

# Public Document Pack



To: Councillor Boulton, Convener; Councillor Stewart, Vice Convener; and Councillors Allan, Cooke, Copland, Cormie, Greig, Avril MacKenzie and Malik.

Town House,  
ABERDEEN 31 October 2019

## **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)**

The Members of the **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)** are requested to meet at Town House reception on **THURSDAY, 7 NOVEMBER 2019 at 9.30 am in order to undertake a site visit. Members will then return to the Town House for determination of the application, in Committee Room 2.**

FRASER BELL  
CHIEF OFFICER - GOVERNANCE

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

#### **MOTION AGAINST OFFICER RECOMMENDATION**

- 1 Motion Against Officer Recommendation - Procedural Note (Pages 3 - 4)

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

- 2 Approval of Matters Specified in Condition 1(iv) (Construction Method Statement) related to Planning Permission in Principle P120491 for the erection of a dwellinghouse (Pages 5 - 18)

Planning Reference – 190917/MSC

All documents associated with this application can be found at the following link and enter the reference number above.

<https://publicaccess.aberdeencity.gov.uk/online-applications/>

Planning Officer: Lucy Greene

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

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

## MOTIONS AGAINST RECOMMENDATION

Members will recall from the planning training sessions held, that there is a statutory requirement through Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 for all planning applications to be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. All Committee reports to Planning Development Management Committee are evaluated on this basis.

It is important that the reasons for approval or refusal of all applications are clear and based on valid planning grounds. This will ensure that applications are defensible at appeal and the Council is not exposed to an award of expenses.

Under Standing Order 28.10 the Convener can determine whether a motion or amendment is competent, and may seek advice from officers in this regard.

With the foregoing in mind the Convener has agreed to the formalisation of a procedure whereby any Member wishing to move against the officer recommendation on an application in a Committee report will be required to state clearly the relevant development plan policy(ies) and/or other material planning consideration(s) that form the basis of the motion against the recommendation and also explain why it is believed the application should be approved or refused on that basis. Officers will be given the opportunity to address the Committee on the competency of the motion. The Convener has the option to call a short recess for discussion between officers and Members putting forward a motion if deemed necessary.

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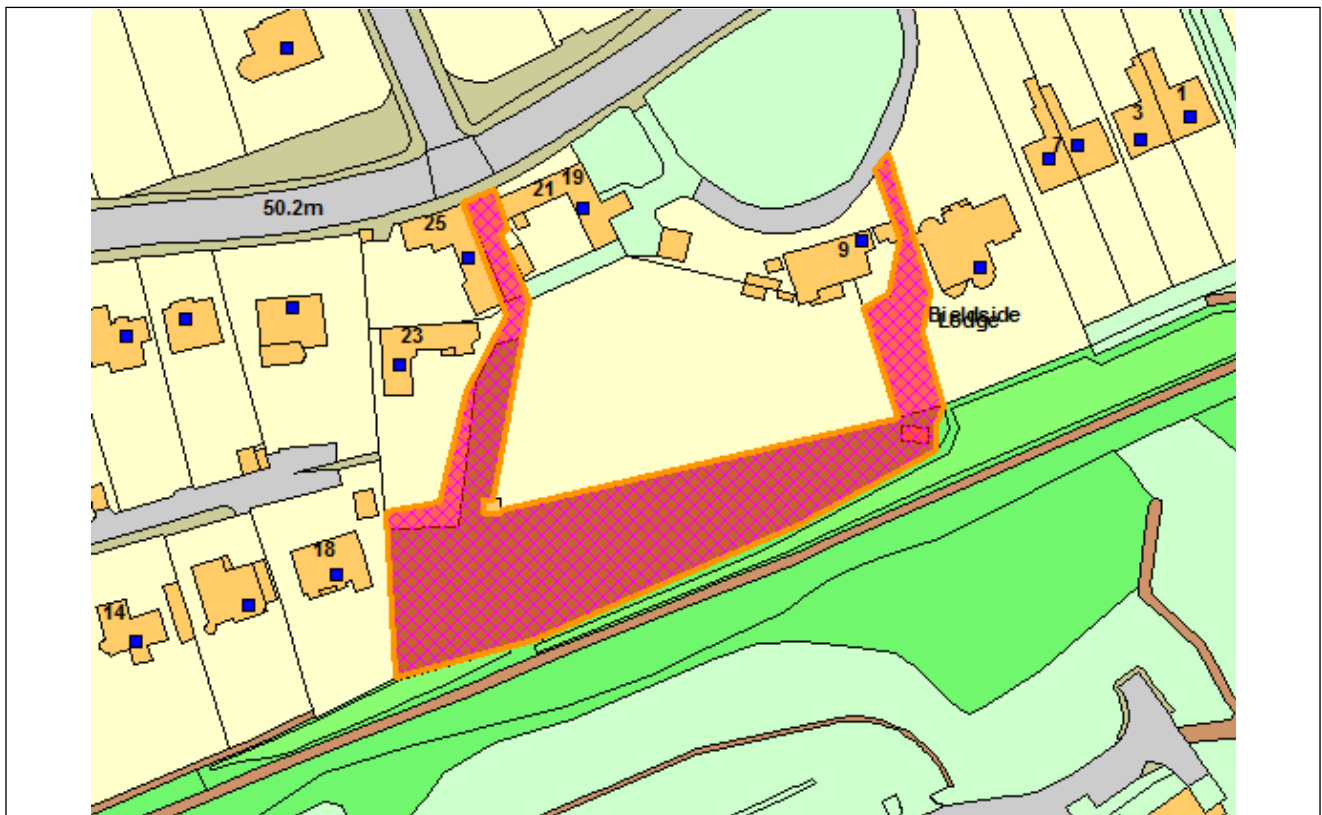


## Planning Development Management Committee

Report by Development Management Manager

**Committee Date: 31 October 2019**

<b>Site Address:</b>	Land at Bieldside Lodge, North Deeside Road, Bieldside, Aberdeen AB15 9AD
<b>Application Description:</b>	Approval of matters specified in condition 1(iv) (Construction Method Statement) related to Planning Permission in Principle P120491 for the erection of a dwellinghouse
<b>Application Ref:</b>	190917/MSC
<b>Application Type</b>	Approval of Matters Specified in Conditions.
<b>Application Date:</b>	5 June 2019
<b>Applicant:</b>	Mr Iain Hawthorne
<b>Ward:</b>	Lower Deeside
<b>Community Council:</b>	Cults, Bieldside And Milltimber
<b>Case Officer:</b>	Lucy Greene



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### RECOMMENDATION

**Approve conditionally**

## **APPLICATION BACKGROUND**

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### **Site Description**

The application site consists largely of part of the garden ground associated with Bielside Lodge, the latter lying to the north east of the site. The site also includes a connected strip of land extending northwards and linking with North Deeside Road, so that it wraps around the walled garden to the Category B listed Bielside House and would originally have formed part of its grounds. The site is on a steep south facing slope.

The submissions state that the site extends to 3545m<sup>2</sup>. The main area is approximately 120m in length, whilst varying between approximately 35m and 7m in width. This main area of the site contains a number of trees protected by Tree Preservation Order (TPO) and is otherwise roughly grassed and self-seeded with smaller plants. There is a fall of 12m between North Deeside Road and the southern end of the garden to the rear of Bielside Lodge. There is a further fall east/west across the site of 10m between the southern corner of the garden to the rear of Bielside Lodge and the main site to the south of the Bielside House gazebo. The eastern leg falls 9m between the shared horseshoe driveway and the main part of the site.

On the eastern side the site includes the south west corner of the garden ground immediately to the rear of Bielside Lodge. It should be noted that the application site boundary does not include the driveway linking Bielside Lodge and Bielside House to North Deeside Road. (This driveway is 'horseshoe' shaped and was partly included in the Planning Permission in Principle (PPiP) application site boundary.)

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

### **Relevant Planning History**

**120491** Planning Permission in Principle for Erection of Dwellinghouse Approve conditionally with legal agreement 22.12.2015

**170028/MSC** Approval of matters specified in conditions 1(design/landscaping/boundary treatment/method statement) 6(finishing materials) 7(drainage works) 8(foul sewerage facilities) 10(landscaping) 12 & 13(care, protection and maintenance of trees) of P120491 for erection of dwellinghouse. Refused 27.04.2018

**PPA-100-2090** Decision Appealed to Scottish Ministers Part allow and part refuse 11.12.18  
Permission granted for conditions 1(i), 1(ii), 1(iii), 6, 7, 8, 10, 12 and 13; Permission refused for condition 1(iv) – Construction Method Statement

## **APPLICATION DESCRIPTION**

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### **Description of Proposal**

This application relates to the matters specified in condition 1(iv) of the Planning Permission in Principle 120491. A previous MSC application approved the matters of: design of house,

landscaping, boundary treatments, external finishing materials, surface water drainage, foul drainage and water, planting of trees and landscaping, tree protection during works, management proposals for trees.

The application includes a construction method statement and supporting information to satisfy the following condition:

*(1) that no development pursuant to the planning permission in principle hereby approved shall be carried out until such time as a further application has been made to the planning authority for approval of the matters specified in this condition and such approval has been granted; these matters being details of :...*

*(iv) a construction method statement including details of how construction of the house and any retaining structures shall take place avoiding damage to the listed structures near to the site, including the garden wall and summerhouse; and, how construction vehicles and materials will be brought to and stored upon the site, including how these will be transferred onto the site taking into account the need to protect trees. - in order to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.*

It should be noted that tree protection details have already been approved under the previous application 170028/MSC and are shown on drawing no. BLB-1711-TP-A.

The proposed construction methodology is summarised as follows:

- Detailed dilapidation photos would be taken prior to the commencement of work.
- A vibration monitor would be set up by a specialist engineer in the ground adjacent to the listed wall, this would be set to sound an alarm at 33% maximum recommended vibration level;
- Means of construction access for delivery of materials, plant and equipment would be mainly via the Deeside Way, via existing timber gates. This may involve remote decanting of larger loads. Detailed timings and restrictions would be agreed with Aberdeen City Council (ACC) via a licence from the Estates Team;
- Tree protection fencing would be erected around trees to be retained. This was approved under application 170028/MSC.
- Trees to be removed would be felled and stumps ground down.
- In order to protect the listed garden wall and summerhouse (pertaining to Bielside House) a protection fence would be erected. This is shown on drawing SK01 Rev C and would consist of timber posts in concrete foundations, with timber boarding fixed to the south side of the posts. The protection fence would be 2m from the listed structures other than a section that would extend further from the fence in order to encircle the root protection area of a tree (ref 850)
- Three laydown areas and a site hut / laydown area are indicated on plan A1-04 Rev C.
- The rear wall of the proposed house would consist of a retaining wall using contiguous piling to form the proposed retention system. The area to the south would then be excavated for the erection of the house.
- Concrete would be piped from North Deeside Road via the strip of land to the west of the garden to Bielside House as indicated on drawing A1-04 Rev C
- The concrete delivery pipe would be in sections and each would be carried into place by two people. It would be laid along the strip of land to the west of the garden to Bielside House, and prevented from excessive movement by restraints pegged into the ground. Wood chips would be used to protect tree roots.

## **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=PSM66GBZGMM00>

The supporting information includes the following  
Construction Method Statement by Burns Construction (Aberdeen) Ltd V3 (October 2019)  
Drawings, including Drainage Layout 101 Rev H, Temporary Works Layout A1-04 Rev E, Temporary fence to protect existing wall SK01 Rev C  
Email from Ramsay and Chalmers 02.10.2019, as amended by email of 08.10.2019  
Emails from Astell Associates dated 19 September 2019 & 2 October 2019  
Review of Information by David Narro Associates 16 September 2019 and subsequent note  
Letter from Greencat Geotechnical 2 August 2019  
Ramsay and Chalmers Report dated 20 August 2019  
Statement on Construction Method by NORR, 4 June 2019 (sections subsequently amended by later documents), including:  
Greencat Geotechnical Ground Investigation of May 2019  
TechnikGS letter 'New Retaining Wall' dated 4 June 2019

## **CONSULTATIONS**

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**Cults, Bieldside And Milltimber Community Council** – Objection is summarised as follows: The CBMCC strongly objects to the construction access being taken from the Deeside Way, due to the hinderance to recreational use, for safety reasons and due to the weight of equipment causing damage to the Walkway.

Objection is also made to the use of the side roads of Bieldside for the loading and unloading of equipment over a protracted period.

The pumping of concrete from North Deeside Road is a further point of objection, due to potential for disruption of traffic and possible land ownership issues in the vicinity of the access to Bieldside Mill.

## **REPRESENTATIONS**

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158 representations, some with supplementary comments, have been received (135 objections, 18 in support and 5 neutral). The matters raised can be summarised as follows –

1. Deeside Walkway and surrounding public areas
  - Damage to surface and trees/ vegetation on the Deeside Way due to construction related vehicles;
  - Principle of use of Deeside Way for construction in terms of impact upon the users of the path, including those with special needs. Concern that the Walkway would be closed for a significant period.
  - Safety concerns due to use of walkway by construction related vehicles and its role as a public route.
  - Suitability of access to Walkway from Golf Road and adjoining minor roads.
  - Loss of parking at the access point to the Walkway near to the Golf Road bridge
  - Impact of removal of materials from site in terms of accumulation of mud and dust on neighbouring roads and public areas
  - Delivery of concrete from North Deeside Road – disruption to traffic.
  - The Notice of Motion by Councillor Boulton, to the city Growth and Resources Committee of 26<sup>th</sup> September in relation to use of the Deeside Way is noted, and it is stated that the construction access relating to this application is entirely at odds with this.

2. Trees



- Impact of proposals on protected trees – the site is covered by two Tree Protection Orders (TPO 56 and 96)
- Concrete pipe would be within root protection areas of protected trees.
- That the stump grinder used to remove tree stumps would create vibrations that would risk damaging the listed structures.

### 3. Land Ownership issues on application site and adjoining areas.

#### 4. Damage to Listed Wall and Gazebo

- Listed retaining wall sits on topsoil, the gazebo is supported by the wall and any degree of vibration puts both at risk. The recommendation by the independent engineers David Narro Associates (DNA) that dilapidation photos are taken is evidence that no degree of vibration is acceptable.
- Following installation of retaining wall and excavation of area for house, lateral movement in ground behind (to north of) retaining wall would risk damage to listed structures.
- That the requirement for hand digging of the foundations to the protective fence as recommended by DNA, indicate the fragility of the listed structures. There remains concern that the installation of the fence would have an adverse impact on the listed structure.
- That the requirement to monitor vibrations suggests that there would be an impact on the listed structures, this is not acceptable, as there should be no impact. The objector queries the process following works ceasing due to anticipated damage. The Ramsay and Chalmers Statement on the condition of wall and impact of piling, focuses on the current condition of the wall, whereas the key issue is the proposed house construction.
- That the concrete pumping route is unsuitable due to additional loading on the retaining listed wall, and that there is insufficient space between the gazebo and protective fencing.
- Concerns remain regarding the impact of surface water drainage on the listed structures, as the plan indicates that the detailed design would be provided by others.
- That the two trial pits carried out by Green Cat Geotechnical, confirm the fragile nature of the wall.

#### 5. Procedural matters

- Legal agreement associated with Planning Permission in Principle (PPiP) is substandard and does not reflect Committee decision.
- Site area of this current application is different to that of the PPiP
- Inadequate Council response to drilling of boreholes and poor administrative procedures of the Council.
- That the Council did not follow the terms of the licence granted for access to the Deeside Way for borehole drilling
- That planning permission is required for the use of the timber gates that were installed within the fence along the southern boundary of the application site.
- That the engagement of an independent engineer indicates that the planning authority does not find the application submission satisfactory and in that case the application should have been refused.
- That the multiple submissions of further information, confirms that it is simply not possible to undertake construction without damage to the listed structures.

#### 6. Flood Risk – in terms of surface water overland flows.

- 7. That the level of objections received is a material consideration that should lead to the refusal of the application.

Expressions of support were also received, these are summarised as follows:

- 8. That sufficient detail has been provided in the construction methodology to alleviate concerns

9. That the Council's licence system controls use of the Deeside Walkway, including potential damage; use of the line is minimal and is necessary for those living in the area
10. Positive comments about design of house.
11. Canvassing by principal objectors without particulars of application being explained.

## **MATERIAL CONSIDERATIONS**

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### **Legislative Requirements**

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

There is a statutory duty under section 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 Act to preserve the listed building.

### **Aberdeen City and Shire Strategic Development Plan (2014) (SDP)**

The purpose of the SDP is to set a spatial strategy for the future development of the Aberdeen City and Shire. The general objectives of the plan are promoting economic growth and sustainable economic development which will reduce carbon dioxide production, adapting to the effects of climate change, limiting the use of non-renewable resources, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility.

From the 29 March 2019, the Strategic Development Plan 2014 will be beyond its five-year review period. In the light of this, for proposals which are regionally or strategically significant or give rise to cross boundary issues between Aberdeen City and Aberdeenshire, the presumption in favour of development that contributes to sustainable development will be a significant material consideration in line with Scottish Planning Policy 2014.

The Aberdeen City Local Development Plan 2017 will continue to be the primary document against which applications are considered. The Proposed Aberdeen City & Shire SDP 2020 may also be a material consideration.

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

Policy D4 – Historic Environment  
Policy H1 – Residential Areas  
Policy NE5 – Trees and Woodland

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

Trees and Woodland Supplementary Guidance

### **Other material considerations**

Appeal Decision Notice on PPA-100-2090 dated 11.12.18

## EVALUATION

The principle of development was established by the permission granted under Planning Permission in Principle (PPiP) Reference 120491.

It is not therefore relevant to revisit the matters of principle that were considered at that time, other than in so far as the details of the current application are relevant to those matters. There no further matters raised that require consideration under Policy H1 – Residential Areas. The proposal relates to the method of construction of a residential unit that has been granted planning permission in principle and is not discordant with Policy H1.

The previous MSC application approved the matters of: design of house, landscaping, boundary treatments, external finishing materials, surface water drainage, foul drainage and water, planting of trees and landscaping, tree protection during works and management proposals for trees.

**The only matter for consideration (and that can be legitimately be considered) in terms the current application is whether the submissions are satisfactory in terms of the following condition:**

*1. that no development pursuant to the planning permission in principle hereby approved shall be carried out until such time as a further application has been made to the planning authority for approval of the matters specified in this condition and such approval has been granted; these matters being details of :...*

*(iv) a construction method statement including details of how construction of the house and any retaining structures shall take place avoiding damage to the listed structures near to the site, including the garden wall and summerhouse; and, how construction vehicles and materials will be brought to and stored upon the site, including how these will be transferred onto the site taking into account the need to protect trees. - in order to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.*

The outcome of the appeal PPA-100-2090 to the Scottish Government's Planning and Environmental Appeals Division is a material consideration. The Reporter's decision was to approve, other than in respect of condition 1(iv), which was refused with the reasoning for refusal as follows:

*"The construction method statement*

*15. Policy D4 of the local development plan requires the protection, preservation and enhancement of the historic environment. Although not expressly cited in the 1981 listing description of Bielside House, the retaining wall and the gazebo are features of special architectural or historic interest and are an integral part of the category 'B' listed building. I note earlier comments from Historic Scotland that a modern listing description of Bielside House would specify all of the 'Arts and Crafts' style garden structures and walls as essential elements in the merit of the listed group. I conclude that the wall and the gazebo are undoubtedly very important elements of the listed Bielside House.*

*16. I have carefully studied the contents of both the letter from Ramsay and Chalmers of 9 September 2016 and the subsequent construction method statement (CMS) submitted on behalf of the appellant by Anderson Construction and dated April 2017, in response to condition 1(iv).*

*17. The retaining wall along the northern boundary of the appeal site is some 5.8 metres from the closest part of the proposed house. It is constructed of random rubble with lime and sand mortar and displays a simple decorative coping. No evidence has been provided setting out the means and sufficiency of its foundations. Neither was this apparent during my site inspection. At the south-western part of the garden of Bielside House the random rubble wall supports the brick and timber construction of the gazebo. As pointed out by the Architectural Heritage Society of Scotland the haphazard placement of the wall's irregular shaped stonework, and the absence of an horizontal*

*bedding surface, could increase the vulnerability of the structure to changes caused by groundworks in its vicinity.*

*18. The construction of the house requires the excavation of an undisclosed volume of soil and the formation of an internal reinforced concrete retaining wall. The CMS proposes the erection of a protective hoarding some 2 metres from that part of the wall and gazebo where excavations would be undertaken. To the appellant the hoarding would afford protection from accidental damage by plant and machinery and, it is submitted, from potential undermining due to the new building excavations.*

*19. To the appellant the construction process would not involve any, unnamed, abnormal construction activities, and any activity likely to cause any “undue and excessive” vibration would be prohibited. The north wall of the house would be constructed at a distance from the existing boundary wall and gazebo to avoid what is termed any unspecified “special construction techniques”. Excavation works for the wall of the proposed house would involve “careful excavating” to formation level and the creation of a “safe and stable bank” up to the existing ground level at the position of the temporary hoarding. The appellant’s contractor and consulting structural and civil engineer are satisfied that the measures will be sufficient to protect the wall and these parties would be responsible for ensuring that there is no damage caused during construction. The proposed protection measures are supported by the council’s planning officer.*

*20. I have no evidence that the council had advice from independent structural engineers before reaching its decision. However I consider that the importance of preserving the boundary wall and gazebo cannot be overstated. Any weakening of the boundary wall and its foundations could lead, over time, to its movement and even partial collapse. The retaining function that it performs could be compromised with adverse consequences for the retained garden ground to the north. Even a very small alteration to that part of the boundary wall where it supports the gazebo could have adverse consequences for the integrity of that important historic structure.*

*21. I find that many of the appellant’s underlying assumptions relative to condition 1(iv) are not substantiated by strong evidence. No technical details has been submitted to justify how the “sufficiently” robust fence is at an “appropriate” distance to provide “sufficient” comfort that the construction of the house will not impact on the boundary wall’s stability and condition, thereby not requiring “special” construction techniques. Construction methods would avoid “excessive” but unquantified vibrations in the “vicinity” of the boundary wall and gazebo although, contrary to this intent, other techniques such as piling would be introduced “locally”, should these be deemed necessary.*

*22. It has not been demonstrated how the 2-metre-high hoarding, while stopping the passage of plant in proximity to the boundary wall, will prevent the undermining of the wall. I have no evidence on the integrity and properties of the “safe and stable bank”, and its reinstatement, which would rise to the ground level of the proposed fence, some 2 metres from the boundary wall. No reference is made to the construction effects of the private domestic pumping station and any associated underground piping, shown some 5 metres south of the boundary wall on drawing 101 ‘Drainage Layout’. It has not been demonstrated whether the extensive construction works under the appeal site’s existing surface would result in changes to surface runoff and subsurface drainage, potentially causing the destabilisation of parts of the historic boundary wall. No details of the means of importation of pumped concrete are demonstrated, with the exception of access from the “top end of the site” being considered.*

*23. The requirements of policy D1 ‘Historic Environment’ of the local development plan and my statutory duty under section 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 Act require a much greater degree of certainty than that which is before me in order to ensure the preservation of the historic wall and the gazebo. Having regard to the statutory*

*duty my conclusion is that the proposal would not preserve the listed building and I agree with the council and refuse to discharge condition 1(iv) of planning permission P120491."*

The following conditions were attached to the approval:

#### Conditions

1. That any tree removal works agreed in terms of this planning permission shall take place outside the bird breeding season, which for the purposes of this permission shall be taken to be beginning of March until the end of August.

Reason: In the interests of protecting wildlife.

2. That works shall not take place unless there remains in place on site the scheme for the protection of trees and to be retained on the site during construction works as approved under this MSC permission in relation to condition 12 (Ref. 120491) and this has been agreed on site with the planning authority.

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

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

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

4. That any tree work which appears to become necessary during the implementation of the development shall not be undertaken without the prior written consent of the planning authority; any damage caused to trees growing on the site shall be remedied in accordance with British Standard 3998: 1989 "Recommendation for Tree Works" before the building hereby approved is first occupied.

Reason: In order to preserve the character and visual amenity of the area.

5. That no materials, supplies, plant, machinery, spoil, changes in ground levels or construction activities shall be permitted within the protected areas specified in the aforementioned scheme of tree protection without the written consent of the planning authority and no fire shall be lit in a position where the flames could extend to within 5 metres of foliage, branches or trunks.

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

6. The proposals shall be carried out in complete accordance with the management proposals for the care and maintenance of all trees to be retained and for any new areas of planting (to include timing of works and inspections) and as approved under condition 13 (Ref.120491), unless the planning authority has given prior written approval for a variation.

Reason: In order to preserve the character and visual amenity of the area.

7. The structures required for the site hut and welfare area shall not be delivered to the site via the Deeside Walkway, unless details are submitted to and agreed in writing by the planning authority showing how this can be implemented without damage to trees.

Reason In the interests of protecting trees.

8. No plant, machinery or construction vehicles shall access the area of the site in which construction is proposed to take place via either the western access to North Deeside Road, or via the Bielside Lodge / car park area and the eastern access.

Reason: In the interests of protecting trees.

9. The pipes for the underground services shall not be installed other than in accordance with further details of the thrust boring technique being submitted to the planning authority, including a report from a suitably qualified person on the suitability of the site, details of the machinery size and pit locations.

Reason: In the interests of protecting trees.

The relevant issues for consideration, taking into account the information contained within the supporting documents above and the Reporters reasons for refusal are summarised as:

impact on listed structures of groundworks for the house itself, pumping station and underground piping, including resultant vibrations; adequacy of the proposed protection measures; impact of surface run-off and subsurface drainage works on listed structures; details of pumping concrete; impact on listed structures and trees of vehicular access and movements, storage and movement of materials and temporary structures required for the construction.

Other matters raised by objectors as summarised above will also be given careful consideration.

The relevant issues for consideration, taking into account the information contained within the supporting documents above and the Reporters reasons for refusal are summarised as:

impact on listed structures of groundworks for the house itself, pumping station and underground piping, including resultant vibrations; adequacy of the proposed protection measures; impact of surface run-off and subsurface drainage works on listed structures; details of pumping concrete; impact on listed structures and trees of vehicular access and movements, storage and movement of materials and temporary structures required for the construction.

Other matters raised by objectors as summarised above will also be given careful consideration.

### **Independent Engineer**

In response to the Reporter's decision, the planning authority engaged an independent professional civil engineer to provide advice on the construction method and supporting information. David Narro Associates of 36 Argyle Place, Edinburgh undertook a review of the application information and letter dated 16 September is available on the planning website as noted above. This identified some additional information requirements, whilst stating that if these minor additional points could be addressed, then it is believed that this would satisfy the planning condition 1(iv) in terms of listed structures.

### **Impact on listed structures**

The application submissions include ground investigation, a site investigation and specialist recommendations for the new retaining wall. These form the evidence base on which the proposed construction method has been formulated.

The independent engineer has considered the information submitted and provided a review to the planning authority. This accepted the proposals put forward by the applicant with additional information required as follows:

<b>Issue Raised</b>	<b>David Narro Associates (DNA) comment</b>	<b>Further Information &amp; Conclusion</b>
Adequacy of protection fence to prevent undermining	The construction method now involves piling and then excavation, therefore the issue of undermining is dealt with by the construction methodology. Concern raised about size of foundations to temporary fence and method of its construction, removal and reinstatement of ground.	Foundations to temporary fence have been reduced in size and method for hand digging and reinstatement has been added. DNA considers that the submissions satisfy requirements of condition in this respect.
Piling – monitoring and checking	Type of piling is considered appropriate. Dilapidation photographs should be taken before and after works. Walls should be visually inspected during piling and after each piling event.	Revised method statement includes reference to dilapidation photographs, visual inspection and that if any change is noted works shall cease. DNA considers that with attachment of planning condition requiring continual visual inspection, inspection after each piling event and comparison with dilapidation photos, then the proposals satisfy the requirements of the condition in this respect.
Pumping of concrete from North Deeside Road	Further information required: a drawing showing the route that the concrete pipe would take and a method statement for the works, including how pipe is conveyed from North Deeside Road; and consideration of any additional surcharge onto the existing retaining wall.	Drawing A1-04 D has now been submitted showing the route of the concrete pipe via the strip of ground to the west of Bielside House garden. Details have been provided for this being carried by hand in sections, laid on a 150mm layer of wood chippings to protect tree roots and restrained. DNA considers that satisfactory details have been provided in relation to additional surcharge onto the existing listed retaining wall to Bielside House.
Excavation effects of private domestic pumping station	Location of pumping station is to south of house. Construction method covers this point as the proposal is for piling first and then excavation.	No further information requested. DNA confirms that satisfactory details have been provided in relation to additional surcharge onto the existing listed retaining wall to Bielside House.

<p>Effect of construction on surface water run off and subsurface drainage, with potential to destabilise listed wall.</p>	<p>DNA notes report by Greencat that the water table is below the level of the new building. A statement was required in respect of overland flows to ensure there is no change in the way water may collect against the listed structure in heavy rainfall due to the presence of the proposed house.</p>	<p>Drawing 101 Rev H was submitted and DNA considers that shows drainage proposals that would satisfy the requirements of the condition.</p>
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The supporting information describes how the proposed house would be constructed whilst protecting the integrity of the listed structures nearby. A number of conditions are proposed that require monitoring and protection measures, it is therefore considered that in terms of this current application, the proposal complies with Policy D4 – Historic Environment.

**Use of Deeside Walkway for construction access.**

As previously stated, most recently in the report on application 170028/MSC, permission for the use of the Deeside Walkway to provide access to the site for construction, including delivery of materials, plant and equipment is for the Council in its capacity as land owner. The Council has an established procedure for the issuing of licenses for access to the Walkway and this is not a legitimate material planning consideration and therefore cannot be taken into account by the planning authority as part of the assessment of this application. Similarly, the creation of access surface between the walkway and the existing timber gates, is outside the application site and creation of a temporary access track for construction falls within permitted development rights which does not require planning permission. The use of the gates for access for construction would be permitted by virtue of the permitted development rights for temporary construction access where planning permission has been granted for development.

**Trees**

The trees on site are covered by two Tree Protection Orders as noted above. The location of development, tree removal and tree protection measures were approved as part of the PPIp application and previous MSC. With the tree protection fences in place vehicles would be kept outside these areas. Laydown areas are also located outside root protection areas. A condition allows for scaffolding to be erected within the tree protection fences, only where the details have been approved, there is industry standard guidance on scaffolding design, which is referred to in the condition wording. A condition also requires vibration monitoring during ‘stump grinding’ although it is the level of vibration from the machinery involves is low.

In terms of the pumping of piped concrete near to protected trees, this would involve measure to protect roots including a layer of wood chippings and restraints to prevent excessive movement of the concrete pipe. In view of the above, it is considered that trees would be protected within the context of the previous permissions, and the proposal complies with Policy NE5 ‘Trees and Woodland’.

**Other Matters Raised by Objectors**

Many of the matters raised by objectors are dealt with by the above. The following matters were also raised:

- Impact on public roads of pumping concrete and the possible decanting of plant, machinery and materials into smaller vehicles – these matters are not material planning considerations. Where necessary authorisation would need to be sought from the Roads Authority.



- Level of objection – in this instance, this is not a material consideration in itself that would lead to refusal of the application. Applications are determined on the merits of the issues.
- Engagement of independent engineer – the engineer was engaged in order to provide independent advice on technical matters. This was a matter raised by the Reporter in the appeal decision letter.
- Multiple submissions of information – these further submissions have added further detail to the application and there is no planning reason why this cannot be assessed on its merits as part of the application.

## **RECOMMENDATION**

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Approve conditionally

## **REASON FOR RECOMMENDATION**

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That the proposed construction methodology as set out in supporting documents and plans, together with conditions that require monitoring and protection measures to be implemented and retained in place, provides a sufficient degree of certainty that the proposal would preserve the fabric of the listed wall and gazebo to Bielside House. This accords with Policy D4 – Historic Environment. In the context of the tree works tree protection measures already approved the following the measures and methodology in the application submissions would not result in damage to the protected trees. This accords with Policy NE5 – Trees and Woodland. The proposal satisfies the requirements of Condition 1(iv) of application 120491.

## **CONDITIONS**

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1. That the foundations for the temporary fence shall be in accordance with drawing SK01 Rev C and excavation, post construction removal and reinstatement of the ground shall be by hand digging only. Reason: in the interests of protecting listed structures.
2. That prior to development commencing a full dilapidation photographic survey shall take place of all elevations of the listed retaining wall to the garden of Bielside House that bound the application site, including the gazebo. These shall be numbered and submitted to the planning authority together with a location plan sufficient to identify the location of each photograph. Within 2 months of the completion of the construction of the house (as defined by a Building Warrant completion certificate), a further set of photographs shall be taken and submitted to the planning authority, together with a formal assessment of the dilapidation photographs against the listed structures.  
Reason: in the interests of preserving listed structures.
3. Tree stump grinding and construction, including excavation, shall not take place unless there remains in place and operating, vibration monitoring equipment in the vicinity of the listed structures in a position that shall be agreed in writing with the planning authority; vibration monitors shall have audible alarms. Vibrations shall not exceed 10 mm/s, with a first alarm warning at 5mm/s. The listed structures shall be monitored during piling, with visual inspections after each piling event, including checking of listed structures against dilapidation photographs. A record shall be kept of the maximum vibration level for each day where piling takes place. Should monitoring (in accordance with these conditions and the construction method statement) indicate impact on the listed structures, piling work shall cease and not take place unless there has been a report submitted to and approved in writing by the planning authority recording levels of vibrations and a revised construction methodology.

Reason: In the interests of preserving the listed structures.

4. That no scaffolding shall be permitted within the protected areas specified in the scheme of tree protection approved under application 170028/MSC other than in accordance with the details that have been submitted to and approved in writing by the planning authority and these shall accord with the relevant BS5837

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

5. The structures required for the site hut and welfare area shall not be delivered to the site via the Deeside Walkway, unless details are submitted to and agreed in writing by the planning authority showing how this can be implemented without damage to trees.

Reason In the interests of protecting trees.

6. No plant, machinery or construction vehicles shall access the area of the site in which construction is proposed to take place via either the western access to North Deeside Road, or via the Bieldside Lodge / car park area and the eastern access. Where concrete shall be delivered by pipe via this route, this shall be only in accordance with the approved drawing showing location of pipe and including installation of restraints.

Reason: In the interests of protecting trees and listed structures.

7. The pipes for the underground services shall not be installed other than in accordance with further details of the thrust boring technique being submitted to the planning authority, including a report from a suitably qualified person on the suitability of the site, details of the machinery size and pit locations.

Reason: In the interests of protecting trees.

8. That in accordance with Ramsay and Chalmers drawing SK01 RevA (within the NORR Statement) the piling shall be no closer than 5.5m from the face of the listed retaining wall – in the interests of preserving the listed structures.

9. That there shall be a suitably qualified engineer on site at all times during piling operations, for the purposes of monitoring and supervising the piling operations. That works shall not take place unless details, including name of company, qualifications and contact details of the engineer have been submitted to and approved in writing by the planning authority – in the interests of preserving the listed structures

## **ADVISORY NOTES FOR APPLICANT**

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### **HOURS OF DEMOLITION AND CONSTRUCTION WORK**

Unless otherwise agreed in writing with Aberdeen City Council Environmental Health Service (poll@aberdeencity.gov.uk / 03000 200 292), demolition or construction work associated with the proposed development should not take place out with the hours of 07:00 to 19:00 Mondays to Fridays and 08:00 to 13:00 on Saturdays. No noisy work should be audible at the site boundary on Sundays.

Where complaints are received and contractors fail to adhere to the above restrictions, enforcement action may be initiated under the Control of Pollution Act 1974.