gov.uk](mailto:richardn@aberdeencity.gov.uk); and
- (ii) to otherwise approve the recommendation contained within the report.

### **PLANNING APPEALS PANEL**

11. The Committee heard from the Vice Convener who advised that this Committee was required to appoint five members to the Planning Appeals Panel, which would comprise one member from each party. The nominees must also be a member of PDMC.

### **The Committee resolved:-**

to appoint Councillors Boulton, Cooke, Lesley Dunbar, Greig and John to the Planning Appeals Panel.

- Councillor Jennifer Stewart, Vice Convener

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27 October 2016

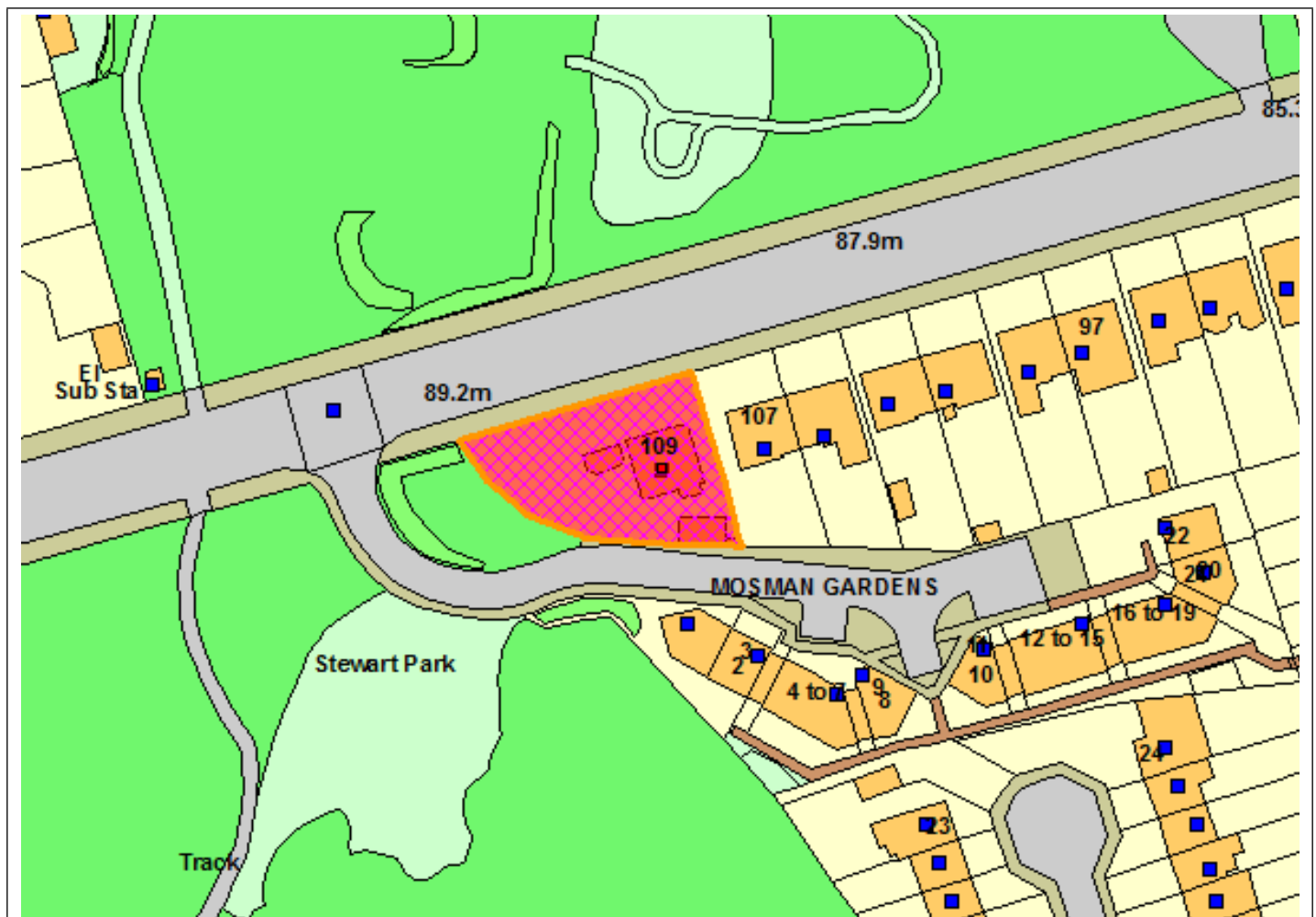
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CYCLE 6 - COMMITTEE STATISTICS				
The Tracker Shows the Reports Which are Expected to be Submitted to Future Committee Meetings				
Report Title	Committee date	Report author	Head of Service	Purpose of Report
Union Terrace Gardens – alterations	15/06/2017		Eric Owens	Planning App
Confirmation of Tree Preservation Order number 237/2016 Land at Pitfodels	15/06/2017	Kevin Wright	Eric Owens	To have confirmed three provisional Tree Preservation Orders made by the Head of Planning and Sustainable Development under delegated powers.
Confirmation of Tree Preservation Order number 238/2016 Former Waldorf School	15/06/2017	Kevin Wright	Eric Owens	
Confirmation of Tree Preservation Order number 242/2017 Ground at Rubislaw Den Gardens	15/06/2017	Kevin Wright	Eric Owens	
CYCLE 7 - COMMITTEE STATISTICS				
The Tracker Shows the Reports Which are Expected to be Submitted to Future Committee Meetings				
Report Title	Committee date	Report author	Head of Service	Purpose of Report
Union Terrace Gardens – alterations	20/07/2017	Daniel Lewis	Eric Owens	Planning app
Planning Enforcement Activity/Report	20/07/2017	Robert forbes	Eric Owens	
CYCLE 8 - COMMITTEE STATISTICS				
The Tracker Shows the Reports Which are Expected to be Submitted to Future Committee Meetings				
Report Title	Committee date	Report author	Head of Service	Purpose of Report
North Dee Development Brief	15/06/2017	Laura Robertson	Eric Owens	Planning schedule

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	<b>Planning Development Management Committee</b>
	Report by Development Management Manager
	<b>15 June 2017</b>

<b>Site Address:</b>	109 Hilton Road, Aberdeen, AB24 4HX,
<b>Application Description:</b>	Sub-division of residential curtilage and erection of dwelling house
<b>Application Reference:</b>	170414/PPP
<b>Application Type</b>	Planning Permission in Principle
<b>Application Date:</b>	18 April 2017
<b>Applicant:</b>	Mr C/O D K Meldrum Ltd Meldrum
<b>Ward:</b>	Hilton/Woodside/Stockethill
<b>Community Council</b>	Cattofield
<b>Case Officer:</b>	Dineke Brasier



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## RECOMMENDATION

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Approve Conditionally

## APPLICATION BACKGROUND

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### Site Description

Roughly triangular in shape (c.400m<sup>2</sup>) and currently in use as a garden and parking area to the side/ west of a detached dwellinghouse (109 Hilton Road). It is largely surfaced with concrete slabs and sees a detached single storey 'conservatory' building, with fully glazed east, south and west elevations and stone wall to the west. A driveway from Hilton Road enters at the north-western corner and serves the existing dwelling, which is within the same ownership but outwith the application site. This driveway follows the southern boundary to the south-east corner of the existing larger plot, where there is a detached garage. The existing dwelling is a traditional one and a half storey granite detached property with a slated hipped roof.

The site is located at the end of a row of dwellings of a similar architectural style, although of semi-detached form, extending in an eastwards direction along Hilton Road. To the south is a sheltered housing complex 'Mosman Gardens', which consists of two large two-storey buildings clad in render and with pitched tiled roofs. To the north, across Hilton Road is Stewart Park, to the west is a small area of raised amenity ground, containing a number of mature beech trees, with another section of Stewart Park across Mosman Gardens further to the west and south.

### Relevant Planning History

140946 saw an application to extend the existing dwelling and the associated removal of the 'conservatory' refused under delegated powers on 14 April 2015. The main reasons for refusal were in relation to design.

## APPLICATION DESCRIPTION

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### Description of Proposal

Planning permission in principle is sought for the subdivision of the plot and erection of a detached dwelling in the resultant plot to the west of the existing dwelling. An indicative site layout shows a detached dwelling of similar footprint to the donor property, with a garden to the west and south. Vehicular access would be taken from a point slightly to the east of the existing driveway onto Hilton Road, serving three on-site parking spaces. The existing conservatory style detached building would be demolished.

In addition, a new double driveway serving the existing property would be created onto Mosman Gardens, requiring the demolition of the existing garage. However, these works do not require planning permission and can be undertaken using permitted development rights, neither are they within the application site, although within the same ownership.

### Supporting Documents

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OOC65SBZK5900> .

### Reason for Referral to Committee

The application received more than six letters of objection, and therefore falls outwith the scheme of delegation.

## CONSULTATIONS

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**ACC - Roads Development Management Team** – No objection in principle, subject to submission of detailed parking layout and clarification of size of proposed dwelling.

**ACC - Environmental Health** – No observations

**ACC - Flooding And Coastal Protection** – No objection. Recommend the use of rain water attenuation methods and permeable block paving.

## REPRESENTATIONS

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16 letters of objection have been received, on the basis of the issues summarised as follows:

- Removal of trees on Mosman Gardens and within garden of 109 Hilton Road;
- New access onto Mosman Gardens would reduce on-street parking spaces;
- Rear boundary at 109 Hilton Road is a party wall and Mosman Gardens have not been approached as to any alterations;
- Overdevelopment and curtilage splitting would set an undesirable precedent.

## MATERIAL CONSIDERATIONS

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### Legislative Requirements

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

### Aberdeen Local Development Plan (2017)

H1: Residential Areas  
 D1: Quality Placemaking by Design  
 T2: Managing the Transport Impact of Development  
 NE1: Green Space Network  
 NE3: Urban Green Space  
 NE5: Trees and Woodland  
 NE6: Flooding, Drainage & Water Quality  
 R6: Waste Management Requirements for New Development  
 R7: Low & Zero Carbon Buildings & Water Efficiency

### Supplementary Planning Guidance (SPG)

Sub-division & Redevelopment of Residential Curtilages  
 Trees and Woodlands  
 Transport and Accessibility

## EVALUATION

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### Principle of Development

The site is located within an existing residential area, where the principle of residential development is acceptable if it:

- Does not constitute overdevelopment;
- Does not have an unacceptable impact on the character and amenity of the surrounding area;
- Does not result in the loss of any valuable open space; and

- Would comply with relevant Supplementary Planning Guidance.

### **Impact on character and appearance of the surrounding area**

The SPG on the Subdivision and Redevelopment of Residential Curtilages sets out that, in general, no more than a third (33%) of a plot should be built upon. In this case, following the proposed subdivision, the overall plot coverage would be 28% for the existing dwelling and a lower 23% for the proposed new plot, both in accordance with this guidance and demonstrating an appropriate plot ratio could be achieved.

The proposed site plan also shows that a dwelling could follow the building line of the adjacent properties on Hilton Road and leave an appropriate gap to the boundary again equivalent to that of adjacent properties. Furthermore, it is also evident that the footprint and floorplan could mirror that of the original property. In addition the applicant has confirmed in writing that, even though no detailed design has been submitted, the eaves and ridge height of the proposed dwelling would not exceed that of the donor dwelling (109 Hilton Road) and could continue the gradual stepping down of building height as evident along this stretch of Hilton Road. As such, in principle, the proposal would respect the character and appearance of the surrounding area. However, as this is an application for planning in principle, no detailed design has been submitted, and these matters of detail would require to be considered via a matters specified in conditions (MSC) application. However the aforementioned parameters are important to clearly demonstrate that a single dwelling could be appropriately accommodated, and as such the overall ridge and eaves height will be controlled by condition.

### **Impact on residential amenity**

Both the front and rear elevation of the proposed new dwelling could be in line, maintaining the same front and rear building lines with that of 109 Hilton Road. Also 109 has no side facing windows and as such, there would be no significant loss of light or overlooking between the two dwellings – subject to detailed designs being confirmed.

To the rear is the sheltered housing complex across Mosman Gardens. This building does not continue beyond the existing west elevation of 109 Hilton Road. As such, there is no property immediately to the rear (south) of the application site. Furthermore, to the west and north are areas of public amenity space and a park. Thus it is more than likely that any new dwelling would not have any significant impact on the residential amenities of neighbouring properties.

The Subdivision and Redevelopment of Residential Curtilages SPG also sets out that the resultant minimum garden area for both a proposed new dwelling and the donor property should have an average length of 9m. Although this principally derives from an expectation that privacy levels in suburban housing will be achieved via an 18m separation between the rear elevation of properties. In this case, both the existing dwelling, nor the proposed new dwelling would have a rear garden of this size. The existing dwelling would retain its existing rear garden depth c.8m, whilst the indicative positioning of a new dwelling would have a short rear garden (c. 5m), but a larger side garden with a length of c.8m. Importantly, the contextual situation sees a high wall to the rear, giving privacy; large gardens to the front onto Hilton Avenue, and the resultant house would see a sizable private side garden. Thus in this case, due to the location of the plot at the end of a row of dwellings and adjacent to an existing area of amenity ground, this side garden would contribute to good quality usable garden ground, both private and public, appropriate in the context. Even though the length of both gardens is below the guidance within the SPG, on balance this is considered acceptable due to the overall amount of usable garden ground serving the dwellings. In the case of the new dwelling, the area of usable garden ground to the rear and side would, excluding the proposed parking area, extend to c.120m<sup>2</sup>. For the existing property, this figure, again excluding the proposed parking area, would be slightly lower at c.70m. In addition, as stated above, these shorter gardens would not result in any adverse impacts on levels of privacy as no residential units would be located immediately to the rear of the proposed dwelling and the garden



areas would in themselves achieve privacy through the wall which encloses that rear boundary. As such, it is considered that both dwellings would be served by an adequate amount of usable garden ground and would provide an adequate level of residential amenity, accounting for the context.

### **Parking and access**

The proposed dwelling would be served by a new access driveway, c.4m to the east of the existing access onto Hilton Road, further from the junction with Mosman Gardens. This would access parking for three cars, although no specification has been given as to the proposed number of bedrooms. Parking guidelines advise that 3 spaces would be satisfactory to serve a four bedroom dwelling, and as such, sufficient evidence is shown that parking can be adequately provided. The detailed parking layout can be considered as part of a further MSC application.

The proposed new parking area serving the existing dwelling falls outwith the red line and does not form part of this application and can be provided under permitted development rights (as it would serve a single dwelling, would not provide access onto a classified road and would not require any significant levelling or excavation). It would most likely require the removal of a mature tree, however that tree is not within the ownership of the applicant, nor is it covered by a tree protection order. As such, provided the applicant would receive confirmation from the owner they would be happy to see the tree cut down (which in itself is a legal matter and not a requirement of the planning process), this would be acceptable.

Letters of objection raise concerns with regards to a reduction in on-street parking spaces at Mosman Gardens, resulting from the creation of the proposed driveway serving the existing dwelling. It is noted that Mosman Gardens is a relatively narrow road leading only to the sheltered housing complex and driveways within the rear gardens of properties fronting Hilton Road. The sheltered housing complex (22 units) is served by a limited number of on-site parking spaces, with the majority of parking demand relying on on-street parking. However there is no planning control able to be exerted over the proposed driveway to serve 109, indeed this could happen whether or not planning permission was granted, without any further planning consideration. It is however appreciated that such an arrangement could result in the loss of two on street parking spaces over the length Mosman Gardens. However, it is also noted that there are no parking controls/ permit requirements in this area, and as such other options for on-street parking would be available in the vicinity e.g. on Hilton Road. In addition, the proposed driveway would provide two parking spaces. As such, Roads Development Management Team does not raise any issues with this limited loss of on-street parking and considers the proposal to be acceptable.

### **Impact on trees**

Immediately to the west, in the area of public amenity land and across the boundary wall, are a number of mature beech trees. This amenity land is part of the larger Stewart Park, which is split in two sections, one section to the north of Hilton Road and the other to the south of Mosman Gardens, and is within the Green Space Network. This amenity land sits at a higher level than the application site, retained by the existing retaining wall. The distance from the proposed side elevation to the site boundary would be approximately 8m, with the trees set further into the amenity ground. The application is not supported by a tree survey. However, it is considered that due to the distance between the existing trees and the proposed dwelling, the existing difference in levels, retaining wall and hard surfacing, that the construction of the dwelling would be unlikely to have an adverse impact on the roots of these trees. One beech tree has branches overhanging the side garden of 109 Hilton Road. It is likely that these will need to be cut back to a certain extent. Again, no additional information has been submitted. A condition requesting a tree survey, arboricultural impact assessment and tree protection plan setting out how these trees will be protected should therefore be attached to ensure the proposal would not result in the loss or damage to any of these trees and would be compliant with policy NE5 (Trees and Woodlands) and would maintain the functions as set out in policy NE1 (Green Space Network).

**Flooding, waste and zero and low carbon building**

The site is not within a flood risk area, and the proposed dwelling would be connected to the public sewer network. The use of rain water attenuation methods and permeable paving is recommended, but this does not need to form part of a condition. The Council's Flooding Team raises no objections to the proposal and this is therefore considered acceptable.

No details have been provided with regards to waste collection. However, the garden serving the proposed dwelling would be sufficiently large to accommodate all required containers and it is likely that current on-street waste collection measures would be used. A suitable condition can control this issue.

No details have been provided with regards to the installation and use of low and zero carbon generating technology. Policy R7 sets out that all new buildings should meet at least 20% of the building regulations carbon dioxide emissions reduction target through the installation of low and zero carbon technology. This can be dealt with by a condition as part of a further MSc application.

**Matters raised in letters of objection:**

- Loss of trees on Mosman Gardens – This has been evaluated above
- New access onto Mosman Gardens – This has been evaluated above
- Ownership rear boundary wall – This is a civil matter and not a planning consideration
- Overdevelopment – This has been evaluated above
- Curtilage splitting would set an undesirable precedent – Each application is considered on its own (site specific) merits and deemed acceptable in the context, thus no unwanted precedent would be set.

**RECOMMENDATION**

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Approve Conditionally

**REASON FOR RECOMMENDATION**

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The principle of a proposed subdivision of the residential curtilage and erection of an additional dwelling would not have an adverse impact on the character and appearance of the surrounding area or on residential amenities of neighbouring properties. Adequate parking provision and access arrangements could be provided for both the proposed and the existing dwelling, and the proposal would be unlikely to have an adverse impact on the existing trees to the west.

Subject to the approval of further details set out in conditions, the proposal is therefore considered acceptable and in line with policies H1 (Residential Areas), D1 (Quality Placemaking by Design), T2 (Managing the Transport Impact of Development), NE1 (Green Space network), NE3 (Urban Green Space), NE5 (Trees and Woodland), NE6 (Flooding, Drainage & Water Quality), R6 (Waste Management Requirements for New Development), R7 (Low & Zero Carbon Buildings & Water Efficiency) and Supplementary Planning Guidance on 'Sub-division & Redevelopment of Residential Curtilages', 'Trees and Woodlands' and 'Transport and Accessibility'.

**CONDITIONS**

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1. Details of the specified matters listed below shall be submitted for consideration by the planning authority, in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended). No work shall begin until the written approval of the authority has been given, and the development shall be carried out in accordance with that approval.

Specified matters:

- a. Details of existing and proposed site levels;
- b. Full details of the layout and siting of the proposed development, including all buildings, ancillary structures, storage areas for waste and recyclables and hard and soft landscaped areas. For the avoidance of doubt, the front and rear elevation of the dwellinghouse shall not extend beyond that of the existing dwelling at 109 Hilton Road as per the footprint indicated on drawing 1SS;
- c. Full details of the design, external appearance and finishing materials of the proposed dwelling. For the avoidance of doubt, the eaves height and the ridge height of the new dwelling shall not be higher than that of the existing dwelling at 109 Hilton Road;
- d. Full details of proposed boundary treatments;
- e. Full details of the proposed means of pedestrian, cycle and vehicular access to the development, including parking and vehicle turning areas. For the avoidance of doubt, these details shall also include surfacing materials;
- f. Full details of proposed tree protection measures, including a tree survey, arboricultural impact assessment and tree protection plan setting out any measures to the overhanging branches of the beech trees on the amenity ground to the west;
- g. Full details of proposed measures to reduce carbon dioxide emissions.

Reason: Permission for the development has been granted in principle only and subsequent approval is required for these matters in accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. With respect to the terms of condition 1(f), an Energy Statement must be submitted to and approved in writing by the Local Planning Authority, including the following items:
  - a. Full details of the proposed energy efficiency measures and/ or renewable technologies to be incorporated into the development;
  - b. Calculations using the SAP or SBEM methods, which demonstrate that the reduction in carbon monoxide emissions rates for the development arising from the measures proposed will enable the development to comply with the Council Supplementary Guidance Resources for New Development.

The development shall not be occupied unless the details have been carried out in complete accordance with the details as so agreed in the Energy Statement.

Reason: To ensure the development complies with the on-site carbon reductions required in Scottish Planning Policy, Policy R7 of the Aberdeen Local Development Plan and the Council's Supplementary Guidance.

## **ADVISORY NOTES FOR APPLICANT**

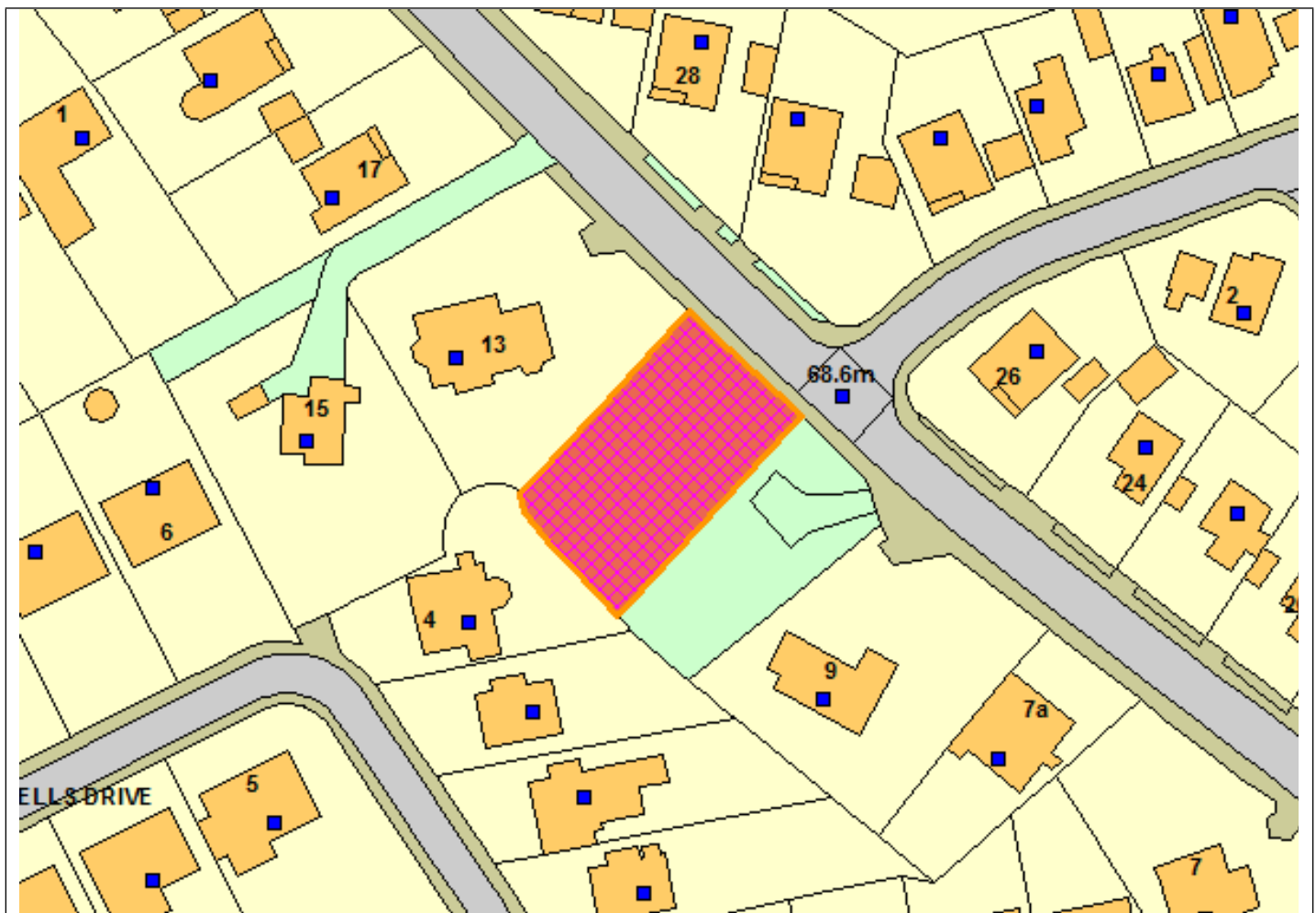
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None.

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	<b>Planning Development Management Committee</b>
	Report by Development Management Manager

<b>Site Address:</b>	Land Adjacent To 11 Baillieswells Road , Bieldside, Aberdeen, AB15 9BB
<b>Application Description:</b>	Erection of detached house with associated access and landscaping
<b>Application Reference:</b>	170221/DPP
<b>Application Type</b>	Detailed Planning Permission
<b>Application Date:</b>	7 March 2017
<b>Applicant:</b>	Bonhurst Ltd.
<b>Ward:</b>	Lower Deeside
<b>Community Council</b>	Cults, Bieldside And Milltimber
<b>Case Officer:</b>	Jamie Leadbeater



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## RECOMMENDATION

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### Approve Conditionally

## APPLICATION BACKGROUND

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### Site Description

Part of the former garden ground of a demolished detached dwellinghouse (11 Baillieswells Road), that once stood to the rear of the plot, overlapping into the adjoining property to the south, now also known as 11 Baillieswells Road. That southern half of the former residential curtilage is presently being developed with a new 5 bedroom detached dwellinghouse.

Both these plots sit on the western side of Baillieswells Road, directly opposite the junction with Cairnlee Terrace. A large detached dwellinghouse (13 Baillieswells Road) exists immediately to the north-west of the subject plot and two detached one and half storey dwellinghouses, and associated rear gardens, are sited to the rear/ south-west (3 and 4 Baillieswells Drive).

The site itself sits approximately 2m below the level of Baillieswells Road, the boundary with which is defined by a c.0.5m high boundary wall, with hedging rising above. The south-east boundary (with the sister plot under development) is currently undefined; the south-west boundary sees 2.7m higher timber fencing, whilst the north-west mutual boundary with 13 Baillieswells Road comprises a combination of post & wire fencing with several trees protected by a Tree Preservation Order (TPO).

### Relevant Planning History

Application Number	Proposal	Decision Date
160583	Erection of 5-bedroom detached house with associated access and landscaping – on the sister plot to the south.	14.07.2016 Approved Conditionally
151858	Erection of 2 no. 5-bedroom detached houses, associated access and landscaping – on the combined site of the former 11 Baillieswells Road	22.04.2016 Refused
140940	Proposed New House – on site to south-east which also falls within curtilage of former bungalow at 11 Baillieswells Road.	25.09.2014 Approved Conditionally
131698	Proposed New House – on current application site	06.11.2014 Refused – Subsequent appeal (PPA-100-2059) to the DPEA dismissed (June 2015).
101484	Proposed new house and associated site works – on site to south-east within curtilage of former bungalow at 11 Baillieswells Drive	25.11.2010 Refused – Subsequent appeal (PPA-100-2026) upheld (June 2011) on the basis that the proposals complied with the terms of Policy 40 in the ALDP 2008.

091403	Demolition of existing house and erection of 2 detached dwellings	07.01.2010	Refused – Subsequent appeal (PPA-100-2010) to the DPEA dismissed (July 2010)
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## APPLICATION DESCRIPTION

### Description of Proposal

A new two storey detached dwellinghouse, including new vehicular access and associated landscaping works.

The house would feature two mini gables, porch and two integrated garages to the front elevation and a flat roof single storey projection to the rear. That rear projection would sit at a lower level than the majority of the remainder of the ground floor, accessed by a small set of stairs and creating a split level. The external finishes would be Buff Fyfestone blockwork on one-third of the front elevation and to the stringcourse and basecourse wrapping around the building. The remainder of the walls would see a cream dry-dash render. White framed uPVC windows and doors would be fitted throughout. The roof to the two storey element would feature steep hipped faces on all four sides, to a flat central section. These roof faces would be finished in concrete tiles and would see two Velux rooflights to the front and solar panels on the south-east slope. The flat roof elements to both the two storey section and the A driveway, turning area and garden space would be provided to the front and garden space provided to the north-western side and rear. Existing boundary treatments are to remain in place.

### Supporting Documents

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OMFT19BZJCI00> .

The following documents have been submitted in support of the application –

- Design Statement
- Drainage Plan
- Tree Survey
- Tree Protection Plan

### Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because there have been more than 5 objections made against the application.

## CONSULTATIONS

**ACC - Roads Development Management Team** – No objection. Public bus facilities fall within 400m and adequate car parking will be provided, taking into account the proposed driveway and garage dimensions. Visibility from the proposed new vehicular access would also meet the required standard. A new vehicular footway crossing would need to be constructed at the cost of the applicant.

**Cults, Bielside and Milltimber Community Council** – Do not object.

**Waste Strategy** – No objection, subject to a path being provided between the vehicle collection point (Baillieswells Road) and the bin store within the site. Waste bins are expected to be presented on Baillieswells Road and the applicant should contact ACC's Waste Service 2 months prior to occupation for supply of such bins.

## **REPRESENTATIONS**

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6 letters of objection have been received, which raise the following material points:

- Scale, massing and density of the development would be out-of-keeping with the other properties in the surrounding area;
- The increased number of vehicles generated from the development will pose a road safety issue along Baillieswells Road, especially at the junction with Cairnlee Terrace;
- The building line of the street would be disrupted by the development;
- The ridge of the proposed house would dominate the bungalow at number 9;
- The garage is insufficient in size to accommodate two cars and the turning space is such that vehicles would need to reverse onto the public road, giving rise to road safety concerns;
- Development of the site would give rise to a loss of 'urban green space';
- Proposed tree planting is considered insufficient along rear boundary;
- The proposed development would adversely impact on the privacy of surrounding properties;
- The 9.6m long Root Protection Zone from the mutual boundary between numbers 11 and 13 Baillieswells Road is not perceived to make better provision for tree retention and safety; and
- Loss of private amenity to 3 Baillieswells Drive.

## **MATERIAL CONSIDERATIONS**

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### **Legislative Requirements**

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

### **Aberdeen Local Development Plan (2017)**

- Policy D1: Quality Placemaking by Design
- Policy NE6: Flooding, Drainage & Water Quality
- Policy T2: Managing the Transport Impact of Development
- Policy H1: Residential Areas
- Policy NE5: Trees and Woodland
- Policy R7: Low and Zero Carbon Buildings, and Water Efficiency
- Policy CI1: Digital Infrastructure

### **Supplementary Guidance and Technical Advice Notes**

- The sub-division and redevelopment of residential curtilages (Supplementary Guidance).
- Resources for New Development (Supplementary Guidance)

### **Other Material Considerations**

- Planning history as set out above.

## **EVALUATION**

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### **Principle of Development**

The applications site covers the northern half/ part of the former residential curtilage of a detached bungalow demolished back in 2010. A similar scale detached dwellinghouse was approved in July 2016 (Ref: P160583) on the plot created from the southern half of that curtilage and is currently under construction. Furthermore, the site is designated for residential use on the Aberdeen Local Development Plan 2017 (ALDP) Proposals Map. Taking these factors into account, the principle of the site being developed for residential purposes is considered acceptable. Subsequently, the primary consideration in this case will be whether or not the site can accommodate a new dwellinghouse which meets the expectations of policies H1 and D1 of the ALDP, as well as the guidance outlined in the 'redevelopment and sub-division of residential curtilages' supplementary guidance (SG). The merits of this will be discussed in the paragraphs to follow.

### **Layout, Siting and Design**

The site falls within a large residential area, containing a mix of house types and sizes, most of which are detached, front onto a road and are served by garages, with garden space to the front and rear.

Policy D1 in the ALDP states that new development should be designed with due consideration for its context and make a positive contribution to the surrounding area.

In terms of layout, the proposed development would have an appropriate plot coverage, indeed lower than the 22% deemed acceptable for the adjacent plot now under construction. Subsequently, the low density pattern of the surrounding area is respected. Furthermore, the proposed dwellinghouse would be orientated to front Baillieswells Road and would afford a driveway and garden space to both the front and rear. The garden layouts and areas comply with the standards outlined in redevelopment of residential curtilages SG. All these attributes align with the character of development within the surrounding residential area. In addition more than sufficient space would exist within the site to accommodate bin storage and refuse access in line with the requirements of ACC's Waste Service.

In terms of form, the proposed dwellinghouse would encompass a balance of vernacular and contemporary features which would be appropriately proportioned, given the plot size, to the extent that it would share similarities in appearance with the house being developed to the south and ultimately would not look out-of-context with the surrounding area. A particular feature of the building would be solar panels on the south-east roof slope, which are welcomed in order to help maximise energy efficiency for the lifetime of the build and aid the proposals compliance with Policy R7 in the ALDP. In order to ensure full compliance with the aforesaid policy, the applicant/developer needs to demonstrate what measures have been taken to minimise water abstraction from the River Dee. Such details, along with the energy efficiency SAP calculations, could be sought and controlled through condition if the application is approved to ensure compliance with the policy and associated supplementary guidance.

The proposed external finishes would be similar to those found on many houses within the surrounding residential area and therefore are not considered to pose an undue visual amenity concern. As such, they are considered acceptable in line with the expectations of Policy D1.

Any new dwellinghouse within the city boundary is expected to have access to a modern, high speed communications infrastructure under Policy C11 in the ALDP. The site is located in an established urban area which already benefits from high speed internet connectivity. As such, there is a high probability that the proposed development would be able to achieve the level of digital infrastructure expected of it by the aforesaid policy.

The site has limited capacity to accommodate further extensions to the proposed dwellinghouse and in common with the two consents granted for the adjacent site to the south-east, it is recommended that a condition be attached to any subsequent consent revoking PD (Permitted Development) rights to ensure the no further extensions or building can be developed outwith the control of the Planning Authority.

### **Impact on amenity**

The proposed site levels would sit below the ground levels of neighbouring houses to the north-west, east and south-west, and at a similar level as the house under construction to the south-east. These levels coupled with the respective separation distances and height of the proposed dwellinghouse would not give rise to any undue overshadowing or loss of daylight to neighbouring properties to the east (opposite side of Baillieswells Road), north-west, and south-west. Once in use, the neighbouring house being constructed to the south-east would be impacted by the proposed house. Specifically, the ground floor window on the north-west elevation serving a lounge area would witness see reduction in daylight by virtue of the proximity of the proposed house, however, the window would merely act as a secondary window so the neighbours lounge room with most natural light still expected to permeate through the much larger ground floor window on the neighbour's front elevation. As such, the daylighting impact would not be undue. Furthermore, no significant overshadowing impact should arise given the position of the neighbour's north-west elevation in relation to the path of the sun.

In terms of impact on private amenity, all windows serving habitable rooms would see appropriate separation distances. Although bedroom windows on the south-east elevation would be separated from those on the opposing elevation of the house on the adjacent plot, the windows would be offset from each other at both floor levels thus designing-out the possibility of direct overlooking. It is recognised the mutual boundary with number 13 Baillieswells Road is served by a sparse number of trees giving rise to overlooking potential into the neighbours garden ground, however, no such impact should occur given the only windows situated on the north-west elevation would be opaque and would serve non-habitable rooms (a bathroom and shower room). Windows at first floor level on the rear elevation would only serve the staircase and two non-habitable rooms and therefore would pose no undue private amenity concerns. The first floor windows on the front elevation would have no impact on properties on the opposite side of Baillieswells Road by virtue of their separation distance.

Overall, the proposed dwellinghouse would have an acceptable general residential amenity impact that would render it compliant with the relevant expectations of Policy H1 and D1 in the ALDP 2017, as well the supplementary guidance on the redevelopment of residential curtilages.

### **Trees**

The application is supported by a Tree Survey, which identifies all existing trees on and adjoining the site and their respective Root Protection Areas (RPAs). Historically, the site has witnessed a significant decline in the number of trees along the north-west mutual boundary with 13 Baillieswells Road since the demolition of the original bungalow. As a result, the remaining trees have had Tree Preservation Orders (TPOs) placed on them as documented in the report of handling to planning application 151858, to ensure their long term protection. The proposed dwellinghouse would not encroach on to the RPAs of the remaining trees and as such should ensure the continued preservation of these trees. Notwithstanding this, it is recommended a condition be applied to any subsequent consent ensuring the RPAs are protected during the construction phase. This condition would require protective fencing to be erected prior to commencement of development and remain in-situ until all construction works have been completed.

With regards to additional trees for the site, some additional planting is proposed along the rear (south-west) boundary and within other parts of the garden area to the side and front. However,

no details on their scale, species or exact quantity have been submitted. Whilst the proposed planting is likely to be acceptable, it would be prudent to place a condition on any subsequent consent to ensure mutual agreement over new planting, in the interests of local amenity.

### **Access and Parking**

The proposed access and parking arrangements would be similar in scale and layout to those to serve the approved 5 bedroom dwellinghouse immediately to the south-east. They have been considered by the Planning Service and the Council's Roads Development team, the latter of which has provided no technical objections. Collectively the level of on-site parking and turning space would meet requirements given the size of the house. Visibility from the proposed new access would also meet the required standard in both directions along Baillieswells Road. As such, the proposals are considered to be compliant with the spirit of Policy T2 and therefore are considered acceptable.

### **Drainage**

The applicant has indicated on the application plan that the proposed house is to be connected to the public main supply and sewers managed by Scottish Water, and that provision will be made from a SuDS (Sustainable urban Drainage System) within the site to deal with surface water. Separate consent would be required from Scottish Water prior to making a connection, which could be added as an informative to any subsequent consent. A Drainage Plan has been submitted with the application which demonstrates how connections could be made to the public systems and how SuDS would be delivered within the site, which would meet the relevant aims of Policy NE6 in the ALDP. However, it would be prudent to impose a condition on any subsequent consent which seeks the full implementation of the proposed SuDS before occupation of the dwellinghouse.

### **Matters Raised in Representations**

1. *Scale, massing and density of the development would be out-of-keeping with the other properties in the surrounding area*

As outlined in the evaluation above, the surrounding residential area comprises a mix of detached house types which vary in scale and massing. The proposed design is considered appropriate in this context. Furthermore, the proposed development would be appropriately proportioned in terms of site layout and therefore the density is regarded as acceptable.

2. *The increased number of vehicles generated from the development will pose a road safety along Baillieswells Road, especially at the junction with Cairnlee Terrace*

As stated in the 'access and parking' section of the above evaluation, both the Planning and Roads Services have considered the safety implications of the proposed new access and are content sufficient visibility would exist in both directions along Baillieswells Road to mitigate against road safety concerns. Otherwise the design of the local road network is appropriate and flows thereon would not be significantly affected.

3. *The building line of the street would be disrupted by the development*

The western side of Baillieswells Road has no established building line and therefore the proposed development would make no such disruption and in fact relates well to the context.

4. *The ridge of the proposed house would dominate the bungalow at number 9*

Whilst the proposed house would have a high ridge line, this would not have any significant greater impact on the bungalow given the separation distance and presence of the intervening two storey house currently being constructed.

- 5. The garage is insufficient in size to accommodate two cars and the turning space is much smaller than the original house resulting in a situation whereby the site owners would need to reverse onto the public road giving rise to road safety concerns*

The Roads Development Team have assessed the garage dimensions and proposed turning space to the front of the house and they have concluded they are fit for purpose. Any future reversing of vehicles from the site into the public road is out with the control of the Planning Service.

- 6. Development of the site would give rise to a loss of 'urban green space'*

The site is not defined as 'urban green space' and therefore no such loss would occur. As stated above, the site is designated for residential use and the proposed development would comply with this designation.

- 7. Proposed tree planting is considered insufficient along rear boundary*

The applicant has proposed a 3m depth of planting along the rear boundary. This is considered sufficient landscaping along this boundary along with the existing 2.7m high timber fence.

- 8. The proposed development would adversely impact on the privacy of surrounding properties*

As outlined in the above evaluation on 'amenity', the proposed dwellinghouse would not present any new direct overlooking relationships with neighbours habitable rooms or private garden grounds. Therefore no such loss of privacy should occur.

- 9. The proposed Root Protection Zone from the mutual boundary between numbers 11 and 13 Baillieswells Road is not perceived to make better provision for tree retention and safety*

The submitted Tree Survey has been carried out by an appropriately qualified professional who has concluded the proposed RPA is sufficient in depth to maintain the health of the trees along the mutual boundary with number 13. This situation has been reviewed by the Council's Environment Policy team. As stated above, the footprint of the proposed house would not encroach into the RPA and therefore this is considered sufficient mitigation to retain the existing trees along the north-west boundary. Therefore, no such safety issues should arise.

- 10. Loss of private amenity to 3 Baillieswells Drive.*

As outlined in the above evaluation paragraph on 'amenity' the proposed dwellinghouse would not give rise to any undue loss of amenity to any neighbouring residential property, including 3 Baillieswells Drive situated to the south.

## **Conclusion**

In conclusion, the principle of development is considered acceptable on the basis that the use would be compatible with existing neighbouring uses and that the layout of the site would respect the existing pattern of development within the surrounding area without causing undue amenity impacts to neighbouring dwellinghouses. The proposed development would also pose no undue threat to the long-term existence of the trees covered by Tree Preservation Orders along the north-

west boundary of the site, whilst the proposed development would be serviced by an appropriate vehicular access and on-site parking arrangement. Overall, the proposal is considered compliant with all relevant policies in the Aberdeen Local Development Plan 2017 whilst other material considerations do not dictate otherwise.

### **Time Limit Direction**

The period of determination has been formally extended – following mutual agreement between the applicant and the Planning Service – to capture the need for the application to be presented to the Planning Development Management Committee.

## **RECOMMENDATION**

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### **Approve Conditionally**

## **REASON FOR RECOMMENDATION**

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In principle, the proposed development is considered acceptable by virtue of the site's land-use designation and the house design's compatibility with the character and appearance of houses in the surrounding area, without giving rise to undue adverse amenity impacts on neighbouring properties. As such, the proposal is considered compliant with Policy D1: Quality Placemaking by Design and Policy H1: Residential Areas in the Aberdeen Local Development Plan 2017 and the relevant provisions of adopted Supplementary Guidance on the redevelopment of residential curtilages. Furthermore, the site servicing proposals in respect of access, parking and drainage would satisfy the relevant requirements of Policy NE6: Flooding, Drainage & Water Quality and Policy T2: Managing the Transport Impact of Development in the ALDP 2017. Collectively, the proposals would pose no undue threat to the long term preservation of existing protected and non-protected trees on the site considered to be of local amenity value and therefore would satisfy the relevant expectations of Policy NE5: Trees and Woodland in the ALDP 2017. Other material considerations - including the site's previous planning history – are not considered to dictate otherwise and therefore the proposals are considered acceptable.

## **CONDITIONS**

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

Reason: In the interests of the amenity of the area.

- 2) 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 trunk.

Reason: In order to ensure adequate protection for trees adjacent to the site during the construction of the development.

- 3) The development shall not be occupied unless the driveway and turning area hereby granted planning permission has been constructed, drained and laid out in accordance with the plans hereby approved, or such other drawing as may subsequently be submitted and approved in writing by the planning authority. Such area shall not thereafter be used for any purpose other than the purpose of the parking/turning of vehicles ancillary to the development and use thereby granted approval.

Reason: In the interests of public safety and the free flow of traffic.

- 4) That notwithstanding the provisions of Article 2(4), Schedule 1, Part 1, Classes 1A, 1B, 1C, 1D, 3A and 3B of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 as amended by the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011, 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 dwellinghouse hereby approved without a further grant of planning permission from the planning authority.

Reason: In the interests of visual amenity.

- 5) Prior to commencement of development, details are to be submitted to the Planning Authority for approval which demonstrates that the hereby approved building will be constructed to an energy efficiency standard which meets the terms of the 'Resources for New Development' Supplementary Guidance. Once approved, the building shall not be occupied until all proposed works have been carried out to meet the agreed energy efficiency standard.

Reason: In order to ensure that the development complies with the 'Resources for New Development' Supplementary Guidance.

- 6) Prior to commencement of development, details of water saving technologies/techniques in line with the expectations of the 'Resources for New Development Supplementary Guidance' shall be submitted to the Planning Authority for approval. Once approved, they shall be implemented in full prior to occupation of the dwellinghouse.

Reason: To minimise dependence on water from the River Dee and to ensure compliance with the Council's Resources for New Development Supplementary Guidance'.

- 7) Prior to occupation of the hereby approved dwellinghouse, the proposed SuDS scheme shown on drawing no. 16-05-01/01-27 shall be implemented in full and retained in-situ for the lifetime of the development.

Reason: To ensure the development does not give rise to any undue localised flooding in the interest of local residential amenity.

## **ADVISORY NOTES FOR APPLICANT**

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1) Developers must contact Aberdeen City Council Waste Strategy Team a minimum of two months before the property is occupied. Bins must be on site prior to residents moving into properties. The Waste Strategy Team can be contacted on 03000 200 292.

2) Refuse bins shall be presented on Baillieswells Road only.

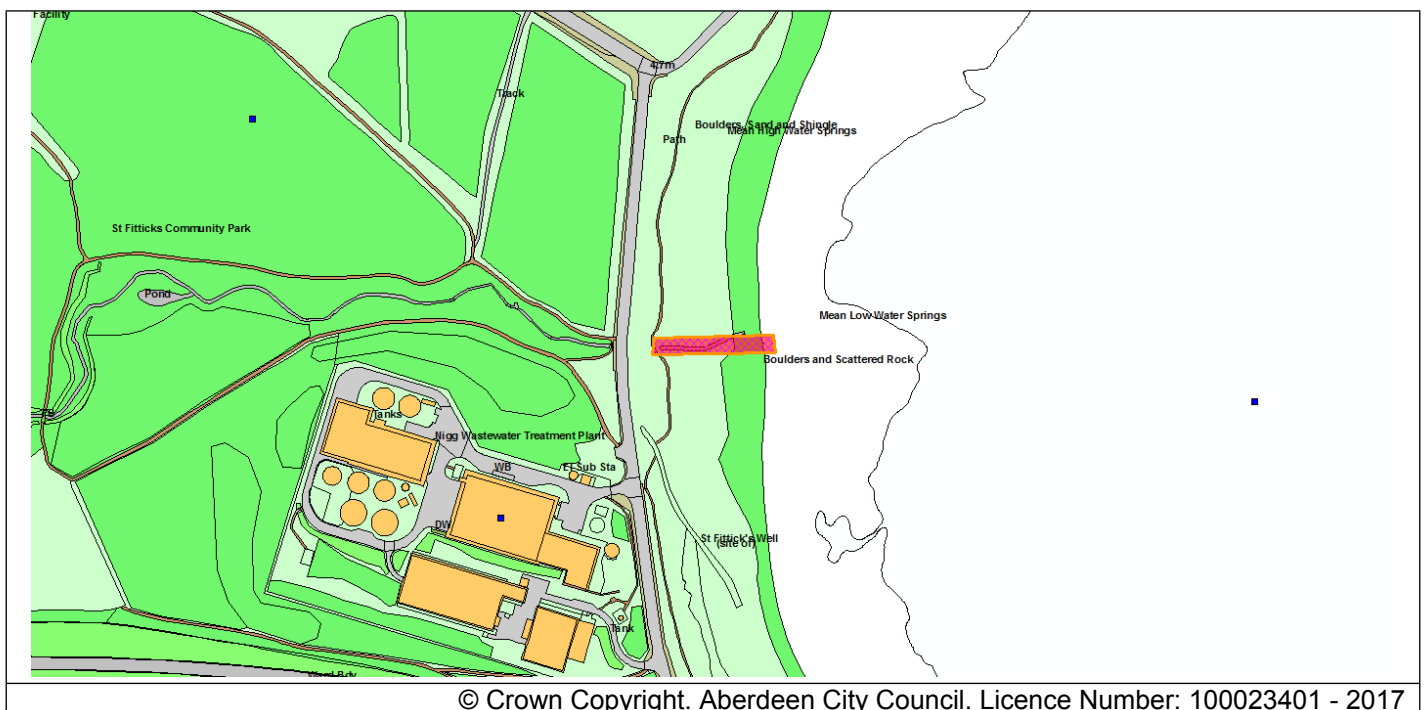
3) It is the applicant/developer's responsibility to contact Scottish Water and obtain their separate consent in advance of making a connection to the public mains supply and sewer. Scottish Water is contactable on: 0845 601 8855.

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	<b>Planning Development Management Committee</b>
	Report by Development Management Manager
	<b>15 June 2017</b>

<b>Site Address:</b>	Land At Bay Of Nigg, Coast Road / Greyhope Road, Torry, Aberdeen,
<b>Application Description:</b>	Approval of matters specified in Condition 8 (Culvert Capacity) of PPiP Ref No: P151742 (Aberdeen Harbour Expansion Project)
<b>Application Reference:</b>	170342/MSC
<b>Application Type</b>	Approval of Matters Specified in Cond.
<b>Application Date:</b>	13 April 2017
<b>Applicant:</b>	Aberdeen Harbour Board
<b>Ward:</b>	Torry/Ferryhill
<b>Community Council</b>	Torry
<b>Case Officer:</b>	Andrew Miller



## RECOMMENDATION

Approve Unconditionally

## APPLICATION BACKGROUND

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### Site Description

The 16.5 sq metre site forms an outfall of the East Tullos Burn within the shoreline of the Bay of Nigg. It is located within an area identified for the development of Aberdeen Harbour Expansion Project (AHEP).

### Relevant Planning History

Application Number	Proposal
P151742	Planning Permission in Principle for infrastructure to facilitate construction of new deep water harbour granted consent 26 May 2016 by Council. Application was subject to a pre-determination hearing on 15 March 2016.

## APPLICATION DESCRIPTION

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### Description of Proposal

Approval of matters specified in condition 4 of Planning Permission in Principle ref 151742 is sought.

Condition 4 states:

*That, no development associated with works that would impact the existing culvert capacity 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, within 1 year of the date of the planning permission in principle hereby approved, for approval of the matters specified in this condition and such approval has been granted in direct consultation with SEPA; these matters being a scheme demonstrating that the capacity of existing culverts will not be reduced as a result of the proposed development - in order to minimise the impacts of necessary construction works on the environment.*

This condition seeks to ensure that the new outfall proposed as part of AHEP would not result in any changes in water level in the burn, which would potentially impact on the sensitive wetlands to the east in St Fittick's Park.

It should be noted that this consent is not for the outfall itself – this is covered under powers granted to the applicant (Aberdeen Harbour Board) by Scottish Ministers under the [Aberdeen Harbour Revision Order 2016](#).

### Supporting Documents

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=ONL35CBZJU100>.

The following documents have been submitted in support of the application –

- East Tullos Burn Outfall Assessment

## Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee for determination because the application falls within the category of a national development (as defined in the Town and Country Planning (Scotland) 1997 (as amended by the [Planning etc. \(Scotland\) Act 2006](#))), and thus falls out with the Council's Scheme of Delegation. A national development is development designated in the Scottish Government's [National Planning Framework 3](#).

## CONSULTATIONS

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**ACC - Flooding And Coastal Protection** – No objections

**Scottish Environment Protection Agency** – No objection subject to condition being placed in respect of alternative works should there be a negative impact on wetlands.

## REPRESENTATIONS

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None

## MATERIAL CONSIDERATIONS

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### Legislative Requirements

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

### National Planning Policy and Guidance

#### National Planning Framework 3

Identifies Aberdeen Harbour as being a “nationally-important” facility which:

- supports the oil and gas sector;
- provides passenger and freight links to Orkney and Shetland; and
- provides international freight links,

all of which make a significant contribution to the economy of the North East. It states that expansion is required in order to address current capacity constraints at the harbour.

### Aberdeen Local Development Plan (2017)

B5: Aberdeen Harbour

NE6: Flooding, Drainage & Water Quality

National Planning Framework 3

### Other Material Considerations

None

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## **EVALUATION**

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### **Principle of Development**

National Planning Framework 3 (NPF) identifies an area of land surrounding the Bay of Nigg for the expansion of Aberdeen Harbour and associated infrastructure. OP62 – Nigg Bay is an opportunity site identified in the Aberdeen Local Development Plan 2017 (ALDP) for the provision of a harbour expansion project. The principle of the onshore infrastructure to support the harbour expansion has been established under Planning Permission in Principle (PPiP) ref. 151742.

### **Existing and Proposed Burn Levels**

Policy NE6 states that all new culverts (where unavoidable) should be designed to maintain existing flow conditions and aquatic life. A scheme provided, entitled “East Tullos Burn Outfall Assessment” details the existing scenario of the water levels in the burn at various points, as well as its tributaries. The scheme then details the proposed scenario with the additional culverting, stating the predicted burn levels as a result of a new outfall within the proposed harbour. Modelling of different storm events details the predicted levels of the burn during these events, including periods of high tide and high flow, as well as an allowance of 30% increases due to climate change.

These results show there would be no difference in the water levels within the burn, both upstream and downstream as a result of the new culvert. It is considered the proposals accord with policy NE6.

Both SEPA and the Council’s Flooding Team raised no objections to the information contained in the assessment. In respect of the condition requested by SEPA, the scheme provided was updated to include a fail-safe/precautionary approach which outlines measures to ensure the impact on the burn are monitored and remedial works to be carried out where necessary.

In light of these considerations, the proposed scheme is considered to be acceptable in terms of the requirements of condition 4.

## **RECOMMENDATION**


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Approve Unconditionally

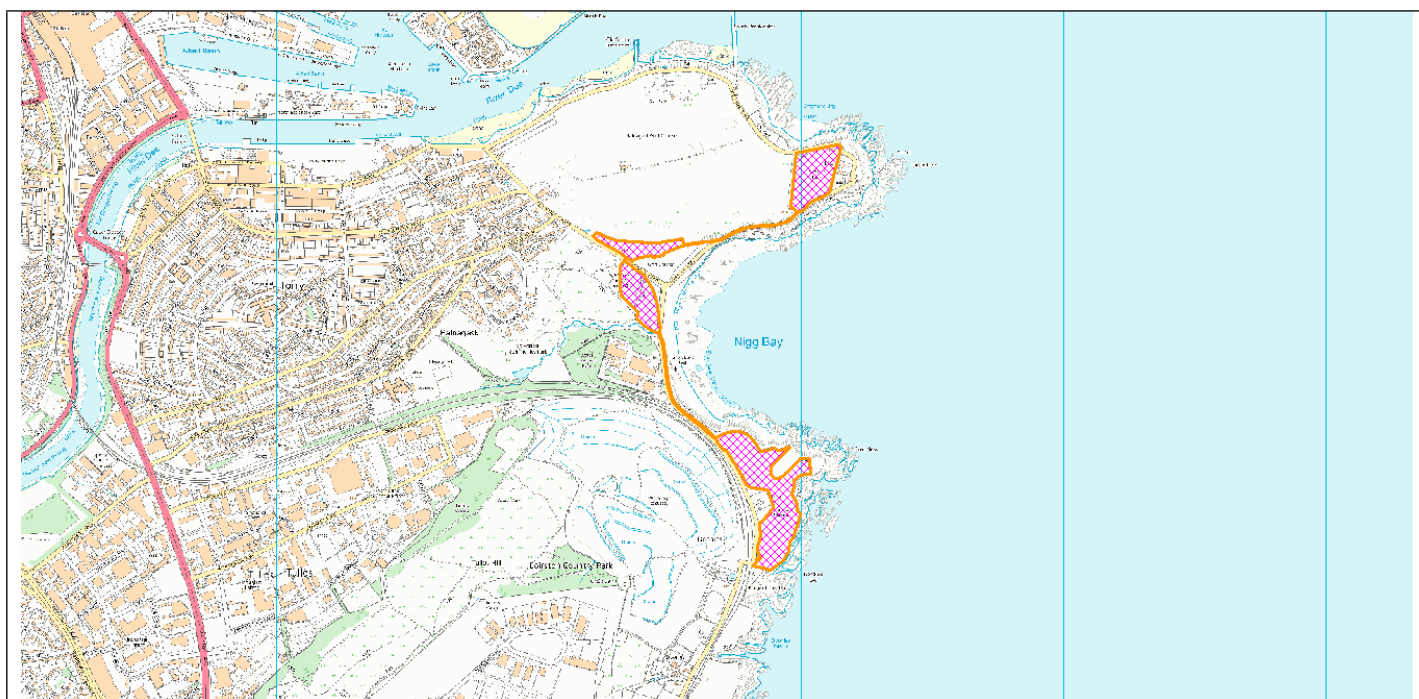
## **REASON FOR RECOMMENDATION**

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The scheme provided sufficiently demonstrates that the proposed culverts for the burn would not result in a change to water levels in the East Tullos Burn further upstream and would accord with the requirements of policy NE6 – Flooding, Drainage and Water Quality of the Aberdeen Local Development Plan 2017. In addition, the works would enable the construction of Aberdeen Harbour Expansion Project, thus according with the requirements of National Planning Framework 3 and policy B5 – Aberdeen Harbour of the Aberdeen Local Development Plan 2017.

	<b>Planning Development Management Committee</b>
	Report by Development Management Manager
	<b>15 June 2017</b>

<b>Site Address:</b>	Land At Bay Of Nigg, Coast Road / Greyhope Road, Torry, Aberdeen,
<b>Application Description:</b>	Approval of matters specified in Condition 3 (Reinstatement and Restoration of temporary construction areas) of PPIP Ref No: P151742 (Aberdeen Harbour Expansion Project)
<b>Application Reference:</b>	170417/MS
<b>Application Type</b>	Approval of Matters Specified in Cond.
<b>Application Date:</b>	24 April 2017
<b>Applicant:</b>	Aberdeen Harbour Board
<b>Ward:</b>	Torry/Ferryhill
<b>Community Council</b>	Torry
<b>Case Officer:</b>	Andrew Miller



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## RECOMMENDATION

**Approve Conditionally**

## APPLICATION BACKGROUND

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### Site Description

The site comprises four areas, Walker Park on the Girdleness headland; an area of land to the south of Balnagask Golf Course; an area of immature tree planting to the west of the junction of Greyhope Road with Coast Road/St Fittick's Road and coastal land to the south of the Bay of Nigg at Gregness.

### Relevant Planning History

Application Number	Proposal
P151742	Planning Permission in Principle for infrastructure to facilitate construction of new deep water harbour granted consent 26 May 2016 by Council. Application was subject to a pre-determination hearing on 15 March 2016.
170156/MSC	Approval of Matters Specified in Condition 2 (temporary construction areas) of PPiP P151742 (above) granted 20 April 2017 by Planning Development Management Committee.

## APPLICATION DESCRIPTION

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### Description of Proposal

Approval of matters specified in condition 3 of Planning Permission in Principle (PPiP) ref. P151742 (Aberdeen Harbour Expansion Project) is sought.

Condition 3 states:

*That, no development associated with the reinstatement of the temporary construction and fabrication areas as referred to in condition 2 above, 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, within 2 years from the date of the planning permission in principle hereby approved, for approval of the matters specified in this condition and such approval has been granted; these matters being a proposed scheme of restoration and reinstatement of the temporary construction and fabrication areas as referred to in Condition 2 of this consent. Thereafter all reinstatement works shall be implemented in accordance with the details therein, and completed within 6 months of the cessation of such use - in order to minimise the level of visual intrusion and ensure the reinstatement of the site to a satisfactory condition.*

A scheme for the reinstatement of the temporary construction compounds has been submitted as part of this application.

### Supporting Documents

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OOCSD4BZK5S00>.

The following documents have been submitted in support of the application –

- Scheme of Restoration and Reinstatement

## Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee for determination because the application falls within the category of a national development (as defined in the Town and Country Planning (Scotland) 1997 (as amended by the [Planning etc. \(Scotland\) Act 2006](#))), and thus falls out with the Council's Scheme of Delegation. A national development is development designated in the Scottish Government's [National Planning Framework 3](#).

## CONSULTATIONS

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**ACC - Environmental Health** – No objections.

**ACC - Roads Development Management Team** – No objections – advisory note on RCC requirements for reinstatement recommended.

**Scottish Environment Protection Agency** – No objection subject to condition requiring commitment in scheme for provision of detailed method statement to be submitted to SEPA for approval.

**Scottish Natural Heritage** – No objection subject to condition requiring a detailed method statement for the reinstatement of the southern compound with reference to the SSSI at least 6 months prior to its removal.

**Network Rail Infrastructure Ltd.** – No objections.

**Historic Environment Scotland** – No objections.

**Archaeology Service (Aberdeenshire Council)** – No objections.

**ACC - Flooding and Coastal Protection** – No objections.

## REPRESENTATIONS

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None

## MATERIAL CONSIDERATIONS

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### Legislative Requirements

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

### National Planning Framework 3

Identifies Aberdeen Harbour as being a “nationally-important” facility which:

- supports the oil and gas sector;
- provides passenger and freight links to Orkney and Shetland; and
- provides international freight links,



all of which make a significant contribution to the economy of the North East. It states that expansion is required in order to address current capacity constraints at the harbour.

### Scottish Planning Policy

Development should not result in an adverse impact on the setting of a listed building or a scheduled monument.

### Aberdeen Local Development Plan 2017

OP62: Nigg Bay  
B5: Aberdeen Harbour  
D2: Landscape  
D4: Historic Environment  
NE1: Green Space Network  
NE2: Green Belt  
NE7: Coastal Planning  
NE6: Flooding, Drainage & Water Quality

### Supplementary Guidance/Masterplans

Bay of Nigg Development Framework

## **EVALUATION**

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### **Principle of Development**

National Planning Framework 3 (NPF) identifies an area of land surrounding the Bay of Nigg for the expansion of Aberdeen Harbour and associated infrastructure. OP62 – Nigg Bay is an opportunity site identified in the Aberdeen Local Development Plan 2017 (ALDP) for the provision of a harbour expansion project. The principle of the onshore infrastructure to support AHEP has been established under Planning Permission in Principle (PPIp) ref. P151742.

The areas in which the compounds are sited are also designated as Green Belt and Green Space Network in the ALDP. Their associated policies, NE2 and NE1 respectively, create a presumption against development in general but there are exceptions. The compounds were granted on a temporary basis in order to enable AHEP, following which there would be an expectation the compound areas would return to their original function. This application seeks approval of the scheme for this to happen and thus it is considered the scheme would accord with the requirements of policies NE1 and NE2 of the ALDP.

### **Scheme of Reinstatement**

The proposed scheme of reinstatement provided with the application details the baseline/pre-construction standards of the land. It then provides details of the reinstatement of the land to be used as construction compounds as follows:

- Northern Compound (Walker Park) – to be reinstated to mown grass/amenity grassland.
- Central Compound – northern section to be returned to amenity grassland, southern section to be reinstated to native woodland planting and sown meadow. A hedgerow would also be planted along the western boundary of
- Southern Compound – to be sown with natural grassland.



Each of the mixes of planting proposed has been formed as part of a detailed assessment of the species of planting present on the compounds. This is to ensure any replacement planting is suitable for the exposed coastal location.

The removal of buildings, drainage and other works on site is acceptable. At this stage, it is unknown whether the construction of AHEP will be delivered on time, due to the nature of the engineering and dredging works that are heavily dependent on good weather. To this end, a condition is recommended requiring a detailed timetable of the reinstatement works to be submitted at later date.

A condition is also recommended in line with SEPA's comments, to ensure the statement made on agreeing detailed construction method statement with the regulatory body is adhered with, as well as SNH's concerns regarding the integrity of the Nigg Bay SSSI.

The compounds are situated adjacent sites of historic importance – St Fittick's Church (scheduled monument) and Greyhope Lighthouse (category A listed building). Scottish Planning Policy (SPP) states development should have a neutral or positive impact on the character of the historic environment. Policy D4 of the ALDP echoes these requirements. The removal of the compounds, and subsequent reinstatement to their original state would bring the setting of the historic assets back to their previous state and is considered to accord with the requirements of policy D4 and SPP.

In light of these considerations, the proposed scheme is considered to be acceptable in terms of the requirements of condition 3.

## **RECOMMENDATION**

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### **Approve Conditionally**

## **REASON FOR RECOMMENDATION**

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The scheme for the restoration of the temporary compound areas is considered to be sufficient to reinstate those areas to a suitable standard, and would accord with the requirements of National Planning Framework 3, Scottish Planning Policy and the Aberdeen Local Development Plan 2017.

## **CONDITIONS**

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1. Within 2 years of the date of this decision, a timetable for the removal of the compounds and the reinstatement of works detailed in the scheme hereby approval shall be submitted to and approved in writing by the Planning Authority.

Reason – in order to ensure the removal of the temporary compounds is timeous.

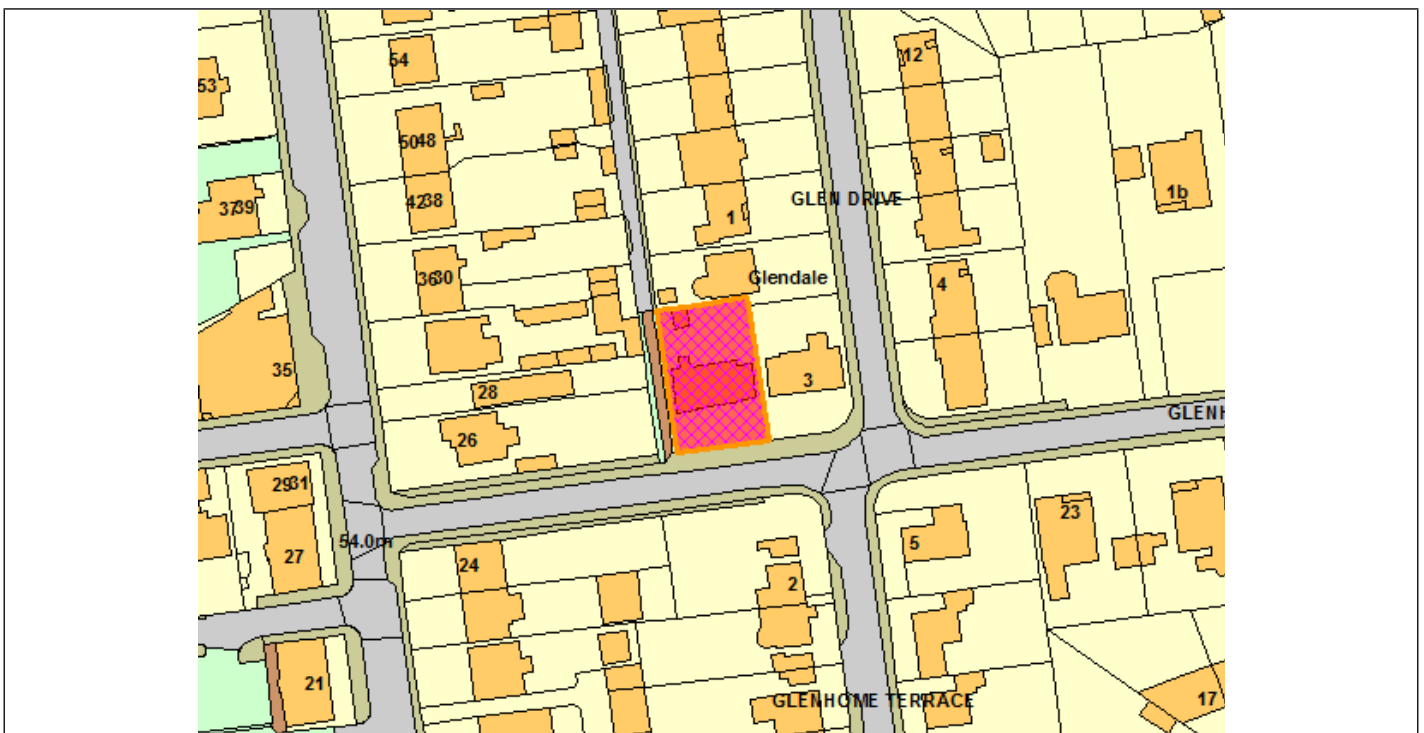
2. Detailed method statements as described in section 4 of the "Scheme of Restoration and Reinstatement of the Temporary Construction and Fabrication Areas" hereby approved shall be submitted to and approved in writing by the Planning Authority (in consultation with SEPA and Scottish Natural Heritage) six months prior to the removal of the compounds and thereafter the removal shall be in accordance with those detailed agreed.

Reason – in order to ensure adequate protection of the water environment and Nigg Bay SSSI during the reinstatement and restoration works.

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	<b>Planning Development Management Committee</b>
	Report by Development Management Manager
	<b>15 June 2017</b>

<b>Site Address:</b>	Taree, 1 Glenhome Terrace, Aberdeen, AB21 7EB
<b>Application Description:</b>	Installation of Log Cabin to Rear (Retrospective)
<b>Application Reference:</b>	170385/DPP
<b>Application Type</b>	Detailed Planning Permission
<b>Application Date:</b>	24 April 2017
<b>Applicant:</b>	Mr Kenneth Clark
<b>Ward:</b>	Dyce / Bucksburn / Danestone
<b>Community Council</b>	Dyce and Stoneywood
<b>Case Officer:</b>	Siobhan Wolverson



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## **RECOMMENDATION**

Approve Unconditionally

## APPLICATION BACKGROUND

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### Site Description

The application relates to a single storey, detached property with a southern facing principal elevation. The property has a pitched roof with small upper floor windows on either gable end, an adjoining single garage on its eastern side and is finished in a white render, with red roof tiles and white uPVC window frames. To the rear, the garden slopes upwards to the side elevation and rear garden of a two storey dwellinghouse named Glendale, located on Glen Drive. There is a shed towards the north-western corner of the rear garden and a raised patio covers much of the eastern half of this garden. To the west, the application site bounds a narrow rear lane, the other side of which is the rear boundaries of 26 and 28 Victoria Street. To the east is 3 Glenhome Terrace, which is situated on a lower level to the application site. The surrounding area has a mixture of housing designs and sizes.

### Relevant Planning History

Planning permission (Ref: 851784) was approved in September 1985 for the erection of a garage to the side of the dwellinghouse. This consent was approved conditionally and was implemented.

Planning permission (Ref: 061383) was approved in September 2006 for a house extension and dormer window. This consent was approved unconditionally and was partially implemented.

Planning permission (Ref: 110948) was approved in August 2011 for the installation of a dormer window. This consent was not implemented and has since expired.

## APPLICATION DESCRIPTION

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### Description of Proposal

Planning permission is sought retrospectively for a log cabin within the rear garden ground of the application property. This structure has a length of 9.6m, a width of 4.3m and a height of 2.9m and has been built on top of the raised patio (which levels the sloping site), with a height of up to 1.1m.

The cabin is constructed of timber, which is painted dark grey, and has a pitched roof with black roof tiles. The cabin is split into two sections: the southern 5.3m section of the cabin is enclosed, with six floor-to-ceiling length glazed units on its western elevation (two of which are doors); the remaining northern 4.3m section of the cabin is open on the western elevation and houses a hot tub. There are a further four, partly glazed, bi-fold, 'internal' doors leading from the hot tub area into the enclosed room.

The cabin is located on average 1m from the eastern boundary wall the application site shares with 3 Glenhome Terrace and approximately 450mm from the northern boundary wall it shares with Glendale, Glen Drive.

### Supporting Documents

All drawings and supporting documents listed below can be viewed on the Council's website at: <https://publicaccess.aberdeencity.gov.uk>.

## Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee due to an objection from Dyce and Stoneywood Community Council. The application therefore falls out with the Council's Scheme of Delegation.

## CONSULTATIONS

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**Dyce and Stoneywood Community Council:** object to the application for the following reasons:

- Proximity of the log cabin to the neighbouring dwellinghouse (Glendale, Glen Drive); and
- Scale of the cabin in relation to the surrounding area and the size of the application site.

## REPRESENTATIONS

---

None

## MATERIAL CONSIDERATIONS

---

### Legislative Requirements

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

### Aberdeen Local Development Plan (2017)

- Policy D1: Quality Placemaking by Design
- Policy H1: Residential Areas

### Supplementary Guidance and Technical Advice Notes

- Householder Development Guide

## EVALUATION

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This planning application relates to householder development and, as per the Proposals Map of the Aberdeen Local Development Plan, the site is located within a residential area. The main determining issues regarding the acceptability of this proposal relate to the scale and design of the log cabin and its impact on surrounding residential amenity. These issues will be explored below.

### Scale and Design & Principle of Development

Policy H1 (Residential Areas) of the Aberdeen Local Development Plan sets out four principles which an application for new development within a residential area should meet for approval; the first is that it should not constitute over development. The Householder Development Guide expands on this and advises that at least half of a rear curtilage should not be developed. With the addition of this log cabin, less than 25% of the rear curtilage has been developed, complying with these guidelines. This does not include the patio, which can be considered as an amenity space.

Policy H1 also states that an application should be compliant with the relevant Supplementary Guidance, in this instance the Householder Development Guide. For outbuildings, this states that

they should always be subordinate in scale to the dwellinghouse and single storey structures are preferred. Whilst the log cabin is large, it is considerably smaller and noticeably subordinate to the application property, despite being located on a raised patio. With it being single storey, it complies with this part of the Supplementary Guidance.

A third principal stated in Policy H1 and reinforced through the Householder Development Guide is that a new development should not have an unacceptable impact on the character and amenity of the surrounding area. Views of the log cabin from the surrounding streets are limited due to its location to the rear of the application property; however are possible from the southeast of the dwellinghouse (where it is visible to the side of the application property's garage, however is significantly lower than the roofline of Glendale, Glen Drive behind it) and from parts of Glen Drive to the east (where the ridge of the roof is visible behind the garden fence and row of small trees associated with 3 Glenhome Terrace). In considering the mixture of housing styles in this area, as well as the log cabin being visibly smaller than all the other properties surrounding it, the development is considered to comply with this part of the Supplementary Guidance.

The fourth principle of Policy H1 relates to the loss of valued open space, which is not the case for this application.

In regards to the materials used for the construction of this log cabin, the dark grey timber and black tiled roof is not common to this area and does not match the application property, with its white render and red roof tiles. However, the use of timber is appropriate to a garden outbuilding and there is a mixture of roof colours in the surrounding streetscape. It does not therefore have an adverse impact on the sense of place or the character of the area, complying with Policy D1 (Quality Placemaking by Design) of the Aberdeen Local Development Plan. The finish and design of the log cabin is of a high quality and whilst it is a large outbuilding in comparison to outbuildings elsewhere in this area, its size, location on a raised patio and design do not contravene planning policy.

### Residential Amenity

A key area of the Householder Development Guide that a new development, such as this outbuilding; must comply with is in regards to its impact on residential amenity, mainly in regards to daylight, sunlight and privacy.

Glenhome, Glen Drive, is one of the closest neighbours to the log cabin, with the southern side elevation of this property facing the northern side elevation of the cabin. Neither of these side elevations have any windows. As the rear of Glenhome extends further to the west than the proposed cabin, the cabin does not impact this neighbour in regards to overshadowing.

As for privacy, only oblique views from the western elevation of the log cabin are possible towards Glenhome, as no part of the structure directly overlooks its neighbour. The existing boundary wall and the different levels between the two properties also prevent any impacts on privacy from being significant. There is a rear conservatory attached to Glenhome, however this looks directly down upon the application site and therefore causes its own privacy issues. Whilst there is likely to be an impact on the conservatory from the log cabin, development within the application site cannot be prevented for this reason alone, since the conservatory itself is also a poor neighbour.

In regards to 3 Glenhome Terrace, this is situated at a lower ground level in comparison to the application site. Whilst there are no windows on the eastern or southern elevations of the log cabin to cause issues in regards to privacy, the potential for overshadowing is a consideration. As per the relevant daylight and sunlight amenity calculations set out in the Householder Development Guide, there are no adverse issues on this dwellinghouse. Relevant factors to these calculations include the situation of the structure to the northwest of the neighbouring dwellinghouse and the difference in ground level heights between the properties. In regards to the rear garden of 3

Glenhome Terrace, which is directly to the east of the log cabin, there is a minor impact on this from the proposal. However, this will not be significant, with the majority of the garden being unaffected by overshadowing.

The residential amenity of 26 and 28 Victoria Street to the east is not impacted by the proposal due to the distance between these properties and the log cabin, in addition to the rear of intervening buildings bordering the lane between the properties.

#### Matters Raised by the Community Council

Two issues were raised in the objection from the Community Council, the second of which (the scale of the project) has been addressed above through 'Scale and Design.'

In regards to the proximity of the development to Glendale, Glen View, the assessment above has demonstrated that there will be no significant impacts on residential amenity in regards to daylight, sunlight or privacy. The location of the log cabin within 1m of the shared boundary between these properties is not contrary to planning policy and therefore is not a justifiable reason for refusal.

#### **RECOMMENDATION**

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Approve Unconditionally

#### **REASON FOR RECOMMENDATION**

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The log cabin is an appropriate scale to the dwellinghouse and rear curtilage of the application site. There is a minor impact on the streetscape as the log cabin is only visible from limited public views and where it can be seen, is clearly a subordinate structure to the surrounding dwellinghouses. The materials are appropriate due to its location within a rear garden and the mixed housing styles in the surrounding area. The structure does not have a significant effect on residential amenity in regards to daylight, sunlight or privacy due to the context of the site. The application is therefore considered to comply with Policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) of the Aberdeen Local Development Plan, in addition to the general principles of the Supplementary Guidance (Householder Development Guide).

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## ABERDEEN CITY COUNCIL

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COMMITTEE	Planning and Development Management Committee
DATE	15 <sup>th</sup> June 2017
REPORT TITLE	Confirmation of Tree Preservation Order number 237 (2016) Land at Pitfodels
REPORT NUMBER	CHI/17/068
DIRECTOR	Eric Owens
REPORT AUTHOR	Kevin Wright
CHECKLIST COMPLETED	Yes

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### 1 PURPOSE OF REPORT

- 1.1 To request the confirmation of provisional Tree Preservation Order entitled 237 (2016) Land at Pitfodels made by the Head of Planning and Sustainable Development under delegated powers. The provisional order currently provides temporary protection for the trees, but requires to be confirmed by the Planning Development Management Committee to provide long term protection.

### 2 RECOMMENDATION

- 2.1 It is recommended that Members confirm the making of Tree Preservation Order 237 (2016) Land at Pitfodels subject to a modification to the boundary and instruct the Head of Legal and Democratic Services to attend to the requisite procedures to serve the Order as confirmed upon the interested parties and seek to register the Order with the Registers of Scotland.
- 2.2 The provisional TPO 237 overlapped two existing TPO's (8 & 21). To avoid the need to vary TPO 8 and 21 the boundary of the provisional TPO has been modified to exclude these areas.
- 2.3 Two plans are attached. The original plan served with the provisional order details the extent of the provisional order. A further plan is included detailing the modified boundary. The modifications are located on the northern edge of the TPO adjacent to the North Deeside Road.

### 3 BACKGROUND

- 3.1 The Town and Country Planning (Scotland) Act 1997 places a duty on the planning authority to ensure that adequate provision is made for the preservation of trees. Where

the planning authority considers it to be expedient in the interests of amenity they may make provision for the preservation of trees or woodlands by serving a Tree Preservation Order (TPO).

- 3.2 A TPO gives statutory protection to trees and woodlands that are considered to contribute to amenity or are of cultural and/or historical significance. Protecting trees has the further benefit of contributing to the Council's policies on improving our natural environment, improving citizen wellbeing and combating climate change.
- 3.3 The process of applying for work to protected trees allows for Council officers, Elected Members, Community Councils and members of the public an opportunity to comment on work to protected trees.
- 3.4 Tree Preservation Order number 237 (2016) Land at Pitfodels was served as a provisional order on 16<sup>th</sup> December 2016. The reasons for serving the order were recorded as;
- 3.5 The trees in question are located within the Pitfodels Conservation Area. Prior notification (161599) was issued to the Council outlining tree removal works which would significantly impact on the contribution these trees make to the local character of the area and on the amenity value of the Deeside Line. The prior notification has also outlined future tree work proposals that will have a further impact on the character and amenity value of the area.
- 3.6 In order to prevent the extent of works proposed we were required to serve a provisional tree preservation order. The confirmation of this order will allow Aberdeen City Council to consider all future tree work proposals and prevent works which are considered to be unsympathetic.
- 3.7 The trees included in this order are all those trees, including both deciduous and coniferous trees included within the continuous black line noted as Area 1 and Area 2 on the plan titled TPO237 (2016) Land at Pitfodels, copy attached.

#### **4 REPRESENTATIONS**

- 4.1 A single representation was received, copy attached. The representation highlighted that the works which have been proposed were to ensure appropriate management of trees. The representation noted that no justification or assessment had been given on how we arrived at the assertion that the proposed works would result in an impact on the amenity of the Deeside Way. It was further noted that they do not accept that the works will significantly impact on the amenity value of the Deeside Way or the character of the area. It was further claimed that the proposed works are required for the proper maintenance of the trees and are consistent with the aims of the conservation area.
- 4.2 A further point relating to how TPO237 will interact with the existing TPO 8 and 21 was raised. TPO 8 and 21 currently overlap small areas of land also included in TPO237.

- 4.3 The representation concluded by suggesting that the proposed works did not merit the making of a TPO and that the introduction of a TPO adds unnecessary complexity to effective land management.

## **5 RESPONSE TO REPRESENTATIONS**

- 5.1 The Tree Assessment Report, copy attached, submitted to support the prior notification outlined a number of proposed tree work actions. Whilst some of the works were considered appropriate some aspects of the works were not considered as acceptable. Elements of the work which were not considered acceptable included the removal of natural regeneration woodland to the west of Field 2, see plan attached to the Tree Assessment Report, the reduction of woodland to the south of the Deeside way and the proposed future works relating to the reduction in height of a row of beech trees, formed from a redundant beech hedge, to the immediate north of the Deeside Way.
- 5.2 The provisional TPO included a set of reasons for serving the order and provides the justification for doing so. An assessment of the proposed works and their impact was undertaken during our site visit. These findings were presented to the Head of Planning and Sustainable Development; who is required to agree to the serving of a provisional TPO before an officer can instruct the making of an order.
- 5.3 Much of the works proposed are considered to be unnecessary at this time considering the current land use. The removal of existing woodland and future reduction in height of trees adjacent to the Deeside way is not currently considered to be appropriate or proper management of this woodland resource. The proposed works will result in a loss of amenity and an impact on the character of the area. Currently users of this section of the Deeside Way benefit from the wooded and rural character of the area. It is acknowledged that the land use to the North and South of the Deeside Way may change over time; the retention of the current woodland and trees will act as a buffer to any future impact on user's amenity.
- 5.4 In relation to the point raised in Section 4.2 please refer to Section 2 above. In order to resolve the interaction between TPO 237 and TPO 8 & 21 the boundary of TPO 237 has been modified to exclude those areas already contained within TPO 8 & 21.
- 5.5 It is considered that the proposed works did merit the making of a Tree Preservation Order in order to safeguard the amenity of the Deeside Way and surrounding area and to avoid the unnecessary removal of woodland. The TPO will not prevent good quality and necessary land management actions taking place. It will however require the landowner to seek approval of proposed works prior to undertaking these works.

## **6 FINANCIAL IMPLICATIONS**

- 6.1 There are no immediate financial implications. The costs associated with the serving of the provisional TPO and confirming the TPO will be met within existing budgets.

## **7 LEGAL IMPLICATIONS**

There are no direct legal implications arising from the recommendations of this report.

## **8 MANAGEMENT OF RISK**

### **8.1 Environmental/Legal/Reputational Risk**

The Town and Country Planning (Scotland) Act and the Scottish Governments Policy on Control of Woodland Removal places a duty on the Council to consider the preservation of trees and woodlands in order to safeguard the multiple benefits that trees and woodlands provide.

8.2 The use of a Tree Preservation Order to aid the retention and appropriate management of trees and woodlands allows the council to undertake the above duties. There is a low to medium risk of environmental, legal and reputational harm if we do not undertake our duties as expected.

8.3 The above risk can be mitigated by giving due consideration to the appropriateness of confirming TPO 237 (2016)

## **9 IMPACT SECTION**

### **9.1 Economy**

The proposal is unlikely to significantly contribute or result in a negative impact on the economy of Aberdeen.

### **9.2 People**

The proposal is unlikely to have any significant impact on people with protected characteristics or any negative impact on the delivery of the Councils Equality outcomes.

### **9.3 Place**

The proposal will have a positive impact on the environment. The proposal seeks to safeguard public amenity and seeks to ensure suitable future management of the trees included within the order.

Trees and woodlands deliver multiple benefits. In addition to their contribution to amenity they play a significant role in improving air quality, assist in mitigating climate change, provide health benefits and help improve social wellbeing. They are an integral habitat feature and directly and indirectly support a wide range of wildlife.

### **9.4 Technology**

The proposal will not advance technology for the improvement of public services.

## **10. BACKGROUND PAPERS**

- Town and Country Planning (Scotland) Act 1997, Part VII Special Controls, Chapter I Trees
- The Scottish Governments Policy on Control of Woodland Removal

## **11. APPENDICES**

Appendix 1; Plan - TPO237 (2016) Land at Pitfodels

Appendix 2; Letter of Representation

Appendix 3: Tree Assessment Report

## **12. REPORT AUTHOR DETAILS**

Kevin Wright

Environmental Planner

[kewright@aberdeencity.gov.uk](mailto:kewright@aberdeencity.gov.uk)

(01224) 522440

### **HEAD OF SERVICE DETAILS**

Eric Owens

Head of Planning and Sustainable Development (Interim)

[eowens@aberdeencity.gov.uk](mailto:eowens@aberdeencity.gov.uk)

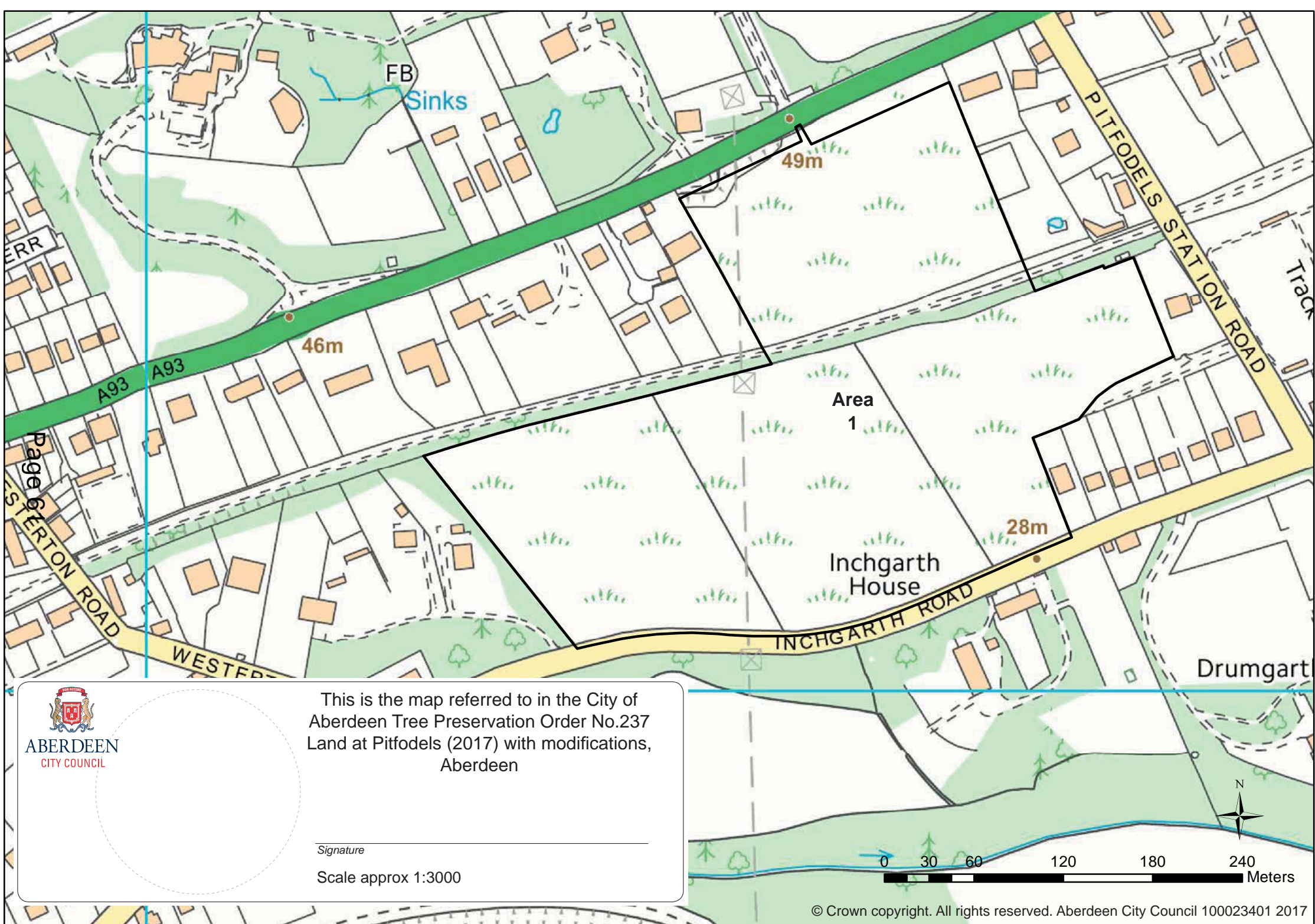
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## Tree Assessment

### Site at North Deeside Road/Inchgarth Road

The area is made up of two agricultural fields, 1 and 2, divided by the Deeside Way / Old Deeside Railway line.

#### Field 1

This has mature deciduous trees growing adjacent to the North Deeside Road.

Areas B and C are old beech hedges that are now 14 – 17 metres high. These have canopies extending into the fields for some 7 – 9 metres and in parts of Area C, whole stems, giving a canopy nearly on the ground of 15 metres.

Proposed Works: Area B Lift outstretching canopy branches to 4 metres to give access under the west side of old beech hedge trees.

Area C Lift outstretching canopy branches to 4 metres to give access under the north side of old beech hedge trees.

A separate application will be lodged to reduce these beech hedge trees B and C at a later date.

#### Field 2

The area is an open field that is being invaded by birch, willow and sycamore trees. A 15 metre band of trees to the south of the Deeside Way will be retained (Area D).

Any birch trees over 12 cm in the field Area F will be retained.

Area E is mainly small sapling sycamore and some birch.

Proposed Works: Area E It is proposed to remove all of the small sapling sycamore and birch re-growth.

Area F Re-growing sycamores 7 – 15 cm in diameter will be removed, along with birch trees less than 15cm in diameter.

These works will be carried out by a tractor mounted mulcher to disrupt the root system and prevent re-growth of the sycamore trees.

I request permission to carry out the works discussed in Field 1 and Field 2.

Nigel Astell  
Astell Associates







Our Ref CUL/1018/00004/EFB/TGGH/VB  
Your Ref Fraser Bell

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Head of Legal and Democratic Services  
Aberdeen City Council  
Marischal College  
Broad Street  
ABERDEEN  
AB10 1AB



**Sent by email and hard copy**

25 January 2017

Dear Sir

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997  
CULTS PROPERTY DEVELOPMENT COMPANY LIMITED  
OBJECTION TO TREE PRESERVATION ORDER NUMBER 237(2016)  
LAND AT PITFODELS, ABERDEEN**

We act for Cults Property Development Company Ltd. Our clients are in missives with landowners to acquire land to the north of Inchgarth Road, Aberdeen. The landowners have notified our clients that they have been served with Tree Preservation Order number 237(2016). The Tree Preservation Order was advertised on 31 December 2016 and the written statement which accompanies the Order states that objections and representations with respect to the Order may be made within 28 days of the date of the advertisement or service of the Notice whichever is the later. Our clients have an interest in the Order and we are instructed by our clients to object to the Order. This letter is timeous.

It is understood that the Order has been made in response to the prior notification submitted by our clients of proposed works to trees on land at North Deeside Road/Inchgarth Road (reference 161599). The prior notification was submitted pursuant to Section 172 of the Town & Country Planning (Scotland) Act 1997. A copy of the prior notification is enclosed for reference.

As can be seen from the prior notification, the proposed works (with reference to the plan attached to the notification) are:

Aberdeen Edinburgh Glasgow

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VAT registration number GB 216 2185 32

Lawyers with offices in Aberdeen, Edinburgh and Glasgow.  
A list of members is available for inspection at the firm's registered office.

Live: 36920713 v 5

- Area B: Lift outstretching canopy branches to 4 metres to give access under the west side of old beech hedge trees.
- Area C: Lift outstretching canopy branches to 4 metres to give access under the north side of old beech hedge trees.
- Area E: Remove all of the small sapling sycamore and birch re-growth.
- Area F: Re-growing sycamores 7 – 15 cm in diameter to be removed, along with birch trees less than 15cm in diameter.

The works which have been proposed are to ensure appropriate management of the trees. The works have been assessed as being required by the arboricultural, environmental and landscape consultants appointed by our clients.

It is appreciated that in response to the notification, the Council has to determine whether to either permit the works to proceed or to make a Tree Preservation Order. If an Order is made, a further application to the Council for permission to carry out the works is required.

The justification for making an Order at Inchgarth is *“to prevent the extent of works currently proposed”* in the prior notification and that this will *“allow Aberdeen City Council to consider all future tree work proposals and prevent works which are considered to be unsympathetic and ensure future tree cover in this area of Aberdeen”*. This ignores the fact that any future works would require to be the subject of a prior notification under Section 172 of the Act.

In terms of the legislation, an Order can only be made in the interest of the amenity of the area or because the trees, groups of trees or woodlands are of cultural or historical significance. Although the Order claims that the proposed works will significantly impact on the contribution which the trees make to the local character of the area and on the amenity value of the Deeside Way, no justification or assessment of the works to arrive at that assertion is provided. It would appear to simply be a knee jerk reaction to the notification.

As the assessment submitted in support of the prior notification explains, no works are proposed to be carried out to the 15m band of trees to the south of the Deeside Way (Area D). The works to the trees north of the Deeside Way (Area C) are limited to lifting the canopy branches. No trees are to be removed in this area. It is not accepted that these works will significantly impact on the amenity value of the Deeside Way. It is understood that the trees which have most impact on the Deeside Way are within the Council’s ownership. No works are proposed to be carried out to those trees.

Likewise, it is not clear in what way the works to Areas B, D, E and F will significantly impact on the Deeside Way. It is doubted that the majority of the trees in these areas can be seen from the Deeside Way.

It is also not accepted that the proposed works will significantly impact on the local character of the area or that the trees which are to be removed have historical or cultural significance.

The Conservation Area Appraisal for Pitfodels highlights the dominant structural tree planting within the curtilages of buildings. The Appraisal recognises that management and preservation of the trees is essential (paragraph 3.4.2). However, it is also recognised that poor management regimes for some trees within the area affect future survival and refer specifically to concerns with the number of self seeded trees in the Area which require removal (paragraph 3.4.3).

It is submitted that the proposed works are required for the proper management of the trees and are consistent with the aims of the Conservation Area. The proposed works will also allow room for the existing healthy/specimen trees to grow. This was something highlighted by the Council itself in its recent proposals to cut down approximately 400 trees across the city.

For the reasons outlined above, our clients consider the Order to be both unnecessary and unjustified.

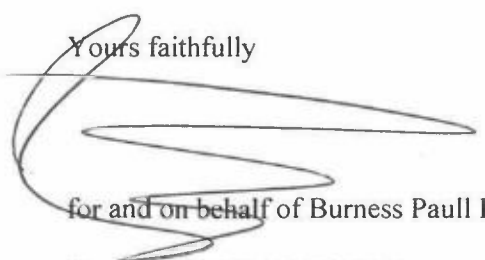
In addition, it is not clear how TPO 237(2016) is to interact with Tree Preservation Orders 8 and 21 which our clients believe already applies to the trees in Area 1 which line North Deeside Road. The Council is under a duty to keep TPOs under review and to revoke or vary them as appropriate. Any overlap should be identified and clarity over the trees covered in each TPO given or the Council should consider revoking/varying the existing TPOs 8 and 21.

In conclusion, our clients submit that the reasons given for the making of the Order are not substantiated. The relevant Conservation Area Appraisal highlights the need for effective tree/land management in the Pitfodels area and highlights the need to remove self seeded trees.

It is submitted that the works proposed by our clients do not merit the making of a TPO in the form proposed by the Council. Introducing a TPO adds unnecessary complexity to effective land management that is not required in the interests of amenity of the area, given the existing Conservation Area protection. For these reasons, the Council should not proceed to confirm the Order.

We should be obliged if you could acknowledge receipt of this letter.

Yours faithfully



for and on behalf of Burness Paull LLP

T: +44 (0)1224 618538  
E: [theresa.hunt@burnesspaull.com](mailto:theresa.hunt@burnesspaull.com)

Enc – Prior Notification

# application for tree work



## 1

### Name and Address of Applicant

Name	<i>Nigel Astell, Eastland Foresters</i>		
Address	<i>26 Binghill Crescent, Milltimber, Aberdeen</i>		
Postcode	<i>AB13 0HP</i>	Tel No	<div></div>
Fax No		Mobile	<div></div>
Email	<i>i</i> <div></div>		

## 2

### Location of Trees (if different to address above)

*Site at North Deeside Road/Inchgarth Road*

## 3

### Owner (if different from applicant above)

Name	<i>Cults Property Development Company Limited</i>		
Address	<i>11 Bon Accord Crescent, Aberdeen.</i>		
Postcode	<i>AB11 6DE</i>	Tel No	<div></div>

If you are **not** the owner, please state your interest:  
 Authorised Contractor/Site Agent, Neighbour (\*Delete as appropriate)

Is the owner aware you are making this application: Yes: ☒ No: ☐

## 4

### Please provide details of the work to be carried out

No.*	Tree Species	Description of tree (s) & reason for work	Tree Work recommended
		<i>Refer to report IRC-1610-TWA</i>	

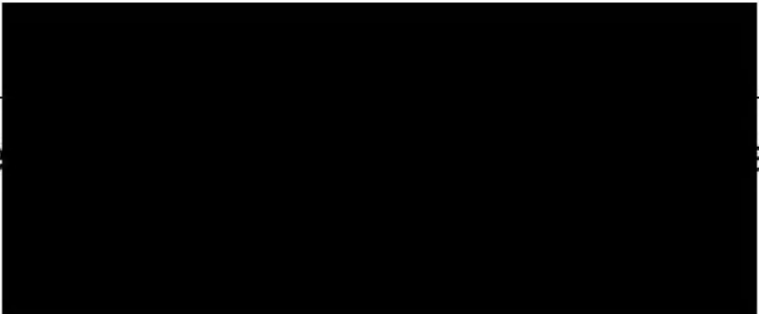
\*Note: Tree number to be shown on plan overleaf.

See over >



Refer to report / plan IRC-1610-TWA

Signature



ate

27<sup>th</sup> October 2016



## Tree Assessment

### Site at North Deeside Road/Inchgarth Road

The area is made up of two agricultural fields, 1 and 2, divided by the Deeside Way / Old Deeside Railway line.

#### Field 1

This has mature deciduous trees growing adjacent to the North Deeside Road.

Areas B and C are old beech hedges that are now 14 – 17 metres high. These have canopies extending into the fields for some 7 – 9 metres and in parts of Area C, whole stems, giving a canopy nearly on the ground of 15 metres.

Proposed Works: Area B Lift outstretching canopy branches to 4 metres to give access under the west side of old beech hedge trees.

Area C Lift outstretching canopy branches to 4 metres to give access under the north side of old beech hedge trees.

A separate application will be lodged to reduce these beech hedge trees B and C at a later date.

#### Field 2

The area is an open field that is being invaded by birch, willow and sycamore trees. A 15 metre band of trees to the south of the Deeside Way will be retained (Area D).

Any birch trees over 12 cm in the field Area F will be retained.

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Proposed Works: Area E It is proposed to remove all of the small sapling sycamore and birch re-growth.

Area F Re-growing sycamores 7 – 15 cm in diameter will be removed, along with birch trees less than 15cm in diameter.

These works will be carried out by a tractor mounted mulcher to disrupt the root system and prevent re-growth of the sycamore trees.

I request permission to carry out the works discussed in Field 1 and Field 2.

Nigel Astell  
Astell Associates





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## ABERDEEN CITY COUNCIL

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COMMITTEE	Planning and Development Management Committee
DATE	15 <sup>th</sup> June 2017
REPORT TITLE	Confirmation of Tree Preservation Order number 238 (2016) Former Waldorf School
REPORT NUMBER	CHI/17/072
DIRECTOR	Bernadette Marjoram
REPORT AUTHOR	Kevin Wright
CHECKLIST COMPLETED	Yes

---

### **1 PURPOSE OF REPORT**

- 1.1 To request the confirmation of provisional Tree Preservation Order entitled 238 (2016) Former Waldorf School made by the Head of Planning and Sustainable Development under delegated powers. The provisional order currently provides temporary protection for the trees, but requires to be confirmed by the Planning Development Management Committee to provide long term protection.

### **2 RECOMMENDATION**

- 2.1 It is recommended that Members confirm the making of Tree Preservation Order 238 (2016) Former Waldorf School without modifications and instruct the Head of Legal and Democratic Services to attend to the requisite procedures to serve the Order as confirmed upon the interested parties and seek to register the Order with the Registers of Scotland.

### **3 BACKGROUND**

- 3.1 The Town and Country Planning (Scotland) Act 1997 places a duty on the planning authority to ensure that adequate provision is made for the preservation of trees. Where the planning authority considers it to be expedient in the interests of amenity they may make provision for the preservation of trees or woodlands by serving a Tree Preservation Order (TPO).
- 3.2 A TPO gives statutory protection to trees and woodlands that are considered to contribute to amenity or are of cultural and/or historical significance. Protecting trees has the further benefit of contributing to the Council's policies on improving our natural environment, improving citizen wellbeing and combating climate change.



3.3 The process of applying for work to protected trees allows for Council officers, Elected Members, Community Councils and members of the public an opportunity to comment on work to protected trees.

3.4 Tree Preservation Order Number 238 (2016) Former Waldorf School was served as a provisional order on 16<sup>th</sup> January 2017. The reasons for serving the order were recorded as;

3.5 The former Aberdeen Waldorf School site has recently been placed on the open market and presents a development opportunity. The current site is heavily wooded and development is severely constrained due to the extent of the woodland.

The former Waldorf School site sits adjacent to Craigton House; a tree preservation order (TPO 73) was served on this property in 1993 in order to preserve trees that were considered to make a significant contribution to the amenity and landscape of the area. Similar to Craigton House the former Waldorf School site makes a significant contribution to the amenity and landscape of the Craigton Road area and is an important landscape feature which has a positive impact in providing a landscaped backdrop and context to newer developments to the south of the site and to the north of Friarsfield Road.

The serving of a Tree Preservation Order will allow Aberdeen City Council to consider all future tree work proposals and prevent works that are considered to be unsympathetic. In addition the order will ensure future tree cover in this area of Aberdeen. In order to prevent the extent of works proposed we were required to serve a provisional tree preservation order. The confirmation of this order will allow Aberdeen City Council to consider all future tree work proposals and prevent works which are considered to be unsympathetic.

3.6 The trees included in this order are all those trees, including both deciduous and coniferous trees included within the continuous black line noted as Area 1 on the plan titled TPO238 (2016) Former Waldorf School, copy attached.

## **4 REPRESENTATIONS**

4.1 A single representation was received, copy attached. A summary of the points raised are noted below;

4.2 The representation considered that the requirement for planning permission, if an alternative use or new development was proposed, was sufficient to ensure that development does not result in an unacceptable loss of trees.

4.3 The TPO will create a constraint on dealing with minor tree works and tree maintenance.

4.4 The woodland has been managed effectively to-date without the requirement for a TPO and that nothing has changed that necessitates additional controls being imposed now.

4.5 There is no provision within Section 160 for making a TPO for the reason that the property has been placed on the market.

4.6 A TPO in this location is not necessary to retain the amenity and character of the area and is not necessary for providing a landscaped backdrop and context to newer developments to the south of the site and to the north of Friarsfield Road due to the landscaping proposed as part of the developments.

## **5 RESPONSE TO REPRESENTATIONS**

5.1 The requirement for planning permission for change of use or for a new development gives no short term control with regard to tree/woodland removal. Whilst it is acknowledged that there is scope for re-development of the site it also has to be acknowledged that the presence of existing trees will pose a significant constraint. The confirmation of the TPO will ensure that significant tree removal does not take place prior to a change of use or new development being granted consent.

5.2 The TPO will create a negligible constraint when dealing with minor tree works and tree maintenance. This will be due to the need to gain consent from the planning authority prior to works taking place a simple application process is in place to ensure this is as easy to negotiate as is possible.

5.3 It is agreed that woodland management has been effective to date. It is however considered that there has been a significant change in circumstance which has promoted the serving of a TPO. The current owner has placed the property and associated grounds on the open market for sale. It is likely that this will result in a change of use and/or redevelopment of the site. As noted above the existing trees pose a significant constraint on this site in relation to re-developing the site. The TPO will ensure that significant tree removal does not take place prior to a change of use or new development being granted consent.

5.4 Whilst the property being placed on the market was one of a number factors considered prior to serving the provisional TPO; the TPO was served in the interests of amenity.

5.5 It is considered that the trees associated with the former Waldorf School make a significant contribution to the amenity and character of Craigton Road. In the given circumstances, being a likely change of use or re-development of the site, it was considered acceptable to serve a TPO to ensure the trees and woodland continues to contribute to local amenity.

In respect to comments regarding the provision of a landscape backdrop to the new develops to the south of the former Waldorf School site and to the north of Friarsfield Road. The proposed landscaping required as part of this development is acknowledged and will overtime assist in forming an immediate backdrop to the new development and help the development sit within the current landscape. It is however considered that the trees and woodland associated with the former Waldorf School site will assist in providing a level of amenity in the short term and will continue to provide amenity, albeit at a distance, in the future.

## **6 FINANCIAL IMPLICATIONS**

6.1 There are no immediate financial implications. The costs associated with the serving of the provisional TPO and confirming the TPO will be met within existing budgets.

## **7 LEGAL IMPLICATIONS**

7.1 There are no direct legal implications arising from the recommendations of this report.

## **8 MANAGEMENT OF RISK**

### **8.1 Environmental/Legal/Reputational Risk**

The Town and Country Planning (Scotland) Act and the Scottish Governments Policy on Control of Woodland Removal places a duty on the Council to consider the preservation of trees and woodlands in order to safeguard the multiple benefits that trees and woodlands provide.

8.2 The use of a Tree Preservation Order to aid the retention and appropriate management of trees and woodlands allows the council to undertake the above duties. There is a low to medium risk of environmental, legal and reputational harm if we do not undertake our duties as expected.

8.3 The above risk can be mitigated by giving due consideration to the appropriateness of confirming TPO 238 (2016)

## **9 IMPACT SECTION**

### **9.1 Economy**

The proposal is unlikely to significantly contribute or result in a negative impact on the economy of Aberdeen.

### **9.2 People**

The proposal is unlikely to have any significant impact on people with protected characteristics or any negative impact on the delivery of the Councils Equality outcomes.

### **9.3 Place**

The proposal will have a positive impact on the environment. The proposal seeks to safeguard public amenity and seeks to ensure suitable future management of the trees included within the order.

Trees and woodlands deliver multiple benefits. In addition to their contribution to amenity they play a significant role in improving air quality, assist in mitigating climate change, provide health benefits and help improve social wellbeing. They are an integral habitat feature and directly and indirectly support a wide range of wildlife.



## 9.4 Technology

The proposal will not advance technology for the improvement of public services.

## 10. BACKGROUND PAPERS

- Town and Country Planning (Scotland) Act 1997, Part VII Special Controls, Chapter I Trees
- Scottish Governments Policy on Control of Woodland Removal

## 11. APPENDICES

Appendix 1; Plan - TPO238 (2016) Former Waldorf School  
Appendix 2; Letter of Representation

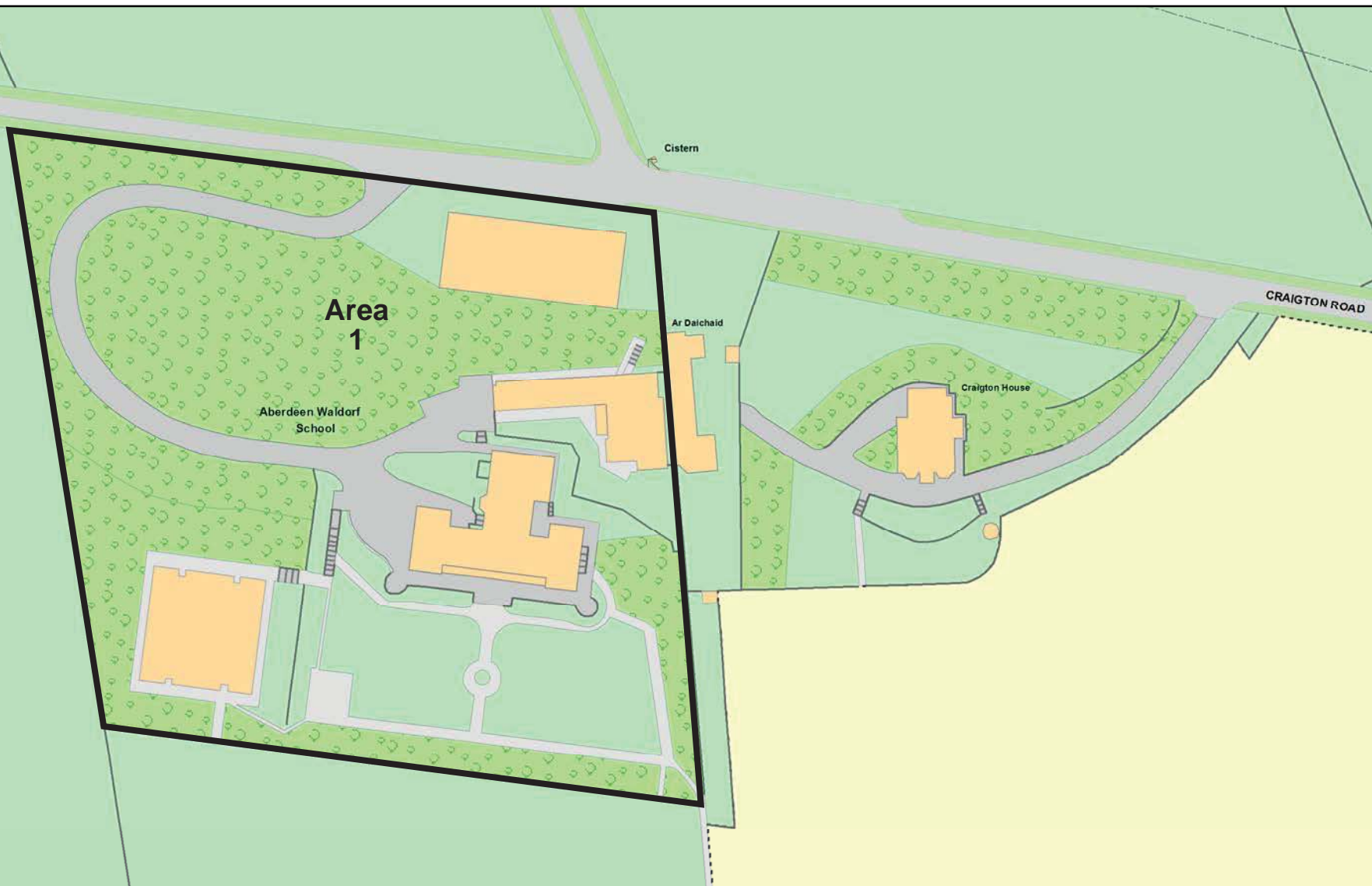
## 12. REPORT AUTHOR DETAILS

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### HEAD OF SERVICE DETAILS

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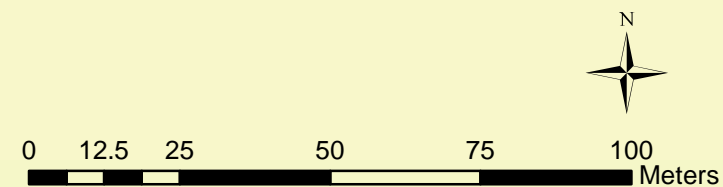
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This is the map referred to in the City of  
Aberdeen Tree Preservation Order No.238  
Former Aberdeen Waldorf School (2016),  
Craighton Road, Aberdeen

Signature

Scale approx 1:1250



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# Waldorf School

## Tree Preservation Order Objection

February 2017

**NORR**



# Waldorf School

## Tree Preservation Order Objection

February 2017

### Introduction

This representation has been prepared on behalf of Camphill Estates who wish to object to the blanket Tree Preservation Order (TPO) NO. 238/2016 that has been served on the land at the Former Aberdeen Waldorf School, Craigton Road, Aberdeen.

The reasons given by the Council for making the order are:

- (i) The former Aberdeen Waldorf School site has recently been placed on the open market and presents a development opportunity. The current site is heavily wooded and development is severely constrained due to the extent of the woodland.
- (ii) The former Waldorf School site sits adjacent to Craigton House; a tree preservation order (TPO 73) was served on this property in 1993 in order to reserve trees that were considered to make a significant contribution to the amenity and landscape of the area. Similar to Craigton House the former Waldorf School site makes a significant contribution to the amenity and landscape of the Craigton Road area and is an important landscape feature which has a positive impact in providing a landscaped backdrop and context to newer developments to the south of the site and to the north of Friarsfield Road.
- (iii) The serving of a Tree Preservation Order will allow Aberdeen City Council to consider all future tree work proposals and prevent works that are considered to be unsympathetic. In addition the order will ensure future tree cover in this area of Aberdeen.

In summary, the reasons given for the TPO are 1. That this is now a development opportunity, 2. The trees contribute towards the amenity and landscape of the Craigton Road Area, and 3. The trees provide a landscaped backdrop and context to newer developments to the south of the site. It is considered that the TPO served as a blanket over the whole site is not expedient in the interests of amenity and responses to each of the reasons have been provided in the following sections setting out the reasons for objection to the order in respect of all trees located on the Former Aberdeen Waldorf School, Craigton Road, Aberdeen.



## 1. Development Opportunity

It is correct that the property has been placed on the market following the closure of the Waldorf School approximately 3 years ago. The School comprised of the following accommodation on a 1.66 Hectare site:

- Sports Hall 736 sq.m GIA
- Main Building 1,079 sq.m GIA
- Kindergarten 275 sq.m GIA
- Science Block 300 sq.m GIA
- Lower School 600 sq.m GIA

There are a large number of trees ranging in maturity and value on the site. However, as a brownfield site with a range of buildings in situ, there is significant potential for reuse and redevelopment of this site without resulting in a loss of trees and it is not the case that development, or a new use, is severely constrained due to the extent of the woodland. In considering any future use the blanket TPO served does not provide the landowner, a future owner or local authority with any greater understanding of the value of the trees on the site or their contribution towards the amenity of the area.

Should there be proposals for an alternative use or a new development then planning approval shall be required and there remain sufficient controls through this process to ensure that development does not result in an unacceptable loss of trees. There is no greater value placed on trees served with a TPO through the Aberdeen Local Development Plan and it is not necessary to place this additional control on the land.

Whilst a TPO does not in itself require an owner to undertake any tasks, there is a duty in perpetuity to secure consent for maintenance work on the protected trees, in this case all trees on the site.



Image of Fallen Tree

In practice, the TPO will place a constraint on dealing with minor works including broken branches, blown out crowns, fungal growths and ivy growing around the main trunk etc. There are trees planted in close proximity in a groups and as can be seen in the image below there is a need to carry out tree work from time to time.

The woodland has been planted and managed by the owners of the land effectively to-date without the requirement for a TPO and it is not considered that anything has changed that necessitates additional control being imposed now.

Section 160 of the Town and Country Planning (Scotland) Act 1997 provides planning authorities with the power to make a TPO if it appears to them to be expedient in the interest of amenity and / or that the trees or woodlands are of cultural or historic significance. There is no provision within Section 160 for making a TPO for the reason that the property has been placed on the market.



## 2. The trees contribute towards the amenity and landscape of the Craigton Road Area



Trees along Craigton Road and views of Agricultural Fields

At this part of Craigton Road there are trees that line Craigton Road that do contribute towards the general rural character of the area. It should be noted, however, that there are breaks in the trees with views to surrounding fields and properties on Craigton Road without having a negative impact on the character and amenity of the area. The area is located within the Aberdeen Green Belt and the Local Development Plan serves to protect the rural character of the area.

A TPO in this location is not necessary to retain the amenity and character of the area.



Properties located on Craigton Road



Former Waldorf School Entrance and Private Road

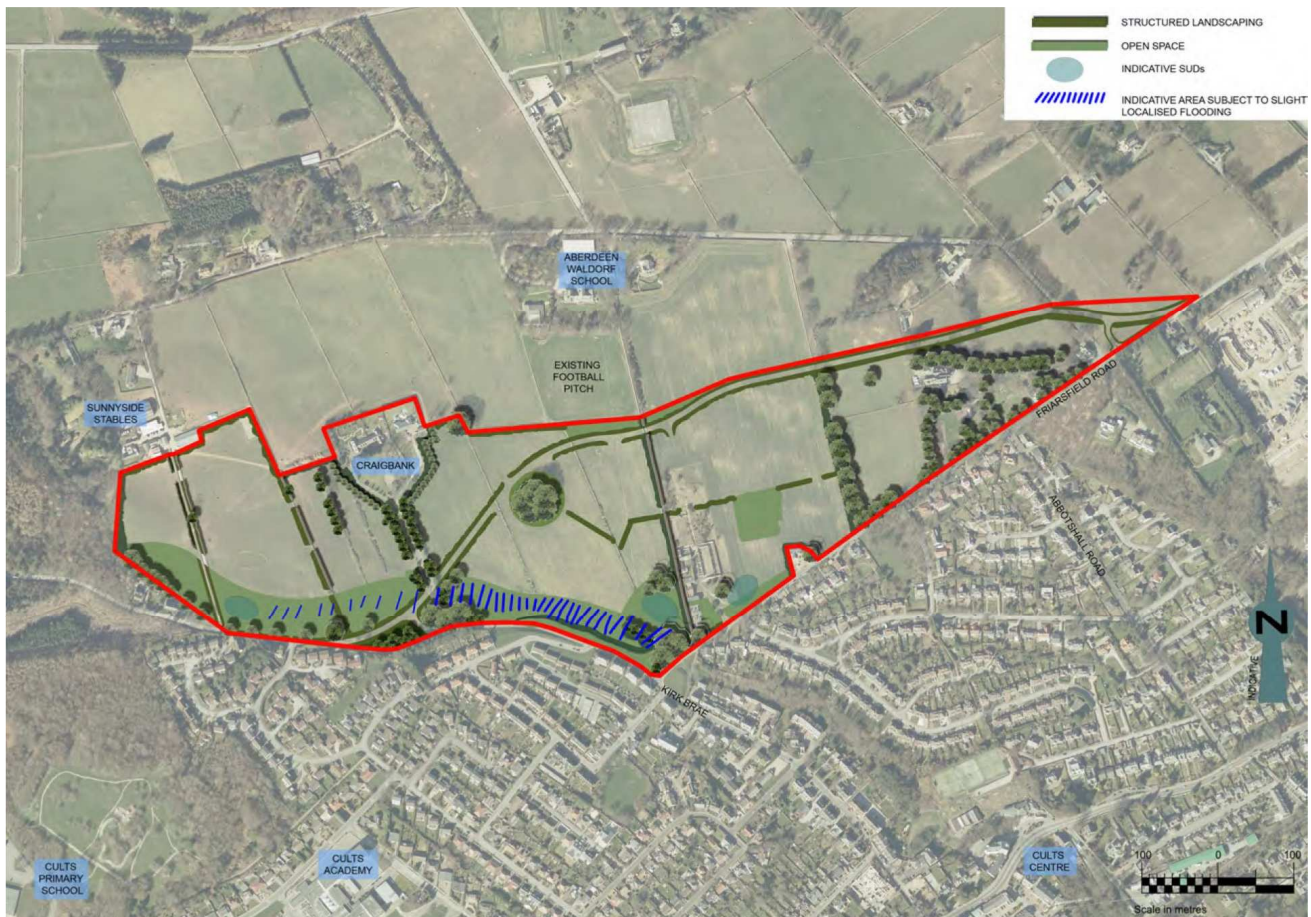
Beyond the point of access to the former Waldorf School Craigton Road becomes a private road and there is no wider public benefit to be gained through the TPO in this area. Also, the Site of the former Aberdeen Waldorf School slopes steeply down from Craigton Road and the trees within the site are not generally visible in passing.

The TPO is not considered expedient to maintain the rural character of the area in the interests of amenity. Should you disagree then it is requested that a more detailed assessment is made to ensure that only those trees along Craigton Road that are contributing towards the amenity should be subject to the TPO.



### 3. The trees provide a landscaped backdrop and context to newer developments to the south of the site

The development to the south of the former Aberdeen Waldorf School and to the north of Friarsfield Road is under construction. In allocating this site and defining the framework for future development a detailed assessment of the landscape impact of the development was undertaken. The Council has restricted development to the lower and flatter land in the area retaining the upper slopes as Green Belt. The Development Framework for the site identified that "New strategic landscaping will be provided along the northern boundary of the site to provide a soft edge to the development and facilitate its transition to Green Belt. Positioned on the higher ground it will also ensure that the housing is set against it when viewed from the south. It will further provide an opportunity to integrate proposed housing with the link road. The width of this landscaping will avoid a uniform depth and appearance to appear as natural as possible."



Landscaping Plan from Friarsfield Development Framework

Planning permissions have been granted for the development at Friarsfield and Planning Permission P140272 was granted for 119 residential units on the land directly to the south of the former Waldorf School and the associated football pitch. The approved plans reflect the wider Development Framework and include a landscape strip along the northern boundary to the site. The housing fronts away from the northern boundary taking advantage of the views and solar gain to the south.



Approved Site Layout for Land Directly to the South of the Former Waldorf School

Development has been restricted to the lower parts of the site and the landscaping strip along the northern edge of the development have been provided to satisfy the planning authority that there is a sufficient landscape backdrop to mitigate the visual impact of the development. Therefore It is not expedient in the interests of amenity to place a TPO on the former Waldorf School for this purpose. Through the planning process the context for the development at Friarsfield has been effectively been dealt with and the TPO is unnecessary in achieving a landscape background and context to the new development.

## Conclusion

The imposition of a TPO affects the site owner's ability to undertake tree work where appropriate without submitting an application for consent. Where this involves works to trees that are not preserved in the interests of amenity then this places an unreasonable burden on the owners of the site and additional costs in managing the land.

Section 160 of the Town and Country Planning (Scotland) Act 1997 provides planning Authorities with the power to make a TPO if it appears to them to be expedient in the interest of amenity and / or that the trees or woodlands are of cultural or historic significance. There is no provision for making a TPO for the reason that the property has been placed on the market.

The existing rural character of the area is protected by the Aberdeen Local Development Plan and the new developments to the south of the site and to the north of Friarsfield Road have been designed to provide a soft landscaped edge to the development and mitigate the visual impact of the development. It is not considered that there are any reasons that are expedient in the interests of amenity that justifies making this TPO covering all trees on the land at the Former Aberdeen Waldorf School.

It is requested that the Council revoke the TPO that has been served on the land at the Former Waldorf School, Craigton Road. Should the Council remain of the view that a TPO is expedient it is requested that a more detailed assessment be undertaken to identify only those trees that are necessary for the purpose stated.

## ABERDEEN CITY COUNCIL

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COMMITTEE	Planning and Development Management Committee
DATE	15 <sup>th</sup> June 2017
REPORT TITLE	Confirmation of Tree Preservation Order 242 (2017) Ground at Rubislaw Den Gardens
REPORT NUMBER	CHI/17/073
DIRECTOR	Bernadette Marjoram
REPORT AUTHOR	Kevin Wright
CHECKLIST COMPLETED	Yes

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### 1 PURPOSE OF REPORT

- 1.1 To request the confirmation of provisional Tree Preservation Order entitled 242 (2017) Ground at Rubislaw Den Gardens made by the Head of Planning and Sustainable Development under delegated powers. The provisional order currently provides temporary protection for the trees, but requires to be confirmed by the Planning Development Management Committee to provide long term protection.

### 2 RECOMMENDATION

- 2.1 It is recommended that Members confirm the making of Tree Preservation Order 242 (2017) Ground at Rubislaw Den Gardens without modifications and instruct the Head of Legal and Democratic Services to attend to the requisite procedures to serve the Order as confirmed upon the interested parties and seek to register the Order with the Registers of Scotland.

### 3 BACKGROUND

- 3.1 The Town and Country Planning (Scotland) Act 1997 places a duty on the planning authority to ensure that adequate provision is made for the preservation of trees. Where the planning authority considers it to be expedient in the interests of amenity they may make provision for the preservation of trees or woodlands by serving a Tree Preservation Order (TPO).
- 3.2 A TPO gives statutory protection to trees and woodlands that are considered to contribute to amenity or are of cultural and/or historical significance. Protecting trees has the further benefit of contributing to the Council's policies on improving our natural environment, improving citizen wellbeing and combating climate change.



3.3 The process of applying for work to protected trees allows for Council officers, Elected Members, Community Councils and members of the public an opportunity to comment on work to protected trees.

3.4 Tree Preservation Order Number 242 (2017) Ground at Rubislaw Den Gardens was served as a provisional order on 16<sup>th</sup> January 2017. The reasons for serving the order were recorded as;

3.5 The trees in question form the central section of a belt of trees through the rear gardens of the properties at Rubislaw Den Gardens. These trees form a backdrop to the younger trees planted on the verge of Anderson Drive and contribute significantly to the treed character of the Conservation Area. A Tree Preservation Order would ensure that trees could not be removed without the consent of the Council who would have an opportunity to have regard to the environmental implications of any proposals.

3.6 The trees included in this order are all those trees, including both deciduous and coniferous trees included within the continuous black line noted as Area 1 and Area 2 on the plan titled TPO242 (2017) Ground at Rubislaw Den Gardens, copy attached.

#### **4 REPRESENTATIONS**

4.1 No representations were received during the 28 day consultation period.

#### **5 FINANCIAL IMPLICATIONS**

5.1 There are no immediate financial implications. The costs associated with the serving of the provisional TPO and confirming the TPO will be met within existing budgets.

#### **6 LEGAL IMPLICATIONS**

6.1 There are no direct legal implications arising from the recommendations of this report.

#### **7 MANAGEMENT OF RISK**

7.1 Environmental/Legal/Reputational Risk

The Town and Country Planning (Scotland) Act and the Scottish Governments Policy on Control of Woodland Removal places a duty on the Council to consider the preservation of trees and woodlands in order to safeguard the multiple benefits that trees and woodlands provide.

7.2 The use of a Tree Preservation Order to aid the retention and appropriate management of trees and woodlands allows the council to undertake the above duties. There is a low to medium risk of environmental, legal and reputational harm if we do not undertake our duties as expected.

7.3 The above risk can be mitigated by giving due consideration to the appropriateness of confirming TPO 242 (2017)

## **8 IMPACT SECTION**

### **8.1 Economy**

The proposal is unlikely to significantly contribute or result in a negative impact on the economy of Aberdeen.

### **8.2 People**

The proposal is unlikely to have any significant impact on people with protected characteristics or any negative impact on the delivery of the Council's Equality outcomes.

### **8.3 Place**

The proposal will have a positive impact on the environment. The proposal seeks to safeguard public amenity and seeks to ensure suitable future management of the trees included within the order.

Trees and woodlands deliver multiple benefits. In addition to their contribution to amenity they play a significant role in improving air quality, assist in mitigating climate change, provide health benefits and help improve social wellbeing. They are an integral habitat feature and directly and indirectly support a wide range of wildlife.

### **8.4 Technology**

The proposal will not advance technology for the improvement of public services.

## **10. BACKGROUND PAPERS**

- Town and Country Planning (Scotland) Act 1997, Part VII Special Controls, Chapter I Trees
- Scottish Government's Policy on Control of Woodland Removal

## **11. APPENDICES**

Appendix 1; Plan - TPO242 (2017) Ground at Rubislaw Den Gardens

## **12. REPORT AUTHOR DETAILS**

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ABERDEEN  
CITY COUNCIL

This is the map referred to in the City of  
Aberdeen Tree Preservation Order  
No.242 Rubislaw Den Gardens (2017),  
Aberdeen

Signature \_\_\_\_\_

Scale approx 1:1000

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