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To: Councillor Jennifer Stewart, Convener; Councillor Donnelly, the Depute Provost and Councillor Duncan.

Town House,
ABERDEEN 31 May 2018

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

The Members of the **LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL** are requested to meet in **Committee Room 2 - Town House** on **THURSDAY, 7 JUNE 2018 at 9.30 am.**

FRASER BELL
CHIEF OFFICER - GOVERNANCE

B U S I N E S S

- 1 Procedure Notice (Pages 5 - 6)

COPIES OF THE RELEVANT PLANS / DRAWINGS ARE AVAILABLE FOR INSPECTION IN ADVANCE OF THE MEETING AND WILL BE DISPLAYED AT THE MEETING

MEMBERS PLEASE NOTE THAT THE FOLLOWING LINK WILL TAKE YOU TO THE LOCAL DEVELOPMENT PLAN.

[Local Development Plan](#)

TO REVIEW THE DECISION OF THE APPOINTED OFFICER TO REFUSE THE FOLLOWING APPLICATIONS

PLANNING ADVISER - ANDREW MILLER

2 Inchgarth House, Inchgarth Road - Formation of New Access and Driveway with Gate, Wall and Pillars, Erection of Two Storey Detached Garage and a Single Storey Storage Building and Associated Landscaping - 170921

3 Delegated Report, Decision Notice and Letter of Representation (Pages 7 - 22)

Members, please note that the relevant plans can be viewed online:-

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OU1YIJBZML100>

4 Planning Policies Referred to in Documents Submitted

Members, the following planning policies are referred to:-

National Planning Policy and Guidance

- Scottish Planning Policy (SPP)
- Historic Environment Scotland Policy Statement (HESPS)

Aberdeen Local Development Plan (2017)

- Policy D1: Quality Placemaking by Design
- Policy D2: Landscape
- Policy D4: Historic Environment
- Policy D5: Our Granite Heritage
- Policy NE2: Green Belt
- Policy NE5: Trees and Woodland
- Policy NE6: Flooding, Drainage & Water Quality

Supplementary Guidance and Technical Advice Notes

- Trees and Woodlands
- Transport and Accessibility
- Flooding, Drainage and Water Quality
- Natural Heritage

The policies can be viewed at the following link:-

http://www.aberdeencity.gov.uk/planning_environment/planning/local_development_plan/pla_local_development_plan.asp

5 Notice of Review with Supporting Information and Initial Application Submitted by Applicant / Agent (Pages 23 - 66)

6 Determination - Reasons for Decision

Members, please note that reasons should be based against Development Plan policies and any other material considerations.

7 Consideration of Conditions to be Attached to the Application - if Members are Minded to Over-Turn the Decision of the Case Officer

Website Address: www.aberdeencity.gov.uk

Should you require any further information about this agenda, please contact Mark Masson on mmasson@aberdeencity.gov.uk / tel 01224 522989

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LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

PROCEDURE NOTE

GENERAL

1. The Local Review Body of Aberdeen City Council (the LRB) must at all times comply with (one) the provisions of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008 (the regulations), and (two) Aberdeen City Council's Standing Orders.
2. In dealing with a request for the review of a decision made by an appointed officer under the Scheme of Delegation adopted by the Council for the determination of "local" planning applications, the LRB acknowledge that the review process as set out in the regulations shall be carried out in stages.
3. As the first stage and having considered the applicant's stated preference (if any) for the procedure to be followed, the LRB must decide how the case under review is to be determined.
4. Once a notice of review has been submitted interested parties (defined as statutory consultees or other parties who have made, and have not withdrawn, representations in connection with the application) will be consulted on the Notice and will have the right to make further representations within 14 days.
Any representations:
 - made by any party other than the interested parties as defined above (including those objectors or Community Councils that did not make timeous representation on the application before its delegated determination by the appointed officer) or
 - made outwith the 14 day period representation period referred to abovecannot and will not be considered by the Local Review Body in determining the Review.
5. Where the LRB consider that the review documents (as defined within the regulations) provide sufficient information to enable them to determine the review, they may (as the next stage in the process) proceed to do so without further procedure.
6. Should the LRB, however, consider that they are not in a position to determine the review without further procedure, they must then decide which one of (or combination of) the further procedures available to them in terms of the regulations should be pursued. The further procedures available are:-
 - (a) written submissions;
 - (b) the holding of one or more hearing sessions;
 - (c) an inspection of the site.

7. If the LRB do decide to seek further information or representations prior to the determination of the review, they will require, in addition to deciding the manner in which that further information/representations should be provided, to be specific about the nature of the information/representations sought and by whom it should be provided.
8. In adjourning a meeting to such date and time as it may then or later decide, the LRB shall take into account the procedures outlined within Part 4 of the regulations, which will require to be fully observed.

DETERMINATION OF REVIEW

9. Once in possession of all information and/or representations considered necessary to the case before them, the LRB will proceed to determine the review.
10. The starting point for the determination of the review by the LRB will be Section 25 of the Town and Country Planning (Scotland) Act 1997, which provides that:-

“where, in making any determination under the planning Acts, regard is to be had to the Development Plan, the determination shall be made in accordance with the Plan unless material considerations indicate otherwise.”
11. In coming to a decision on the review before them, the LRB will require:-
 - (a) to consider the Development Plan position relating to the application proposal and reach a view as to whether the proposal accords with the Development Plan;
 - (b) to identify all other material considerations arising (if any) which may be relevant to the proposal;
 - (c) to weigh the Development Plan position against the other material considerations arising before deciding whether the Development Plan should or should not prevail in the circumstances.
12. In determining the review, the LRB will:-
 - (a) uphold the appointed officers determination, with or without amendments or additions to the reason for refusal; or
 - (b) overturn the appointed officer’s decision and approve the application **with or without appropriate conditions.**
13. The LRB will give clear reasons for its decision in recognition that these will require to be intimated and publicised in full accordance with the regulations.

 <p>ABERDEEN CITY COUNCIL</p>	<p>Planning and Sustainable Development Service</p>
	<p>Report of Handling</p>

Site Address:	Inchgarth House, Inchgarth Road, Aberdeen, AB15 9NX
Application Description:	Formation of new access and driveway with gate, wall and pillars, erection of a two storey detached garage and a single storey storage building and associated landscaping
Application Reference:	170921/DPP
Application Type	Detailed Planning Permission
Application Date:	2 August 2017
Applicant:	C/o Kirkwood Homes Ltd
Ward:	Lower Deeside
Community Council	Garthdee
Case Officer:	Sepideh Hajjoltani

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The application site is located to the south of Inchgarth Road and extends to approximately 1.9 ha. It comprises Inchgarth House, which is a category 'C' listed building and surrounding land, including mature trees. Access to the site is taken from Inchgarth Road to the east of Inchgarth House via an access shared with Inchgarth Lodge which curves around the south of the building. There is also another access to site located immediately to the north east of the new extension to the north elevation of the building which is currently blocked (Google street view images shows that this access had been in use until September 2011).

The site lies within Pitfodels Conservation Area.

Relevant Planning History

P921972- Outline Planning Permission for erection of a dwelling-house and garage was refused in 1992.

P110529- Detailed planning permission for erection of new flat roofed extension to accommodate new kitchen and utility room was approved unconditionally in July 2011.

P111556 & P111557- Listed building consent and detailed planning permission for demolishing existing garage and port, erection of new store, garage block and colonnade, conversion of house and 2 flats back to one main house and refurbishment of all windows were approved conditionally in January 2012.

P140684- Detailed planning permission for erection of single storey rear extension was approved conditionally in July 2014.

P150523 & P150524- Detailed planning permission and listed building consent for removal of existing block garage and single storey extension to north east elevation, conversion of house and 2 flats back to one main house, erection of new extensions to north east and north west elevations and refurbishment of all windows was approved conditionally in June 2015. This has been implemented.

P160782- Detailed planning permission for erection of 2 storey garage with ancillary space; formation of an opening in the boundary wall to create access gate and a driveway was withdrawn by applicant in September 2016.

170020/DPP- Detailed planning permission for construction of triple garage with ancillary accommodation at upper level was withdrawn by applicant in March 2017.

170115/DPP- Detailed planning permission for formation of new access and driveway with gate, wall, pillars and landscaping at Inchgarth House (part retrospective) was withdrawn by applicant. However in May 2017, the Planning Development Management Committee resolved to instruct enforcement action within the site in relation to the unauthorised works.

170610/LBC- Listed building consent for complete demolition of the Steading and Lodge to allow reinstatement of Inchgarth House and Surrounding Landscape was submitted in May 2017 and is yet to be determined.

170929/DPP- Detailed planning permission for construction of an additional chimney on the north west elevation was refused in November 2017.

170939/LBC & 170944/DPP- Listed building consent and detailed planning permission for installation of lift and infill of door on south east elevation (retrospective) were submitted in August 2017 and were approved unconditionally in October 2017.

170928/LBC- Detailed planning permission for construction of an additional external chimney on the north west elevation was submitted in August 2017 and was refused in November 2017.

171539/DPP- Detailed planning permission for erection of a single storey storage building (similar to the proposed storage building in the current application 170921/DPP) and formation of associated access and landscaping was submitted in January 2018 and is yet to be determined.

171540/DPP- Detailed planning permission for erection of two storey detached garage and associated access and landscaping (similar to the proposed garage in the current application 170921/DPP) was submitted in January 2018 and is yet to be determined.

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought for four discrete components – (1) the formation of new access and driveway with gate, wall, pillars, (2) the construction of a two storey detached garage, (3) the construction of a single storey storage building and (4) associated landscaping of the site. The first of these components also includes the demolition of part of the boundary wall

(approximately 27m in length) to the north west corner of the application site and the removal of a number of mature trees to create the new driveway to the site from Inchgarth Road.

The new access would be formed close to the west boundary of the property with the driveway extending southwards before sweeping round in a curve to the east and then north east and terminating in a courtyard on the eastern side of the main house. According to the Tree Survey Report submitted by the applicant the new access would impact on 15 mature trees. The new gated access would be approximately 4m wide and would have 1.6m high walls and 2.3m high pillars. Proposed materials for the gates are black power coated galvanised steel and punched and bush hammered granite for pillars and tar and granite edging for the driveway.

The proposal single storey storage building would be located close to the north east corner of the site, while the two storey detached garage building would be positioned to the east of the main house, replacing the existing lodge and steading building.

The proposal has been amended to reduce the overall height of the single storey building by 1m. The revised scheme has a ridge height of 4.5m and an eaves height of 3.6m. The building would be 18.5 metres by 9.6 metres and would have an overall footprint of approximately 178sqm. Finishing materials would be grey profile cladding for the roof and vertical timber cladding for the wall and 1 course high granite basecourse and stained brown timber windows and access door. The colour of the roller door would match the profile cladding.

The 'L' shaped garage, would be approximately 20 metres by 18.5 metres and would have an overall footprint of approximately 239sqm. The ridge height is 7.5m on the northern wing and 7.1m on the southern one with an eaves height of approximately 3.8m. It would include dormer windows on the south and west elevations. The building would contain a floored loft. Finishing material would be Ranoch granite for the external walls with cherry cocking coursing to match existing building (Inchgarth House) and Welsh slate for the roof and white timber windows to match existing windows. External doors would be stained hard wood panels to match existing front door and stained hardwood fielded panel door to match existing front door and new rear door.

According to the information submitted by the applicant, demolition of the Lodge and Steading and construction of the garage would result in removal of 9 semi-mature trees. Landscaping proposal includes hedging, tree plantation, new turf area and wild flowers.

It should be noted that part of the proposal including part of the groundworks for formation of the driveway and removal of a number of trees have already taken place and, in that regard, the proposal could be considered as part-retrospective. It is also likely that the total number of trees to be removed would be closer to 60 trees as the proposed development would not appear to have considered the impact on the root protection areas of neighbouring trees and the entrance or along the length of the proposed driveway.

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=OU1YIJBZML100>

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

- Stage 1 Road Safety Audit Report for Proposed Replacement Vehicular Access by Wyllie: Lodge Road Safety Consultants (Report Ref: 45517(1)- Issue Date : 21 Jul 2017).

- Tree Survey Schedule by Struan Dalglish Arboriculture (1-June- 2017)
- Tree Survey Report by Struan Dalglish Arboriculture (July 2017)
- Planning Statement By Ryden dated 2 August 2017
- Supporting letter from Ledingham Chalmers (LLP) – Issue date 22 Nov 2017

CONSULTATIONS

ACC - Flooding And Coastal Protection – No objection to the proposal, however considering the risk of water flooding on site, use of permeable materials and rain water harvesting is strongly recommended.

ACC - Roads Development Management Team – Comments received in relation to satisfactory parking provision on site, acceptable visibility splay for the proposed driveway and the requirement for a Section 5 Roads Construction Procedure. Also indicated that the driveway should be internally drained, with no surface water discharging onto the public road and no loose material to surface the first 2m of the driveway adjacent to the public road. Comments were also received in relation to the additional supporting documents and justifications provided by the applicant; these comments are covered in detail in the evaluation section of this report.

ACC - Environmental Health – No observations.

REPRESENTATIONS

1 letter of objection has been received. The matters raised can be summarised as follows:-

- A smaller scale proposal for Southfield, Inchgarth Road was refused because of the need to maintain the integrity of the boundary wall along Western Road and the impact on existing trees.

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.

National Planning Policy and Guidance

- Scottish Planning Policy (SPP)
- Historic Environment Scotland Policy Statement (HESPS)

Aberdeen Local Development Plan (2017)

- Policy D1: Quality Placemaking by Design
- Policy D2: Landscape
- Policy D4: Historic Environment
- Policy D5: Our Granite Heritage
- Policy NE2: Green Belt
- Policy NE5: Trees and Woodland
- Policy NE6: Flooding, Drainage & Water Quality

Supplementary Guidance and Technical Advice Notes

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- Natural Heritage

EVALUATION

The primary considerations in the assessment of this application are the statutory requirement to have regard to the preservation or enhancement of the character and amenity of the conservation area and on the setting of the listed building, the impact the proposal would have on the character and appearance of the green belt and the impact on the trees within the site.

Policy NE5: Trees and Woodland

There is a presumption against all activities and development that will result in the loss or damage to trees and woodlands that contribute to nature conservation, local landscape character, local amenity and climate change adaption and mitigation. In total the proposal is seeking the removal of 44 trees. However, it is estimated that the actual number of trees that would be lost is likely to be closer to 60 trees, as the submission has not considered the impact on the root protection areas of neighbouring trees at the driveway entrance and how these will be impacted by ground level changes and the re-alignment of the boundary wall to accommodate visibility splays. In addition the submission has not considered further impacts in relation to the driveway, garage and outbuilding and their influence on tree retention due to their proximity to existing mature trees. It is also noted that the tree survey drawing and the tree survey schedule are not aligned in that the tree survey drawing details the removal of trees 4839-4854 plus a further group of 19 trees, whereas the tree schedule details the retention of trees 4846 – 4854. This represents a further removal of 9 mature trees over and above those noted in the written submission.

Of importance, it should also be noted that prior to submission of this application, the site was subject to unauthorised tree removal and site engineering / groundworks. It is estimated that between 145 and 207 trees have been removed. Under section 174 of the Town and Country Planning (Scotland) Act 1997 (as amended), the owner of the land has a duty to plant another tree of an appropriate size and species at the same place as soon as he reasonably can. Approval of this application would hinder the full reinstatement of trees in this area, which is necessary to re-establish the local landscape character and amenity of the area. The area of land associated with the proposed formation of the driveway was the most heavily impacted area affected by the unauthorised tree removal and held the more significant trees previously associated with Inchgarth House, these being mature broadleaved trees of significant age. Whilst the submitted proposal requires removal of a further substantial number of trees, due to unauthorised tree removal and unauthorised earth works prior to submitting an application, the net loss of trees associated with the formation of the driveway is estimated to be approximately +150 trees.

In addition, the proposed re-planting plan does not address the scale of tree removal associated with the current proposal and certainly does not address the level of tree removal undertaken prior to the application. There are insufficient details within the replacement planting plan relating to species and size of stock proposed.

It is important to note that the entire site is covered by the classification of ancient woodland. In Scotland, ancient woodland is defined as land that is currently wooded and has been continually wooded, at least since 1750. Once destroyed, they cannot be recreated. Woodland in this location is evident on the Roy Military Survey of Scotland 1747-55. The trees and landscape structure of Pitfodels is one of the primary reasons for its designation as a conservation area and are important

in understanding the historical development of the area. Therefore any erosion of this should be avoided. Although there is no legislation specifically protecting ancient woodland, Scottish Planning Policy identifies it as an important and irreplaceable national resource that should be protected and enhanced. The trees that were removed had statutory protection by reason of their location within a conservation area. The Scottish Government's policy on control of woodland removal states that there is a strong presumption against removing ancient semi-natural woodland or plantations on ancient woodland sites, amongst other types of woodland.

In terms of other elements of the proposal, including the two proposed buildings, it is considered that the proposed location would not allow for future planting of broadleaved tree species as is typical for this area between the proposed buildings and the road and would also result in future conflict between the trees and the buildings as the trees mature. The proposed siting for the two buildings would have an impact on the feasibility of establishing planting to replace the trees lost due to earlier unauthorised tree removal.

It is considered that based on the existing information the proposal is contrary to provisions of policy NE5 and would result in a significant detrimental impact on the mature trees on the site.

Policy D4: Historic Environment

Policy D4 states the council will protect, preserve and enhance the historic environment in line with Scottish Planning Policy, HESPS and its own Supplementary Guidance and Conservation Area Character Appraisals and Management Plan.

The site is located within a conservation area and is within the curtilage of a listed building. Historic evidence shows that the primary access to Inchgarth House was via a sweeping driveway located to the east of Inchgarth Lodge. Therefore, to ensure the historical integrity of the site, this route (which has recently been resurfaced and upgraded) should remain as the primary access - thus maintaining the original setting and special character of the building.

The character of Inchgarth Road is defined by large residential stone villas and is lined with trees and large stone boundary walls. The proposed new driveway would involve the removal of a considerable section of boundary wall and a number of trees on a main route through the conservation area. The loss of this section of boundary wall would result in a considerable loss of historic fabric and impact negatively on one of the main defining features of this part of the conservation area.

The proposed new garage building replaces an existing gate lodge/cottage building which has been substantially altered from its original form. The principle of replacing the existing building is acceptable however the proposed new building does not reuse the granite from the original building which would make the replacement building more in keeping with the character of the original building. Notwithstanding, the proposed materials – Rannoch granite, Welsh slate and timber windows – are generally compatible with the main house. Whilst the proportions of the building are not historically accurate, that failing is not such that it would, in itself, justify refusal of permission. However, and importantly, the new building is proposed to be sited considerably closer to the main building than the existing building and as a result impacts negatively on the setting of the main house.

The Pitfodels Conservation Area is characterised by spacious landscaped garden plots with generous tree planting. Therefore, the loss of any trees and landscaping should be avoided in order to preserve and enhance the character of the conservation area and the landscape quality of the wider conservation area. In this instance the siting of the proposed two buildings is not acceptable when seen in connection with the requirement for future tree plantation in response to unauthorised tree removal.

It is also considered that the overall scale of the proposed storage building is not acceptable at this location. The proposed storage building is to be 4.5 m high with a footprint of around 178sqm. This is a building of considerable size and will be visible from the wider conservation area in spite of the existing trees and the boundary wall. The height of the building has been reduced and the materials altered which has improved the proposed building. However, it is still too large for the proposed location. It will impact negatively on the setting of the listed building as it will be clearly visible at the main entrance when accessing the site. The building will also impact negatively on the character of the wider conservation area as large agricultural style buildings are incongruous with the detached stone villas which are the prevalent building type in the Pitfodels Conservation Area.

For the reasons above, it is considered that the proposal does not accord with policy D4 and would not preserve or enhance the character or amenity of the conservation area or the setting of the listed building.

Policy D5: Our Granite Heritage

Throughout Aberdeen the Council seeks the retention and appropriate re-use, conversion and adaptation of all granite features, structures and buildings, including granite boundary walls. Proposals to demolish any granite building, structure or feature, partially or completely that is listed or within a Conservation Area will not be granted planning permission unless the planning authority is satisfied that the proposal to demolish meets HESPS test for demolition. In line with national policy, applications for demolition will be assessed against the following tests:

- Importance of the building
- Condition of the building
- Economic viability of reusing the building
- Wider public benefits

In terms of importance of the wall, it should be noted that the application boundary wall is listed as a category C listed building and has the same statutory protection and the main house. As stated in the Pitfodels Conservation Area Character Appraisal, the entire length of Inchgarth Road is heavily influenced by both mature trees to the south and a large stone wall which extends the entire length and is a strong feature of the conservation area which adds significantly to the character. The prevalence of traditional boundary walls is an important unifying feature of the conservation area and a key vista, and should be conserved. Therefore the breach of the boundary wall is considered to have a negative impact on the character of the conservation area.

The other tests on the condition of the building, economic viability and wider public benefit could not be used as a justification for demolishing part of the boundary wall. The existing wall is not beyond repair and development cost is not a critical factor in delivering the proposal. It is also considered that there is no public benefit element associated with removal of the boundary wall. It should be noted that the demolition of the existing lodge and steading to the north of the application site are not part of this application.

It is considered that the proposal is not in accordance to policy D5 and would not preserve or enhance the character or amenity of the conservation area or the setting of the listed building.

Policy NE2: Green Belt

No development will be permitted in the Green Belt for purposes other than those essential for agriculture; woodland and forestry; recreational used compatible with an agricultural uses compatible with an agricultural or natural setting; mineral extraction/ quarry restoration; or landscape renewal.

The following exceptions apply to this policy:

- 1- Proposals for development associates with existing activities in the green belt will be permitted but only if all of the following criteria are met:
 - a) The development is within the boundary of the existing activity;
 - b) The development is small-scale;
 - c) The intensity of activity is not significantly increased; and
 - d) Any proposed built construction is ancillary to what exists.

All proposals for development in the Green Belt must be of the highest quality in terms of siting, scale, design and materials. All developments in the Green Belt should have regard to other policies of the Local Development Plan in respect of landscape, trees and woodlands, natural heritage and pipelines and control of major accident hazards.

Whilst the proposal would generally comply with the criteria listed (a), (c) and (d) above, it could not be reasonably argued that the proposal is small-scale (criterion (b) above). The size of the proposed storage building is not considered to be of domestic scale. Rather it is more akin to an agricultural or industrial building. In the context of the curtilage of a residential property, the proposed building is considered to be of an excessive scale and size, contrary to (b) above. Further the quality of the design and of the external finishes fall short of the expectations of policy NE2, which seeks development that is of *"the highest quality in terms of siting, scale, design and materials"*. Whilst the revised proposal includes materials of high quality, the siting of the garage building and the siting and scale of the storage building fall well short of the expectations of policy NE2. A defining characteristic of this part of the green belt, rather than being rural in character, is the Pitfodels Conservation Area and thus an adverse impact on the character of the conservation area, as narrated above, by implication results in an adverse impact on this part of the green belt. The proposal, therefore, fails to comply fully with policy NE2. Further, the proposal would result in significant level of tree loss on site and when taken together with the quality of tree plantation scheme not being of a sufficiently high standard, particularly once seen in the context of the Pitfodels Conservation Area, there would be an adverse impact on the character of this part of the green belt.

For these reasons, it is considered that the proposal does not fully accord with policy NE2.

Policy D1: Quality Placemaking by Design

This policy requires all development must achieve a high standard of design. It is considered that the proposal has not been designed with due consideration to its context and would not make a positive contribution to its setting. Removal of a significant section of the boundary wall would have a detrimental impact on the visual amenity of Inchgarth Road. It is also considered that the proposed buildings do not make positive visual contribution to the site due to inappropriate siting and scale. Both buildings would be partially visible from Inchgarth Road and removal of further trees along the main road (due to root damage) would make them even more visible from the public road. It is considered that alternative siting for both buildings would allow for more appropriate tree plantation along the main road and would reduce the visual impact of any further development on site. It should also be noted that the overall scale of the proposed storage building would create an alien look in the context of a residential site in a conservation area. The applicant has provided further justification on the use of this building as a storage building for wood stock for the new heating system in Inchgarth House. Such use would clearly serve an ancillary use for Inchgarth House, however considering that provision of this large sale building has not been integrated in the earlier restoration schemes for Inchgarth House, it is considered that an alternative location addressing the visual amenity concerns, could potentially justify this development at this scale.

It is considered the proposal does not accord with the requirements of policy D1.

Policy D2: Landscape

This policy requires that new development to be informed by existing landscape character, topography and existing features to sustain local diversity and distinctiveness, including natural and built features such as existing boundary walls and other features of interest. Developments should also provide hard and soft landscape proposals that are appropriate to the scale and character of the overall development and should conserve, enhance or restore existing landscape features.

The design of the proposal has not been informed by the landscape character of the site, in particular its treed character and its boundary walls. The proposal would not conserve or enhance the landscape character, nor would it protect the boundary wall along Inchgarth Road, which is an important and characteristic of this property and locality. It is therefore considered that the proposal does not sufficiently comply with provisions of policy D2.

Policy NE6: Flooding, Drainage & Water Quality

The proposal is to the satisfaction of the ACC Flooding Team and has potential to accord with Policy NE6 (Flooding and Drainage), subject to provision of SUDS. However, provision of on-site drainage could potentially result in further disturbance to protected trees.

Policy NE8: Nature Conservation

The site is situated within an area identified as having mature tree cover and therefore suitable bat habitat. The bat survey provided by the applicant established that bats are not a constraint for implementation of the proposed development.

Other Material Planning Considerations

The applicant has provided additional documents to endeavour to justify the proposed new driveway. In this instance it is considered that the proposal would serve an existing building that previously accommodated 3 residential units but is now converted into one dwelling. If the buildings to the north of the site are also demolished it could reasonably be concluded that any driveway (either existing or proposed) would only serve one dwelling and thus there would potentially be a significant reduction in the intensity of use. The existing access has been in place since Inchgarth House was constructed in the mid to late 19th Century and continues to serve as the main access to the property. Whilst acknowledging that the access does not meet current design standards in terms of visibility, it is the existing situation and can remain so in the future. This application does not propose to alter or improve the access and thus any further consideration of its design, geometry, visibility etc. falls outwith the remit of this assessment. However, it is considered that the existing situation could be improved in a manner that would be substantially more sympathetic and less damaging to the character of the conservation area.

Additional documents submitted by the applicant refer to the Construction (Design and Management) Regulations 2015 that apply to domestic development and the health and safety duties on a number of duty holders, including designers and contractors and concludes that the Council could be considered to be acting as “designer” in terms of the CDM Regulations (if the application is recommended for refusal), and such duties of the designer could apply to the Council. Planning law requires the planners to consider all material considerations, and the weight which the planning authority puts on each material consideration (including the impact on the character of the conservation area) is a planning judgement. It is instance the planning authority is assessing the application against the statutory duty to have a desirability for preserving the character of conservation areas and is not asking for particular feature to be included or excluded which go beyond what the law requires and as such it cannot be considered as a ‘designer’ in terms of the Regulations.

Other Matters Raised in Representations

The objection letter received relates to a similar application on Inchgarth House that was refused. It should be noted that each planning application is considered on its own merits, however the material

planning considerations mentioned in this letter including impact on existing trees and also removal of the boundary wall and its impact on the character of the conservation area have been considered in the evaluation section of this report.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

1. The proposed access and driveway would detract from the setting of the listed building and the character and amenity conservation area by virtue of its significant detrimental impact on, and loss of, mature trees on the site and its inappropriate impact on, and loss of, a section of the listed boundary wall. The proposed single storey storage building and the garage would have a detrimental impact on the setting of the listed building and the character of the conservation area and, thus, on the character of the green belt due to the inappropriate scale, size and position of the storage building and the inappropriate position of the garage. On the basis of the above, and following on from the evaluation under policy and guidance, it is considered that the proposal does not accord with provisions of the Historic Environment Scotland Policy Statement, Scottish Planning Policy, the Aberdeen Local Development Plan policies NE5 (Trees and Woodland), D5 (Our Granite Heritage), D4 (Historic Environment), D1 (Quality Placemaking by Design) and D2 (Landscape) and the relevant Supplementary Guidance and does not fully accord with Policy NE2 (Green Belt).
2. There are no material planning considerations that would warrant approval of the application. Approval of the application would prevent full and unhindered reinstatement of trees in this area to allow the trees and woodlands that once contributed to local landscape character and local amenity to be re-established.

DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Claire Coutts
Ryden LLP
25 Albyn Place
Aberdeen
Aberdeen City
AB10 1YL

on behalf of **Mr Ian Dunbar**

With reference to your application validly received on 2 August 2017 for the following development:-

Formation of new access and driveway with gate, wall and pillars, erection of a two storey detached garage and a single storey storage building and associated landscaping at Inchgarth House, Inchgarth Road

Aberdeen City Council in exercise of their powers under the above mentioned Act hereby **REFUSE PLANNING PERMISSION** for the said development in accordance with the particulars given in the application form and the following plans and documents:

Drawing Number	Drawing Type
437.12.05 Rev a	Site Layout (Landscaping)
1363/P/11/240/ Rev C	Site Cross Section
1363/P/000/XX/204 Rev A	Location Plan
1363/P/000/XX/203 Rev B	Site Layout (Proposed)
1363/P/000/XX/220 Rev B	Ground Floor Plan (Proposed)
1363/P/000/XX/221 Rev B	Multiple Elevations (Proposed)
1363/P/000/XX/223	First Floor Plan (Proposed)
1363/P/000/XX/228 Rev E	Elevations and Floor Plans
1363/P/000/XX/241 REV A	Site Cross Section
1363/P/000/XX/242	Site Cross Section
1363/P/000/XX/240 Rev C	Multiple Elevations (Proposed)

1363/P/000/XX/230/	Other Elevation (Proposed)
1363/P/000/XX/250/	Other Elevation (Proposed)
118905/1001 Rev B	Site Layout (Proposed)
1363/C/000/XX/227 Rev A	Multiple Elevations (Proposed)

REASON FOR DECISION

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

1. The proposed access and driveway would detract from the setting of the listed building and the character and amenity conservation area by virtue of its significant detrimental impact on, and loss of, mature trees on the site and its inappropriate impact on, and loss of, a section of the listed boundary wall, The proposed single storey storage building and the garage would have a detrimental impact on the setting of the listed building and the character of the conservation area and, thus, on the character of the green belt due to the inappropriate scale, size and position of the storage building and the inappropriate position of the garage. On the basis of the above, and following on from the evaluation under policy and guidance, it is considered that the proposal does not accord with provisions of the Historic Environment Scotland Policy Statement, Scottish Planning Policy, the Aberdeen Local Development Plan policies NE5 (Trees and Woodland), D5 (Our Granite Heritage), D4 (Historic Environment), D1 (Quality Placemaking by Design) and D2 (Landscape) and the relevant Supplementary Guidance and does not fully accord with Policy NE2 (Green Belt).

2. There are no material planning considerations that would warrant approval of the application. Approval of the application would prevent full and unhindered reinstatement of trees in this area to allow the trees and woodlands that once contributed to local landscape character and local amenity to be re-established.

Date of Signing 1 February 2018



Daniel Lewis
Development Management Manager

IMPORTANT INFORMATION RELATED TO THIS DECISION

DETAILS OF ANY VARIATION MADE TO ORIGINAL PROPOSAL, AS AGREED WITH APPLICANT (S32A of 1997 Act)

None.

**RIGHT OF APPEAL
THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

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

- a) to refuse planning permission;
- b) to refuse approval, consent or agreement required by a condition imposed on a grant of planning permission;
- c) to grant planning permission or any approval, consent or agreement subject to conditions,

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

Notices of review submitted by post should be sent to Planning and Sustainable Development (address at the top of this decision notice).

SERVICE OF PURCHASE NOTICE WHERE INTERESTS ARE AFFECTED BY A PLANNING DECISION

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

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Comments for Planning Application 170921/DPP

Application Summary

Application Number: 170921/DPP

Address: Inchgarth House Inchgarth Road Aberdeen AB15 9NX

Proposal: Formation of new access and driveway with gate, wall and pillars, erection of a two storey detached garage and a single storey storage building and associated landscaping

Case Officer: Sepideh Hajisoltani

Customer Details

Name: Mrs FIONA CULLIGAN

Address: SOUTHFIELD INCHGARTH RD, CULTS ABERDEEN

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: My planning permission for Southfield, Inchgarth Rd was refused because of the need to maintain the integrity of the boundary wall along Western Rd. I was told that this was a particular feature of this area. Therefore, I hope that the same principle is applied here.

Furthermore, this development has also felled numerous trees - something which again, I have not been allowed to do even on a much smaller scale.

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100093795-001

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

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Ryden LLP"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Claire"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="Coutts"/>	Building Number:	<input type="text" value="25"/>
Telephone Number: *	<input type="text" value="01224 588866"/>	Address 1 (Street): *	<input type="text" value="Albyn Place"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Aberdeen City"/>
		Postcode: *	<input type="text" value="AB10 1YL"/>
Email Address: *	<input type="text" value="claire.coutts@ryden.co.uk"/>		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Inchgarth House"/>
First Name: *	<input type="text" value="Ian"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Dunbar"/>	Address 1 (Street): *	<input type="text" value="Inchgarth Road"/>
Company/Organisation	<input type="text" value="n/a"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB15 9NX"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

Site Address Details

Planning Authority:	<input type="text" value="Aberdeen City Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="INCHGARTH HOUSE"/>
Address 2:	<input type="text" value="INCHGARTH ROAD"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Post Code:	<input type="text" value="AB15 9NX"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="803016"/>	Easting	<input type="text" value="390557"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Formation of new access and driveway with gate, wall and pillars, erection of a two storey detached garage and a single storey storage building and associated landscaping at Inchgarth House, Inchgarth Road, Aberdeen

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

See Grounds of Appeal Statement

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

See Grounds of Appeal Statement for full list of documents

Application Details

Please provide details of the application and decision.

What is the application reference number? *

170921/DPP

What date was the application submitted to the planning authority? *

02/08/2017

What date was the decision issued by the planning authority? *

01/02/2018

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure *

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

To fully consider the safety considerations on the site, it is appropriate to hold a site inspection to view the existing access and dangers this presents to the appellants and users of Inchgarth Road

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

Parts of the site are still under construction and as such, in order to visit the site safely it is considered appropriate for the appellants/agent to accompany the Local Review Body members

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mrs Claire Coutts

Declaration Date: 25/04/2018

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MR IAN DUNBAR

**Request for Review of the refusal by
Aberdeen City Council to grant
Detailed Planning Permission for the
formation of a new access and
driveway with gate, wall and pillars,
erection of detached garage and
single storey storage building and
associated landscaping at Inchgarth
House, Inchgarth Road, Aberdeen**

GROUNDS OF APPEAL STATEMENT

25 April 2018

**Ryden LLP
25 Albyn Place
Aberdeen
AB10 1YL
Tel: 01224 588866
Fax: 01224 589669**

Contents

- 1.0 Introduction**
- 2.0 Description of Site and Proposals**
- 3.0 Development Plan Context**
- 4.0 Material Considerations**
- 5.0 Grounds of Appeal**
- 6.0 Conclusions and Recommendation**

Documents:

- ID1: Application for Detailed Planning Permission and Plans
- ID2: Refusal Notice
- ID3: Aberdeen City Council's Report of Handling
- ID4: Note of Meeting with ACC 19 September 2017
- ID5: Further justification and drawings submitted 26 September 2017
- ID6: email dated 3 October 2017 from Wyllie Lodge
- ID7: Further information submitted 27 October 2017
- ID8: Further information submitted 30 October 2017
- ID9: Roads response dated 1 December 2017
- ID10: Aberdeen City Local Development Plan extracts
- ID11: Pitfodels Conservation Area Appraisal
- ID12: SPP extracts
- ID13: Historic Environment Scotland Policy Statement
- ID14: Historic Scotland – Managing Change in the Historic Env – Boundaries
- ID15: Previous Roads response from application ref 170020/DPP

1.0 INTRODUCTION

1.1 This Notice of Review is lodged on behalf of Ian Dunbar under the terms of section 43A(8) of the Town and Country Planning (Scotland) Act 1997 and Regulation 9 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013 against the refusal by Aberdeen City Council to grant Detailed Planning Permission for the formation of a new access and driveway with gate, wall and pillars, erection of a detached garage and a single storey storage building and associated landscaping at Inchgarth House, Inchgarth Road, Aberdeen under the Application Reference: 170921/DPP. The appellants wish the appeal to be determined by Written Submissions and a site visit.

1.2 The application for detailed planning permission (**Document ID1**) was lodged by Ryden, on behalf of Mr Ian Dunbar, on 2 August 2017 and validated on 7 August 2017. The application was refused by delegated powers for the following reason:

1. "The proposed access and driveway would detract from the setting of the listed building and the character and amenity conservation area by virtue of its significant detrimental impact on, and loss of, mature trees on the site and its inappropriate impact on, and loss of, a section of the listed boundary wall, the proposed single storey storage building and the garage would have a detrimental impact on the setting of the listed building and the character of the conservation area and, thus, on the character of the green belt due to inappropriate scale, size and position of the storage building and the inappropriate position of the garage. On the basis of the above, and following on from the evaluation under policy and guidance, it is considered that the proposal does not accord with the provisions of the Historic Environment Scotland Policy Statement, Scottish Planning Policy, the Aberdeen Local Development Plan policies NE5 (Trees and Woodland), D5 (Our Granite Heritage), D4 (Historic Environment), D1 (Quality Placemaking by Design) and D2 (Landscape) and the relevant Supplementary Guidance and does not fully accord with Policy NE2 (Green Belt).

2. "There are no material planning considerations that would warrant approval of the application. Approval of the application would prevent full and unhindered reinstatement of trees in this area to allow the trees and woodlands that once contributed to the local landscape character and local amenity to be re-established".

1.3 The formal Refusal Notice for the Detailed Planning Permission was issued by Aberdeen City Council on 1 February 2018. A copy of the Refusal Notice is attached at **Document ID2** and the Council prepared a Report of Handling which is attached at **Document ID3**.

2.0 SITE HISTORY

- 2.1 Originally a large mansion house, Inchgarth House was built in 1860 for Lieutenant George Skene Taylor, an ex-naval officer. Scottish Architect Alexander Marshall MacKenzie built a two storey extension and later a further two storey extension to the north-west. It is understood that at the time of the second extension, the Great Hall was partitioned to create a smaller dwelling and two flats. In 2011, permission was granted for further extensions and alterations to the property (Ref. P111556 and P111557).
- 2.2 Application P150523 was submitted in April 2015 to remove the existing block garage and single storey extension to the north east elevation and convert the house and 2 flats back into one main house, erect new extensions to the north east and north-west elevation and refurbish all the windows. That application was approved on 3 July 2015 and work was well underway before a fire broke out in June 2016, with six fire engines and more than 40 fire fighters required to put it out. A significant part of the roof was damaged in the fire, however, work resumed to convert the house and fix the fire damage, which is now complete and the property occupied.
- 2.3 It is understood that positive pre-application discussions were held with Aberdeen City Council in relation to the construction of a three car garage block with ancillary accommodation and a new site access and driveway. On 14th June 2016 an application (P160782) was submitted for those uses. It was later withdrawn.
- 2.4 An application (Ref. 170020/DPP) was submitted on 11th January 2017 for the proposed garage only, which was validated on 16th January 2017. Following concerns over the location of the garage and the ability to provide replacement planting, the application was withdrawn in March 2017 with a view to preparing revised proposals which met the Council's requirements.
- 2.5 A partly retrospective application (Ref. 170115/DPP) was submitted on 7th February 2017 for the formation of a new access and driveway with gate, wall, pillars and landscaping. This was to be reported to the Planning Development Management Committee on 25 May 2017, however, in the intervening period, the applicant purchased the adjoining Inchgarth Lodge and Inchgarth Steading with a view to demolishing them to create a more appropriate layout which would meet the concerns of the Council. As such the application was withdrawn before Committee. However, that Committee report contained a second recommendation to instruct enforcement action in order to remove the existing unauthorised driveway works, reinstatement of

appropriate topsoil, site landscaping and replanting of new trees. Committee agreed with that recommendation.

- 2.6 A meeting was held with Daniel Lewis and Eric Owens on 14 June 2017 to discuss the withdrawn applications and agree a way forward for the site. In order to address the concerns of the Council and reinstate trees on the site, it was agreed that the revised application (170921/DPP) which is now the subject of this review, would present a masterplan approach to the delivery of additional requirements on the site, including significant landscaping. That application aimed to resolve the issues being raised through the anticipated enforcement notice and the applicant wanted to work with Aberdeen City Council to achieve an appropriate, high quality solution for the site, while meeting the safety and other needs of this family home.

3.0 DESCRIPTION OF SITE & PROPOSALS

- 3.1 The appeal site, which extends to approximately 2.35 hectares, is located to the south of Inchgarth Road. It comprises Inchgarth House, a category 'C' listed building and the immediate garden ground including a large lawn to the south west. The applicant also owns additional land to the south which comprises wooded areas and recently purchased the adjacent Inchgarth Lodge and Inchgarth Steading with the intention to demolish these buildings. The applicant therefore has control of the whole curtilage area of the property, providing the opportunity for comprehensive improvements to the setting of the building and the landscape. The surrounding land is established residential ground, having been utilised as a dwelling since its construction in 1890. It lies within the green belt and the Pitfodels Conservation Area.
- 3.2 Existing access to the site is taken from Inchgarth Road to the east of Inchgarth House which currently shares an access with Inchgarth Lodge. This is the historic access to the house which was never solely owned by Inchgarth House with that property only having access rights over it. The location of that access sites beyond a dangerous bend in the road which significantly reduces visibility and it was therefore proposed to create a new access to the north west of the site which meets road safety standards. The existing access at Inchgarth Steading would be closed up to match the existing boundary wall and new hedge planting proposed to continue the landscaping along this boundary. The existing access at Inchgarth Lodge could also be closed up, but the historic gates posts and walls retained.
- 3.3 The new access proposed a 3.8m wide, electronically opening, black powder coated galvanised steel entrance gate to the site. The proposed 1.8 metre high external wall would be replicated in random coursed granite with punched and bush hammered granite pillars (constructed from the same granite used in the main house) adjacent to the gate which would be tapered to the level of the existing perimeter wall.

- 3.4 From that access a new driveway was proposed curving around the lawn, lined with mature planting, leading to the proposed new garage and courtyard to the east of the house. The existing stone steps would be retained and the existing balustrade extended slightly to enclose the garden, keeping it separate from the driveway. The driveway extends to 4m wide to allow 2 cars to pass and will be finished in tarmac, with granite set edging.
- 3.5 The L-shaped 1 ½ storey, 4 bay garage is located to the east of the house, separated by a courtyard. It is proposed that the external walls be constructed in Ranoch Granite with cherry cocking coursing and welsh slate roof to match the main house. All windows are proposed to be low profile, high quality, handmade hardwood slimline double glazed with bush hammered dormer walls and head to match the main house. Garage and access doors would be stained hardwood fielded panel doors to match the existing front door and maintain a traditional design.
- 3.6 The location of the garage differed from the previous withdrawn application (Ref. 170115/DPP). It was pulled forward and instead lay on the approximate site of Inchgarth Lodge and Steading which are proposed to be demolished. This would allow replanting of trees along the boundary as requested by Aberdeen City Council through the previous application. The garage extends to 236 square metres which is less than the footprint of the existing Inchgarth Lodge and Steadings which is 301 square metres. The height of the proposed garage at 7550mm is lower than the height of these dwellings at 7800mm and the previously proposed garage which was 8170mm. Drawing 1363/P/000/XX/240 and 241 identify cross sections through the site which demonstrate this change and its relationship with the existing house (Document ID1).
- 3.7 A storage/grounds keeping shed for the storage of garden vehicles and tools was proposed to the far north east corner of the site. Originally, the ridge height extended to 5600mm, with an eaves height of 4500mm. It is steel framed, with blockwork walls and grey metal cladding and roller door and would be screened from the road by an existing leylandii and supplemented by new 5 - 7.5 metre landscaping strip, reinstating the tree line to Inchgarth Road. The shed would be accessed by the new driveway, until it meets the point of the existing access which would then taper off to the shed. This would divert garden vehicles away from the house and garage while making use of the existing access road.
- 3.8 A number of supporting studies were prepared to accompany the revised application, including a Road Safety Audit, Roads Plans, Landscaping Plan, including Planting Schedule, Specification and Maintenance Plan and an updated Tree Survey including Arboriculture Impact Assessment, Tree Protection Plan and Bat Survey. This and the planning statement addressed the issues raised by Aberdeen City Council through the previous, withdrawn applications.

- 3.9 A meeting was held with Aberdeen City Council planners on 19 September 2017 and a minute of that meeting was circulated to all parties after that meeting (**Document ID4**). It was emphasised by the appellant that the existing access point was unsafe and although it could be upgraded in its current location, this would require significant tree removal and also removal of large parts of the boundary wall. Even if this was possible, it would not resolve the location of the access at a dangerous bend in the road. It was highlighted that the safest location was the location proposed by the application. Aberdeen City Council planners therefore suggested the submission of a statement justifying the position of the proposed access and Aberdeen City Council Roads department could be consulted again on this issue. It was also agreed to provide details of the trees that would require to be removed to upgrade the existing access compared with the trees that would be required to be removed to deliver the proposed access. There was little discussion on the driveway as this would be influenced by the access location.
- 3.10 In relation to the proposed garage some minor amendments were discussed and this was also the case for the storage shed. It was explained why the shed had to be a certain size to store wood required for the biomass boiler. Some amendments in relation to the height, location, materials and further justification on the location and why others were not suitable were discussed and agreed. After the meeting, further supporting information was submitted by the appellant on 26 September 2017 making amendments and justification as discussed (**Document ID5**). On 3 October, an email from the safety consultants provided further justification on the proposed access (**Document ID 6**)
- 3.11 Further information on the boundary wall was requested by the planning officer on 27 October 2017 to demonstrate the impact on the boundary walls, showing the extent of wall loss/replacement for upgrading each of the existing accesses and also a schedule of the tree loss for each based on meeting current roads requirements. This was submitted the same day (**Document ID7**) and demonstrated that to upgrade the Inchgarth Lodge access would require the removal of 46 trees and 125m of boundary wall, 59m of which was on land which the appellant doesn't own. To upgrade the existing Inchgarth Steading access would require the removal of 46 trees and 131m of boundary wall, 17m of which is located on adjacent land which the appellant does not own. This is significantly more than that required to deliver the proposed access point.
- 3.12 Aberdeen City Council requested amended information to demonstrate a reduced visibility of 90m and this was submitted on 30 October 2017 (**Document ID8**). This still required substantial wall and tree removal, more than that required to provide the proposed access.

- 3.13 Aberdeen City Council Roads department responded on 1 December 2017 (**Document ID9**) to confirm that the visibility splays of the existing junction fall well below current standards. From a roads point of view, the preference is for the safest location and that is at the location proposed by the appellant. However, Aberdeen City Council planners subsequently advised that the safety benefits of the proposals do not outweigh the damage that would be caused to the conservation area, in particular the impact on the trees and boundary wall as well as the amenity of the house by the proposed driveway.

4.0 DEVELOPMENT PLAN CONTEXT

Introduction

- 4.1 The Development Plan for the area comprises the Aberdeen City and Shire Structure Plan approved by the Scottish Ministers in March 2014 and the Aberdeen Local Development Plan, adopted by the Council in 17 April 2017 (**Document ID10**).

Aberdeen City Local Development Plan 2017

<https://www.aberdeencity.gov.uk/services/planning-and-building/local-development-plan/aberdeen-local-development-plan>)

- 4.2 The Local Development Plan was adopted by Aberdeen City Council on 17 April 2017 in conformity with the approved Strategic Development Plan. The Council's report of handling (**Document ID3**) refers to the following applicable policies:
- 4.3 **Policy D1: Quality Placemaking** by Design requires that all development must ensure high standards of design and have a strong and distinctive sense of place which is a result of context appraisal, quality architecture, craftsmanship and materials. Paragraph 3.3 states that all development must follow a thorough process of site context and appraisal to arrive at an appropriate proposal. Context will differ from site to site, however, significant characteristics include: siting, scale, mass, detail, proportion, materials, colour, orientation, and existing building heights. Not all development will be of a scale to make a significant placemaking impact, however, all good design and detail adds to the attractiveness of the built and natural environment.
- 4.4 **Policy D2: Landscape** requires developments to have a strong landscape framework which improves and enhances the setting and visual impact of the development, unifies urban form, provides shelter, creates local identity and promotes biodiversity. Planning applications for new development must include a landscape strategy and management plan, incorporating hard and soft landscaping design specifications.

- 4.5 **Policy D4: Historic Environment** states that the Council will protect, preserve and enhance the historic environment in line with Scottish Planning Policy, SHEP and its own Supplementary Guidance and Conservation Area Character Appraisals. High quality design that respects the character, appearance and setting of the historic environment and protects the special architectural or historic interest of its listed buildings and conservation areas will be supported.
- 4.6 **Policy D5: Our Granite Heritage** advises that throughout Aberdeen, the Council seeks the retention and appropriate re-use, conversion and adaption of all granite features, structures and buildings, including setted streets, granite kerbs and granite boundary walls. Proposals to demolish any granite building, structure or feature, partially or completely, that is listed or within a conservation area will not be granted planning permission. Where the retention and re-use of a granite feature, building or structure is unviable then the visible re-use of as much of the original granite as is practically possible as a building material within the building site is required.
- 4.7 **Policy NE2: Green Belt** states that no development will be permitted in the Green Belt for purposes other than those essential for agriculture; woodland and forestry; recreational uses compatible with an agricultural or natural setting; mineral extraction/quarry restoration; or landscape renewal. There are exceptions to this policy which state that proposals for development associated with existing activities in the green belt will be permitted but only if all of the following criteria are met:
- a) The development is within the boundary of the existing activity;
 - b) The development is small-scale;
 - c) The intensity of activity is not significantly increased; and
 - d) Any proposed built construction is ancillary to what exists.
- All proposals for development in the Green Belt must be of the highest quality in terms of siting, scale, design and materials
- 4.8 **Policy NE5: Trees and Woodland** states that there is a presumption against all activities that will result in the loss of, or damage to, trees and woodland that contribute to nature conservation, landscape character, local amenity or climate change adaption and mitigation. Permanent and temporary buildings and services should be sited to minimise adverse impacts on existing and future trees. Appropriate measures should be taken for the protection and long term management of existing trees and new planting both during and after construction. Where appropriate, the Council will seek to promote the creation of new woodland and the planting of native trees in association with development.
- 4.9 **Supplementary Guidance: Landscape** (March 2002) acknowledges that landscaping can make developments more attractive and help to give a sense of place. Developments will be allowed where they do not destroy or

damage natural resources or their setting, adversely affect amenity or be visually damaging to the appearance or setting of Aberdeen. Details of hard or soft landscaping will be required to be submitted a part of a planning application. Hard landscaping, especially for the areas around vehicular entrances, car parking and the immediate surrounds of buildings must be considered as a fundamental part of the design, which, integrated with the soft landscaping, shall have an attractive appearance as well as a functional purpose.

- 4.10 **Supplementary Guidance: Trees and Woodlands** (March 2002) states that there is a need to improve tree cover in Aberdeen by increasing the level of tree cover and protecting existing trees. One way of doing this is by increasing the amount of new tree planting in new developments. The guidelines require the submission of a Topographical Survey and Tree Survey with any planning application.
- 4.11 **Supplementary Guidance: Householder Development Guide** states that proposals for boundary enclosures should not result in an unacceptable impact upon the amenity of neighbouring dwellings and the scale and form of boundary enclosures should be appropriate to their context and should not detract from the street scene as a result of inappropriate visual impact. In relation to driveways, permission will not be granted for a driveway across an amenity area or roadside verge unless it would have no detrimental impact on road safety and would have no adverse impact on the amenity of the area.
- 4.12 **Supplementary Guidance: Transport and Accessibility** (March 2012) provides further advice in relation to driveways. All applications must be assessed against road safety standards to ensure they do not present further hazards to other road users and pedestrians. Driveways must be at least 5m in length, however, where more than 7 metres long, it must be at least 10 metres in length to prevent the possibility of two cars being parked overhanging the footpath. The gradient must not normally exceed 1:20 although 1:15 may be acceptable. The first two metres must not be surfaced with loose materials. The driveway must be drained internally. In terms of visibility, driveways must be positioned to allow adequate visibility and should not be within 15 metres of a junction.
- 4.13 **The Pitfodels Conservation Area Character Appraisal** (January 2015) (**Document ID11**) highlights that this area is the largest Conservation Area in Aberdeen. The predominant use is residential with a large proportion of land being gardens, open spaces, trees and woodland planting. Inchgarth Road is a main route through the Conservation Area with predominantly large plots with buildings set back from the road within a strong landscape setting. The length of Inchgarth Road is influenced by the mature trees to the south and the large stone wall. Boundary walls in the Conservation Area are a mixture of random rubble and dry stone construction with a variety of

coping styles. These walls are a unifying factor throughout the area and their retention and maintenance is essential as some show signs of disrepair. There are a number of private driveways leading up to the large plots and these are un-adopted. The majority of mature planting is contained within private property boundaries.

5.0 MATERIAL CONSIDERATIONS

Scottish Planning Policy

<http://www.scotland.gov.uk/Publications/2010/02/03132605/0>

- 5.1 At a National level, relevant guidance is provided through Scottish Planning Policy (**Document ID12**). An updated document was published on 23 June 2014 and replaces the version published in 2010.
- 5.2 In relation to the green belt it states that for most settlements, a green belt is not necessary as other policies can provide an appropriate basis for directing development to the right locations. However, where the planning authority considers it appropriate, the development plan may designate a green belt around a city or town to support the spatial strategy by directing development to the most appropriate locations and supporting regeneration; protecting and enhancing the character, landscape setting and identity of the settlement; and protecting and providing access to open space (paragraph 49).
- 5.3 Paragraph 52 describes the type and scales of development which would be appropriate within a green belt. These generally relate to agricultural uses which are not applicable. However, in relation to the application site, this allows “intensification of established uses subject to the new development being of a suitable scale and form”.
- 5.4 With regard to the historic environment, paragraph 136 recognises that planning has an important part to play in maintaining and enhancing the distinctive and high-quality, irreplaceable historic places which enrich our lives and contribute to sense of identity. As such, the planning system should promote the care and protection of the designated and non-designated historic environment.
- 5.5 Change to a listed building should be managed to protect its special interest while enabling it to remain in active use. Where planning permission and listed building consent are sought for development to, or affecting, a listed building, special regard must be given to the importance of preserving and enhancing the building, its setting and any features of special architectural or historic interest. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the character and appearance of the building and setting (paragraph 141).

- 5.6 Proposals for development within conservation areas should preserve or enhance the character and appearance of the conservation area. Proposals that do not harm the character or appearance of the conservation area should be treated as preserving its character or appearance (paragraph 143).
- 5.7 SPP also seeks to protect the natural environment, with the siting and design of development taking account of local landscape character. Developers should seek to minimise adverse impacts through careful planning and design and maximising the potential for enhancement (paragraph 202). Woodlands, hedgerows and individual trees should be protected from adverse impacts resulting from development and where appropriate planning authorities should seek opportunities to create new woodland and plant native trees in association with development (paragraph 217).

Historic Environment Scotland Policy Statement (HESPS)

www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/historic-environment-scotland-policy-statement/)

- 5.8 Historic Environment Scotland Policy Statement (June 2016) (**Document ID13**) outlines how Historic Scotland expects others to interpret and implement Scottish Planning Policy. It is a material consideration in the planning system. Chapter 1 states that “**the historic environment has been adapted over time to meet changing needs. Our view of what is important develops and changes**”. The challenge for sustainable management of the historic environment is to identify key characteristics and to establish boundaries within which change can continue so that it enhances historic character (paragraph 1.3). Paragraph 1.5 states that “**the protection of the historic environment is not about preventing change**”.

Historic Scotland – Managing Change in the Historic Environment: Guidance Note – Boundaries

- 5.9 This guidance (**Document ID14**) states that the formation of a new opening needs to be considered in light of the overall composition of the boundary and assessed as to whether it would be consistent with the existing design. Where the formation of a new opening is found to be consistent, the minimum of historic fabric should be lost and the opening should normally be detailed to match the existing openings. In some cases it might be appropriate to introduce high-quality contemporary design to new fixtures like gates.

6.0 GROUNDS OF APPEAL

- 6.1 Section 25 of the Town & Country Planning (Scotland) Act 1997 requires applications to be determined in accordance with the Development Plan

unless material considerations indicate otherwise. At the outset it is considered important that the proposals for the access, driveway, garage, shed and landscaping must be considered in association with the works already carried out on the site to remove the existing garage, single storey extension to the north east, conversion of the separate properties back into one main house and the associated extensions to the north east and north west.

- 6.2 These works were approved under application reference P150523 and replicated significant architectural features of the original house and the attention to detail is evident in the use of high quality materials in the form of granite and slate, the incorporation of pinning stone, cherry cocking coursing and joiner made, timber, double glazed sash and case windows. All of these were designed into the extensions to match the existing house to ensure the quality of the listed building is seamlessly replicated in the new additions which is evidenced from the work completed.
- 6.3 The works associated with the proposals on the appeal site will incorporate the same materials and design features and would be carried out to the same high standard of work as the main house, thus ensuring the setting of the listed building and conservation area is protected and enhanced.
- 6.4 Although tree removal has taken place on site, the masterplan approach delivered through these proposals sought to ensure that significant landscaping was delivered on site after discussion with Eric Owens and Daniel Lewis on 14 June 2017. The purpose of the application was to address the issues raised by the planning authority, provide a substantial replanting scheme as well as achieving a high quality solution for the site which meets the needs of this family home.
- 6.5 The first reason for refusal is very long winded and difficult to follow. It can be split into a number of different parts and each of these will be addressed in turn in this statement.

Access and driveway

- 6.6 **Detract from the setting of the listed building** - It is not accepted that the proposed access and driveway would detract from the setting of the listed building. Given the scale and grandness of Inchgarth House and its conversion back into a single dwelling, it is argued that it should have an access that is in keeping with its status as a listed building and the high quality renovations that have taken place. The proposed driveway would provide a sweeping entrance to the front of the house, offering views of the front of Inchgarth House on approach to it. This would greatly enhance its sense of place and identity, rather than the existing access which sits at the back of the house and is not considered appropriate now that Inchgarth House has been converted back into a single family dwelling.

- 6.7 A near 3m difference in levels exists between the house and the driveway, ensuring that the driveway sits at a lower level than Inchgarth House resulting in minimal visual impact from the listed building. This is demonstrated in the additional justification submitted to Aberdeen City Council on 26 September 2017 (**Document ID5**).
- 6.8 To avoid the extensive grounds, the driveway curves around the garden area, along the site boundary to the proposed new garage to the north-east. This is the best location and design for the driveway as it minimises the impact on the grounds and the listed building by following the line of an existing retaining wall on the site. The existing granite steps will be retained and the granite balustrade sympathetically extended, replicating the existing, ensuring the garden ground is completely contained within the balustrade detailing and keeping it separate from the driveway. This maintains and enhances this feature which will enhance the setting of the grounds of Inchgarth House.
- 6.9 The proposed gate will be constructed with the highest quality materials, design and craftsmanship consistent with the existing house, new extensions and proposed garage block. The external wall will be replicated in random coursed granite with punched and bush hammered granite pillars adjacent to the gate which will be tapered to the level of the existing perimeter wall. It will achieve a distinctive sense of place and setting for Inchgarth House by providing a statement entrance to the front of the property with views of the house on arrival, befitting of its listed status. It is considered that this complies with LDP Policy D1: Quality Placemaking by Design and Policy D4: Historic Environment.
- 6.10 **Detract from the setting of the character and amenity of the conservation area.** The driveway will not be seen by any neighbours and only the first part of it will be seen fleetingly from Inchgarth Road. Landscaping will screen views of the driveway ensuring that it blends into the landscape. It is argued that there is no impact on the amenity of neighbouring dwellings and will not detract from the street scene in line with Supplementary Guidance: Householder Development Guide and the Pitfodels Conservation Area.
- 6.11 The high quality design and materials will ensure that the new access and gates will be in-keeping with character, appearance and setting of the conservation area. It will be similar to the entrance of the nearby Drumgarth and will therefore enhance the amenity and provide a more uniform appearance to this area. The proposals would not detract from the street scene and is argued that the high quality design proposed and closing up a poor entrance would actually enhance the appearance, setting and amenity of the listed building and conservation area in conformity with SPP, the

6.12 **Significant detrimental impact on and loss of mature trees on the site**

The tree survey confirms that there are no trees on the site that are in a 'good' condition and the majority of the trees that require to be removed are dead or in a 'poor' condition. The removal of 25 trees are required to enable the provision of the proposed access. However, 22 of these are in a poor condition and require to be removed for reasons of safety. The three remaining trees are in a fair condition, however, they do show signs of small defects and have a shorter life expectancy. These trees are not considered to contribute significantly to the nature conservation, landscape character or local amenity of the area as required by Policy NE5: Trees and Woodlands. As such, their loss, to enable the new access road is not considered to significantly adversely affect the area. It should be noted that to upgrade the existing access, to meet Aberdeen City Council road safety standards would require significantly more tree removal than the proposed access. Aberdeen City Council fail to acknowledge that the proposals therefore have the least impact on mature trees on the site, which they argue has an impact on the green belt and conservation area.

6.13 New planting is proposed to mitigate tree loss, provide continuity of tree cover in the long term and enhance the landscape character and sense of place as demonstrated in the landscaping drawings submitted with the application. Both hard and soft landscaping proposals are included which will create a strong landscape framework which will improve the setting of Inchgarth House in line with LDP Policy D2: Landscape, Policy NE5: Trees and Woodlands and Supplementary Guidance: Trees and Woodlands.

6.14 **In appropriate impact on and loss of boundary wall.** The Historic Scotland guidelines, Managing Change in the Historic Environment requires the formation of a new opening to be considered in light of the overall composition of the boundary and assessed as to whether it would be consistent with the existing design. From Garthdee Road and the application site, there are 8 existing openings along the length of the wall. The wall is of varying heights, stepped, has vegetation growing over parts and is interrupted, not only by the existing access openings, but also by a wooden gate and corrugated iron fence. The Pitfodels Conservation Area Appraisal acknowledges that the wall shows signs of disrepair.

6.15 The boundary is therefore not consistent along its length and the proposals will go some way to improving it by closing up and filling in the two existing accesses with stone removed from the proposed access to match the existing boundary wall. This is considered to be more appropriate to the setting of the listed building and conservation area. Construction will be carried out to the same high standard as the main house and the boundary wall along the curtilage of the application site will be coherent in terms of

design and maintained by the applicant. In effect, there will be no net increase in openings along the boundary wall and no net detriment to this historic feature and conservation area as the poor openings will be closed up and improved.

- 6.16 The planning authority fail to acknowledge the safety implications the retention of the existing access creates. Inchgarth House historically shared an access with Inchgarth Lodge to the east, but only had access rights over it, rather than direct ownership. The location of this access is in a very dangerous position as highlighted in the Safety Audit (contained within **Document ID1**), sitting beyond a bend which significantly reduces visibility. It was originally created at a time when traffic on Inchgarth Road was relatively low and roads standards likely did not exist, therefore the poor location was not a major issue.
- 6.17 Given the significant increase in traffic along this route since Inchgarth House was built, the location of this access is no longer acceptable. Safety is a key issue with this application, with the ability to access and egress from the house in a safe manner is of paramount importance. Aberdeen City Council's Roads department specifically requested, through the previous garage application (**Document ID15**), that this access must achieve visibility requirements. The Road Safety Audit (**Document ID1**) submitted with the application confirms that it does not meet these standards due to the presence of the boundary wall and the location beyond a bend in the road which further reduces effective visibility splays, confirming its dangerous position. To upgrade this access would therefore require the removal of the boundary wall, gates and additional trees on the site at this location.
- 6.18 The removal of the boundary wall at the existing location would improve visibility slightly, but this does not change the fact that the access sits close to a dangerous bend in the road. It is therefore considered more appropriate and less damaging to close up the existing access at Inchgarth Lodge and Inchgarth Steading and provide a new, safe access to the west as recommended in the Road Safety Audit. Although this would also require the removal of some trees and part of the boundary wall, it is considered that the benefits of providing a safe access, at a more appropriate location in Inchgarth Road, outside the bend of the road, which meets roads safety standards, outweighs the impact on the wall. Altering its location, which can achieve the required visibility and is not within 15 metres of a junction, would enhance road safety along the public road in line with Supplementary Guidance: Transport and Accessibility.
- 6.19 Further consideration was given to the removal of the boundary wall by planning officers in their request for additional justification. That justification (**Document ID7**), submitted on 27 September 2017, demonstrates how dangerous the existing access is. Drawing no. 1363/P/000/XX/243 highlights that to bring it up to current standards 125m of boundary wall,

historic gate posts and the attractive curved walling would need to be removed to provide the required visibility at the existing access. It should be noted that 59m of this lies on land outwith the control of the applicant, therefore making the provision of suitable and appropriate visibility splays unfeasible. Even if third party consent could be achieved, it would not change the position of the access at a dangerous bend in the road which will always affect visibility. Together with the speed of cars driving along the road, the opportunity for accidents will still exist at this dangerous location.

- 6.20 Aberdeen City Council planners went on to request the implications of a 90m visibility splay rather than the 120m splay required and this information was submitted on 30 October 2017 (**Document ID8**). Again, significant amount of boundary wall requires to be removed even to meet the reduced visibility requirements.
- 6.21 The Roads department were consulted on this information and responded on 1 December 2017 (**Document ID9**) which confirms that the visibility splays at the existing access fall well below current standards and their preference is the access which is the safest. In this regard, the new access proposed by the appellant would be their preference.
- 6.22 Although there is some boundary wall removal required at the proposed location, the impact would be significantly less than the amount of wall removal required to upgrade the existing access. Upgrading the existing access results in a significantly bigger impact on the conservation area and listed building than the proposed access does and requires significantly more boundary wall to be lost. Consideration must therefore be given to the option that has the minimum impact on the boundary wall.
- 6.23 Aberdeen City Council planners have completely ignored the safety implications of the continued use of the existing, dangerous access to the site and the significant improvements that can be achieved through the new access location. They have also ignored the response of their own Roads department who favour the proposed access location. In refusing the access, they are confirming that the conservation area and listed building outweigh the safety of road users and the appellant which is simply unacceptable.

Storage building

- 6.24 **Detrimental impact on the setting of the listed building.** Again, it is not accepted that the storage shed has a detrimental impact on the setting of the listed building. There will be no views of the proposed shed from the house, as it will be screened by new landscaping and the proposed garage, which itself sits on the site of Inchgarth Lodge and Steading, which are closer to the main house than the proposed shed. These buildings were allowed and were therefore considered to have no impact on the listed building. The

storage shed is further from the house than these existing buildings and would therefore have less of an impact on the listed building. Access to the shed will be from the new driveway until it meets the existing driveway which will be used to complete the access. This will divert garden vehicles away from the main house, thereby protecting its listed status. This will be finished in the same materials as the proposed driveway, ensuring a consistent design across the site.

- 6.25 **Detrimental impact on the character of the conservation area.** This is also not accepted. The location for the proposed shed at the north-east corner of the site ensures that it is screened from the road and neighbours by the existing row of leylandii trees and new 5-7.5 metre landscaping strip. A section through the site and contained in **Document ID5** demonstrates that the shed sits at a lower level than the main house and garage, with significant screening to mitigate any impact. The applicant also amended the materials proposed, with granite from the steading reused where possible to provide a granite base course with vertical timber cladding and green roof to soften its appearance. The windows and access door are proposed to be stained brown timber to match the existing house. These changes were considered to improve the appearance of the shed and ensure it sits well in the landscape, with minimal impact on the conservation area and listed building.
- 6.26 **Detrimental impact on the green belt due to inappropriate scale, size and position.** The proposed shed, is considered to be an appropriate scale for the size of the grounds and the vehicles and tools required to maintain it. At the meeting on 19th September 2017, Aberdeen City Council planners requested further justification in relation to the size and location of the shed which was submitted on 27 September 2017 (**Document ID7**) and provided further details. The size of the shed is also derived from its use for storage and drying of wood for the biomass boiler in the main house. The house requires approximately 65 tonnes of wood per year to fuel the house. This wood requires to be dried to less than 5% moisture levels before it can be put in the boiler or else it does not work efficiently and creates too much smoke.
- 6.27 The wood is delivered by lorries and requires a forklift to transport it between the storage shed and the house. Therefore, space is also required for the storage of the forklift as well as the other garden vehicles to maintain the significant garden grounds. The size of the shed proposed is therefore considered necessary and appropriate and it is not accepted that it is of inappropriate scale or size.
- 6.28 The report of handling maintains that the proposed storage building “is not considered to be of domestic scale. Rather it is more akin to an agricultural or industrial building. In the context of the curtilage of a residential property, the proposed building is considered to be of an excessive scale and size”.

The report of handling and therefore, Aberdeen City Council's planning department completely fails to acknowledge the justification submitted, the size of this residential plot, or the fact that it was previously 3 separate dwellings, now converted into one, significantly large dwelling, in an extremely generous plot, far exceeding the usual curtilage of residential property. The plot itself, extends to 2.35 hectares which is the size of a major application site and it is considered that a standard sized shed would not be large enough to store the garden vehicles and tools required to keep the site maintained.

- 6.29 In relation to the position of the shed, this was discussed with Aberdeen City Council planners who made suggestions in relation to what they considered to be more appropriate locations. The information submitted on 26 September 2017 (**Document ID5**) provides details of these positions considered and why they are not appropriate. In summary, the topography of location 1 to south east corner would result in the shed being more prominent in the landscape and more visible from the listed building and road. In addition, access to deliver the wood and transport it between the shed and house would be difficult due to the slope that exists. Location 2, south of the garage on the other side of the drive would bring the shed closer to the listed building and have a detrimental impact on it. It would also require the removal of additional trees on the site. The location of the shed was considered to be the most appropriate location, screened by existing vegetation and trees. Additional landscaping will not only protect the views from the wider conservation area, but will screen the shed from the main house. This location therefore has the least visual impact and as a result, the least impact on the conservation area, listed building, green belt and landscape.
- 6.30 It should also be noted that the appellant, through discussions with Aberdeen City Council planners agreed to reduce the height of the shed to minimise any visual impact. The location was also amended slightly to provide the hardstanding/turning area closer to the road with the shed sitting behind this, slightly further south, as requested by the planning department.

Garage

- 6.31 **Detrimental impact on the setting of the listed building.** Feedback from Aberdeen City Council on the previous application, highlighted that the siting of the garage would not allow sufficient replanting on site. Since that application was withdrawn, the appellant has purchased the adjacent Inchgarth Lodge and Inchgarth Steading and have applied to have these demolished (ref: 170611/CAC). This will allow the garage to be located on the approximate site of these properties, allowing significant replanting of the boundary with trees and landscaping to screen the house and garage

from Inchgarth Road, thereby reinstating the landscape setting preserving the setting of the listed building.

- 6.32 The Report of Handling states that “the new building is proposed to be sited closer to the main building than the existing building and as a result impacts negatively on the setting of the main house”. The position of the new building is derived from the existing Inchgarth Steading and lodge. Also, Daniel Lewis in the meeting on 14 June 2017 requested a cluster of buildings, rather than spreading them further apart. The location is considered appropriate and as the garage is ancillary to the main house, siting it further from the house would result in it being too far to be beneficial.
- 6.33 Other changes from the previous withdrawn application was the removal of accommodation on upper levels and the reduction in height from 8170mm high to 7550mm high. The garage will be constructed with granite and welsh slate, allowing it to blend seamlessly with the main house. Doors will be stained hard wood panelled doors and windows will be high quality joiner made and measured to match the main house. These materials demonstrate that it will be built to the highest quality to fit with the existing building and new extensions and that the applicant is fully committed to achieving a high quality, sympathetic residential development on this sensitive site, ensuring the setting of the Listed Building is respected and impact is minimised. This complies with LDP Policy D1: Quality Placemaking by Design and D4: Historic Environment. The high quality design and materials proposed will therefore respect the special historical and architectural interest of the listed building.
- 6.34 **Detrimental impact on the character of the conservation area.** As detailed above, this application sites the proposed garage on the grounds of Inchgarth Lodge and Inchgarth Steading. The proposed garage is considered to be of a higher quality design and uses higher quality materials than the existing properties. There will be no increase in buildings on the site and if these properties were considered to be acceptable in the conservation area, then the proposed garage should be viewed similarly. The high quality design and materials proposed will also respect and improve the conservation area.
- 6.35 **Detrimental impact on the character of the green belt due to the inappropriate position.** It is argued that the position of the garage has no impact on the green belt. Considering Planning Permission Ref P15523 has been implemented, the authorised use of the site is a house and domestic garden ground falling within Class 9 (Houses) of the Use Classes (Scotland) Order. SPP and Local Development Plan NE2: Green Belt allows proposals for development associated with existing activities in the green belt, if it is within the boundary of the existing activity and is ancillary to what exists. The position of the garage is not considered to be inappropriate as it sits on the approximate location of Inchgarth Lodge and Inchgarth Steading which

the appellant hopes to demolish. In addition to this, the height of the proposed garage is 7550mm which is lower than the existing properties to be demolished at 7880mm high as demonstrated in drawing no. 1363/P/000/XX/241 (**Document ID1**). If Inchgarth Lodge and Steading are appropriate in the green belt, it is considered that a garage building, which has a smaller footprint; lower height; is of higher quality design; and uses higher quality materials than those existing buildings, is more appropriate in this green belt location and actually improves the character of the green belt.

General

- 6.36 **The proposal does not accord with the provisions of Historic Environment Scotland Policy Statement.** There is no discussion within the Report of Handling that makes reference to this policy statement. In the absence of any discussion it should be noted that Chapter 1 states that “**the historic environment has been adapted over time to meet changing needs. Our view of what is important develops and changes**”. The challenge for sustainable management of the historic environment is to identify key characteristics and to establish boundaries within which change can continue so that it enhances historic character (paragraph 1.3). Paragraph 1.5 states that “**the protection of the historic environment is not about preventing change**”. The changes proposed in relation to the boundary wall is in response to the fundamental need to provide a safe access and egress to the residents of Inchgarth House and also to users of Inchgarth Road and the dangers presented when exiting the site due to poor visibility. It is argued that Aberdeen City Council have a duty to adopt the safest option and the safety considerations far outweigh the perceived impact on the conservation area and listed building and green belt. The changes proposed to the access are therefore appropriate and comply with HESPS. It has also been demonstrated that the location of the storage shed and garage have been chosen to minimise the impact on the historic environment and therefore presents the most appropriate solution for the site.
- 6.37 **Does not accord with SPP.** The Planning Statement submitted with the application considers SPP in detail and provides justification for the proposals in terms of SPP. It is argued that the layout, design, materials, scale, siting of the proposals are appropriate to the character and appearance of the listed building and its setting. It also preserves and enhances the character and appearance of the conservation area as argued above. The appellant has sought to minimise any adverse impacts through careful planning and design and maximising the potential for enhancement. The appellant has submitted an extensive replanting plan to enhance the site and compensate for previous tree removal. The proposals are therefore considered to comply with SPP.

- 6.38 **Policy NE5: Trees and Woodland.** The Report of Handling states that the proposal is seeking the removal of 44 trees but this is likely to be closer to 60. The authority have no evidence of this total number. The tree survey confirms that there are no trees on the site that are in a 'good' condition and the majority of the trees that require to be removed are dead or in a 'poor' condition. The removal of 25 trees are required to enable the provision of the proposed access. However, 22 of these are in a poor condition and require to be removed for reasons of safety. The three remaining trees are in a fair condition, however, they do show signs of small defects and have a shorter life expectancy. These trees are not considered to contribute significantly to the nature conservation, landscape character or local amenity of the area as required by Policy NE5: Trees and Woodlands. As such, their loss, to enable the new access road is not considered to significantly adversely affect the area.
- 6.39 The additional justification submitted on 28 2017 (**Document ID8**) states that in terms of tree loss, bringing the existing access up to current standards requires the removal of 26 trees and a large hedge on the application site and substantial additional tree loss on third party land. This is significantly more than that required to be removed at the proposed access and presents a bigger impact on trees and woodland. Consideration must be given to the option that has the minimum impact and the access proposed by the appellant, which can significantly improve safety to and from the site, should outweigh any impact on the trees, which can, and are proposed to be replanted. The tree survey demonstrates that no trees require to be removed to accommodate the proposed driveway.
- 6.40 The Report of Handling states that prior to the submission of the application the site was subject to unauthorised tree removal and site engineering/groundworks and it is estimated that between 145 and 207 trees have been removed. They also estimate that the net loss of trees associated with the formation of the driveway is approximately 150+ trees. Again, the Council has no evidence of the total amount of trees removed. The appellant through this proposal has submitted a substantial replanting scheme to introduce supplementary planting and landscaping to enhance the setting of the listed building and conservation area in conformity with Policy NE5.
- 6.41 The Report of Handling also states that each application should be considered on its own merits and the Council need to consider this application and the planting scheme offered to improve the site. It is not accepted that the landscaping plans do not go far enough as stated in the Report of Handling. At no point was this raised during the application process. If it had, the appellant would likely have been willing to promptly amend the plans, as they did with other aspects of the proposals, to come to a suitable solution.

- 6.42 In relation to **Policy D5: Granite Heritage** the Report of Handling makes reference to the stone boundary wall which adds significantly to the character of the area. However, from Garthdee Road and the appeal site, there are 8 existing openings along the length of the wall. The wall is of varying heights, stepped, has vegetation growing over parts and is interrupted, not only the existing access openings, but also by a wooden gate and corrugated iron fence. The Pitfodels Conservation Area Appraisal acknowledges that the wall shows signs of disrepair. Given that the boundary wall is not consistent along its length, the proposals go some way in improving it by closing up and filling in the two existing accesses with stone removed from the new access to match the existing boundary wall. Construction will be carried out to the same high standard as the main house and the boundary wall along the appeal site curtilage will be coherent in terms of design and will be maintained by the appellant. In effect, there will be no net increase in openings and no net detriment to this historic feature. It has been stated previously that the proposed access has the minimum impact on the boundary wall than the options to upgrade the existing accesses which would result in significantly more boundary wall removal. Consideration must be given to the safest option that has the minimum impact.
- 6.43 **Policy D4: Historic Environment.** The Report of Handling states that historic evidence shows that the primary access to Inchgarth House was via a sweeping driveway located to the east of Inchgarth lodge and to ensure the historical integrity this route should remain. As previously stated, Historic Environment Scotland policy guidance is not about preventing change. A change to the access is required for safety reasons. If the historical integrity of the site was that important to the Council, they would not have permitted the conversion of Inchgarth House to 3 separate units which is considered to have more of a detrimental impact on the historic environment than a new driveway which would improve safety to and from the site.
- 6.44 The proposal protects the existing granite steps which will be retained and sympathetically extends the granite balustrade, replicating the existing, ensuring the garden ground is completely contained within the balustrade detailing and keeping it separate from the driveway. This maintains and enhances this feature which will enhance the setting of the grounds and Inchgarth House. Due consideration has therefore been made to the context of the site with no significant impact on any architectural or historic features in line with SPP and Policy D4: Historic Environment.
- 6.45 The Report of Handling also makes reference to the loss of the boundary wall, but this is addressed above. It is not accepted that the loss of the boundary wall would result in a considerable loss of historic fabric and impact negatively on one of the main defining features of the conservation area. The loss of the wall has to be considered in relation to the safety benefits

and the significant loss of more boundary wall which would be required to upgrade the existing access to bring it up to safety standards.

- 6.46 **Policy D1: Quality Placemaking by Design.** In terms of the access the proposed gate will be constructed with the highest quality materials, design and craftsmanship, consistent with the main house, new extensions and proposed garage. The external wall will be replicated in random coursed granite with punched and bush hammered granite pillars adjacent to the gate which will be tapered to the level of the existing perimeter wall. It will achieve a distinctive sense of place and setting for Inchgarth House by providing a statement entrance to the front of the property with views of the house on arrival, befitting of its listed status.
- 6.47 The materials for the driveway will be tarmac with granite sett edging replicating that used in the main house, with construction carried out to an equally high standard as the building works on the house. The driveway ends in a courtyard where it meets the proposed garage and this will also be constructed in tarmac with granite edging to match the driveway. This will provide an appropriate visual link between the proposed garage and main house.
- 6.48 The garage will be constructed with granite and welsh slate allowing it to blend seamlessly with the main house. Doors will be stained hard wood panelled doors and windows will be high quality joiner made and measured to match the main house. These materials demonstrate that it will be built to the highest quality to fit with the existing building and new extensions and that the applicant is fully committed to achieving a high quality, sympathetic residential development on this sensitive site, ensuring the setting of the Listed Building is respected and impact is minimised.
- 6.49 The shed will also be constructed of high quality materials and changes proposed to reuse granite and improve the appearance were submitted. When complete, the proposals will make a positive contribution to the settling and appearance of the listed building and character of the area in line with SPP, Policy D1: Quality Placemaking by Design of the LDP. Changes were discussed with planners and amended plans submitted. It is therefore not accepted that the proposal has not been designed with due consideration of its context or makes a positive visual contribution to the site as stated within the Report of Handling. The appellant has spent considerable time and expense to ensure that the proposals are of an extremely high quality, seamlessly replicating historic features on the site.
- 6.50 **Policy D2: Landscape** The tree survey demonstrates that no trees require to be removed to accommodate the proposed driveway. There will also be supplementary planting and landscaping in this area to enhance the setting of the house when viewed from the driveway and add to the experience on arrival, in conformity with Policy D2: Landscape. The proposals to remove

part of the boundary wall have been made specifically in response to safety considerations, but additional justification submitted demonstrates that the proposed access location has the minimum impact on trees and the boundary wall when considering what would need removed should the existing access be upgraded to meet the Council's safety standards.

- 6.51 **Policy NE2: Green Belt** - The principle of a new access is acceptable under Green Belt Policy. Considering planning permission ref P15523 has been implemented, the authorised use of the site is a house and domestic garden ground, falling within Class 9 (houses) of the Use Classes (Scotland) Order. Scottish Planning Policy and Local Development Plan Policy NE2 allows for proposals for development associated with existing activities in the Green Belt, if it is within the boundary of the existing activity; is small scale; intensity is not significantly increased; and the proposed construction is ancillary to what already exists. The proposed access is also considered to comply with this as it is within the existing boundary of the house, is small scale compared against the scale of ongoing works to Inchgarth House; and the use and movements to and from the house would not be increased by the creation of a new access which is ancillary to the existing house.
- 6.52 Aberdeen City Council accept in their report of handling that the proposal generally complies with green belt policy. However, they consider that the size of the proposed storage building **“is not considered to be of domestic scale. Rather it is more akin to an agricultural or industrial building. In the context of the curtilage of a residential property, the proposed building is considered to be of an excessive scale and size”**. The report of handling and therefore, Aberdeen City Council's planning department completely fails to acknowledge the size of this particular residential plot, or the fact that it was previously 3 separate dwellings, now converted into one, significantly large dwelling, in an extremely generous plot, far exceeding the usual curtilage of residential property. The plot itself, extends to 2.35 hectares which is the size of a major application site and it is considered that a standard sized shed would not be large enough to store the garden vehicles and tools required to keep the site maintained.
- 6.53 As stated previously, further details were provided to Aberdeen City Council on 26 September 2017 (**Document ID5**) justifying the size of the shed in relation to its use for storage and drying of wood for the biomass boiler in the house. The shed also requires space for the storage of a forklift in order to transport wood between the shed and house, and for the storage of other garden vehicles. The shed therefore requires to be this size for genuine reasons.
- 6.54 Further to this, Aberdeen City Council consider that “the quality of the design and external finishes fall short of the expectations of policy NE2 which seeks development that is of “the highest quality in terms of siting, scale, design and materials”. These issues were discussed with Aberdeen City Council at

a meeting on 19th September 2017 (**Document ID4**) and it was agreed that the appellant would make changes in line with the Council's requests. The location of the shed was also discussed and it was agreed to submit further details of why this location was chosen. Aberdeen City Council confirm in the report of handling that the revised proposal includes materials of high quality, but state that the siting of the garage building and storage building fall short of the expectations of policy NE2. This evaluation to the proposals are particularly frustrating as the appellant discussed these issues at length and was under the impression that these particular concerns had been addressed through the amendments made.

- 6.55 The report of handling goes onto state that the defining characteristic of this part of the green belt, rather than being rural in character, is the Pitfodels Conservation Area and thus an adverse impact on the character of the conservation area by implication results in an adverse impact on the this part of the green belt. This is an extremely tenuous link between the Pitfodels Conservation area and the green belt and appears to be added to bulk out the reasons for refusal, with little discussion on the impact of the green belt throughout the application process.

7.0 CONCLUSION AND RECOMMENDATION

- 7.1 To conclude Aberdeen City Council have placed the conservation area and listed building status of the site above the safety of the appellant, his family and users of Inchgarth Road, which have largely been ignored in the Report of Handling and the determination of this application.
- 7.2 The appellant has demonstrated that the proposed access location is the safest and has minimum impact on the boundary wall and trees in the vicinity. The Council's Roads Department agree that this is the safest and preferred location to access the site. However, the Council maintain their arguments that the impact on the boundary wall, conservation area, listed building and green belt outweigh safety.
- 7.3 The location of the garage is largely on the footprint of the existing Inchgarth Lodge and Inchgarth Steading and this is argued to be an acceptable location, given that the proposed garage is of a better quality design, smaller footprint, lower height than the existing buildings which are proposed to be demolished. It is not accepted that the garage would have a detrimental impact on the setting of the listed building or conservation area and issues of distance from the main house are frustrating given the advice of Daniel Lewis to cluster the buildings together.
- 7.4 The location of the proposed storage shed is the most appropriate given that it would be screened from the house by the garage and landscaping and also from the road by existing and proposed landscaping. Again, there would be minimal impact on the listed building and conservation area. The

size of the proposed shed is relative to the size of the plot, the main house and the requirements of the biomass boiler and changes to the design were made to improve it.

- 7.5 The principle of the separate components of the application comply with green Belt policy in that they are associated with existing activities, in this case the residential use of Inchgarth House. Given the size and scale of Inchgarth House and the permissions to extend it, the garage and storage shed are not out of proportion with that.
- 7.6 A tree survey and extensive landscaping plan have been prepared for the site which will enhance Inchgarth House. A significant amount of trees are to be planted and appropriate measures taken for their protection and long term management of both existing and new trees. The landscaping proposals have been designed to provide garden grounds for the house which fit with its character and will add significantly to the visual amenity of the site.
- 7.7 It is therefore respectfully recommended planning permission should have been granted for the access, driveway, storage shed and garage. Accordingly, this appeal should be sustained. The appellants reserve the right to expand on the above should any additional matter be raised during the course of the Review.

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100060977-002

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

Type of Application

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

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

Description of Proposal

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

Planning Application for creation of new site access, driveway, detached garage, shed and landscaping at Inchgarth House, Inchgarth Road, Aberdeen

Is this a temporary permission? * Yes No

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

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

No Yes – Started Yes - Completed

Please state date of completion, or if not completed, the start date (dd/mm/yyyy): *

Please explain why work has taken place in advance of making this application: * (Max 500 characters)

Partial commencement of driveway occurred mid 2016, but stopped once the applicant received the Breach of Planning Control on 29 June 2016) and Planning Contravention Notice in July 2016. No further work has been carried out.

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Ryden LLP		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Claire	Building Name:	
Last Name: *	Coutts	Building Number:	25
Telephone Number: *	01224 588866	Address 1 (Street): *	Albyn Place
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Aberdeen
Fax Number:		Country: *	Aberdeen City
		Postcode: *	AB10 1YL
Email Address: *	claire.coutts@ryden.co.uk		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Kirkwood Business Park
First Name: *	Ian	Building Number:	
Last Name: *	Dunbar	Address 1 (Street): *	Sauchen
Company/Organisation	c/o Kirkwood Homes Ltd	Address 2:	
Telephone Number: *		Town/City: *	Inverurie
Extension Number:		Country: *	United Kingdom
Mobile Number:		Postcode: *	AB51 7LE
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

INCHGARTH HOUSE

Address 2:

INCHGARTH ROAD

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB15 9NX

Please identify/describe the location of the site or sites

Northing

803016

Easting

390557

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

Meeting Telephone Letter Email

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

Meeting held with Eric Owens and Daniel Lewis on 14 June 2017. It was acknowledged by them that there was merit in what the applicant was trying to achieve through the masterplan approach to the site. Concern was raised in relation to the loss of trees and boundary wall due to the proposed new access. However, it was highlighted that to improve the existing dangerous access would also require the removal of boundary wall and trees.

Title:

Mr

Other title:

First Name:

Eric

Last Name:

Owens

Correspondence Reference Number:

Date (dd/mm/yyyy):

14/06/2017

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

Site Area

Please state the site area:

2.35

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

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

Residential land

Access and Parking

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

Yes No

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

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

Yes No

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

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

8

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

8

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

Water Supply and Drainage Arrangements

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

Yes No

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

Yes No

Note:-

Please include details of SUDS arrangements on your plans

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

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

- Yes
 No, using a private water supply
 No connection required

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

Assessment of Flood Risk

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

Yes No Don't Know

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

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

Yes No Don't Know

Trees

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

Yes No

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

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? *

Yes No

If Yes or No, please provide further details: * (Max 500 characters)

As the proposals are for uses ancillary to the main house, the proposals for the main house will include provision for refuse/recycling storage.

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

Yes No

All Types of Non Housing Development – Proposed New Floorspace

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

Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) *

Yes No Don't Know

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

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

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Yes No

Certificates and Notices

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

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

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Claire Coutts

On behalf of: c/o Kirkwood Homes Ltd

Date: 02/08/2017

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

- Site Layout Plan or Block plan.
- Elevations.
- Floor plans.
- Cross sections.
- Roof plan.
- Master Plan/Framework Plan.
- Landscape plan.
- Photographs and/or photomontages.
- Other.

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

Provide copies of the following documents if applicable:

- | | |
|--|--|
| A copy of an Environmental Statement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. * | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A |
| A Flood Risk Assessment. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Habitat Survey. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |

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

Topographical Survey, Road Safety Audit, Tree Survey.

Declare – For Application to Planning Authority

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

Declaration Name: Mrs Claire Coutts

Declaration Date: 02/08/2017

Payment Details

Online payment: ABSP00001876

Payment date: 02/08/2017 10:52:00

Created: 02/08/2017 10:53

MINUTES

Date of Meeting: 19 September 2017

Attendees: Sepi Hajisoltani (Aberdeen City Council) (SH)
 Ross Wilson (Aberdeen City Council) RW)
 Allan Rae, Kirkwood Homes (AR)
 Claire Coutts, Ryden (CC)
 Ian Dunbar
 Catalina Dunbar

Venue: Marischal College

Subject: **INCHGARTH HOUSE**

Item	Description	Action
1.1	AR thanked ACC for meeting to discuss the various applications on the site. In terms of applications 170939/LBC and 170944/DPP for the lift and infill door these are acceptable to ACC. AR to get plans amended and submitted asap.	AR
1.2	Applications 170928/LBC and 170929/DPP for the chimney on North West elevation - ACC confirmed that while the principle of a chimney is acceptable, the form and projection is unacceptable and the chimney should be integrated into the fabric of the gable end. ID confirmed that they would be unable to provide it like this as the building is complete and would require significant works to provide. SH advised that if a technical solution couldn't be found, then they couldn't support it in its current form. The only option would be to appeal a refusal.	
1.3	Each issue in relation to application 170921/DPP for the formation of the new access/driveway/garage and shed was then discussed in turn. AR advised that all these parts have been included in the same application as this was the way forward agreed at the previous meeting with Eric Owens and Daniel Lewis. SH was unaware of this discussion.	
1.4	In terms of the access ID confirmed that the existing access in this location is fundamentally unsafe with 3 accidents already occurring since work has started on the site. ID also showed a photo of vehicles trying to leave the site and the position they required to be in, in the middle of the road, to be able to see oncoming vehicles. CD emphasised the safety considerations surrounding this site as a family home and the dangers for her young children.	
1.5	AR confirmed that a Road Safety Audit had been prepared which demonstrated that the existing access was unsafe. It could potentially be upgraded, but this would require significant tree removal and removal of large parts of the boundary wall which doesn't comply with policy. However, it still wouldn't solve the position of the access at a dangerous bend in the road. The RSA also confirmed that the most appropriate location was where the proposed access is shown. SH suggested that a statement justifying the position of the proposed access should be prepared and ACC Roads department could be consulted again on this issue and officers would take it from there. The statement should contain details of the existing accesses on site and why they wouldn't provide a safe alternative and the impact of altering the existing access to bring up to standard. AR to re-consult with Wylie Lodge who prepared the RSA.	AR CC

Item	Description	Action
1.6	SH confirmed that comments from their environment team were still outstanding in relation to the impact on trees. Kirkwood are to provide details of trees that would require to be removed to upgrade the existing access compared with trees that would be required to deliver the proposed access. ACC will then look at the access locations again and consider the position.	
1.7	There was little discussion on the driveway and this will be influenced by the access location.	
1.8	In relation to the garage ID agreed with the Council's comments. The submitted drawings will be amended to include windows on the elevations. Kirkwood to submit a granite layout which has also been prepared. It was confirmed that the upper floor will be for storage only. In terms of impact on trees 5906-9 it was confirmed that these trees were due to be removed, therefore, the garage would have no impact on them and moving the garage slightly was therefore not required. RW was happy with this explanation, but final comments were required from the environment team.	AR
1.9	In terms of the storage shed AR stated that the screening along the road would not be removed and the applicant is committed to providing additional screening in this location. AR and ID confirmed that the shed would be used for the storage of wood to be used in the biomass boiler. The boiler requires 65 tonnes of fuel a year and the wood requires to be dried prior to use. The shed is therefore required to be this size due to the significant amount of wood required to fill the boiler. ID happy to reduce the height of the shed and amend the layout to pull it further back and put hardstanding adjacent the road. ID also happy to amend the materials and provide a granite base course from downtakings from the lodge and steading. SH stated that the shed has to be considered against green belt policy and further justification is required on the size and location. This would address why other locations on the site are not suitable. SH also suggested the submission of a section through the site at this location.	AR CC
1.10	Kirkwood Homes are to provide this information as soon as possible, however, an extension the timescales for the determination of the application may be required. Kirkwood happy to do this and would rather extend than have to withdraw and resubmit.	