

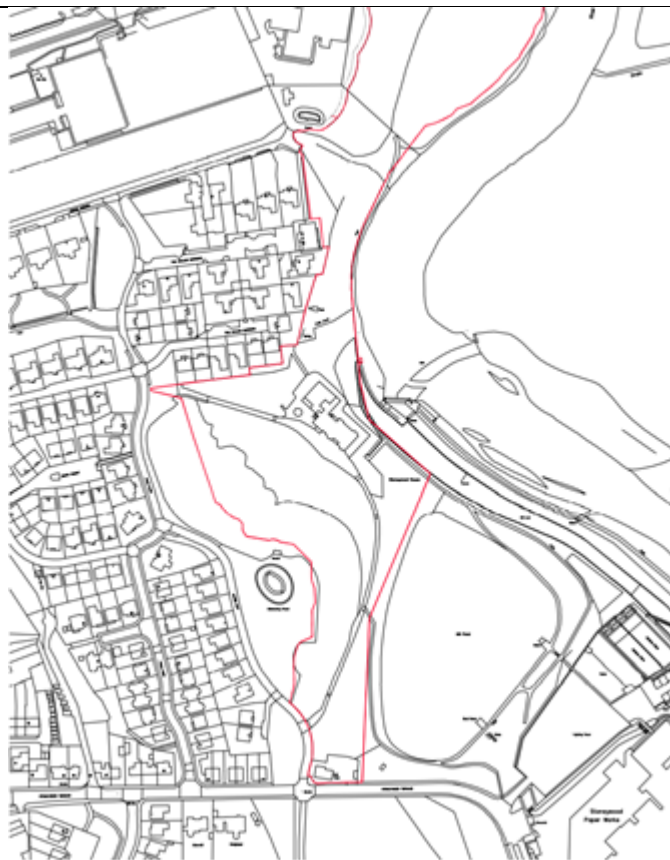


## Planning Development Management Committee

Report by Development Management Manager

**Committee Date: 22 April 2021**

<b>Site Address:</b>	Stoneywood House, Stoneywood Park, Aberdeen, AB21 9LA
<b>Application Description:</b>	Installation of entrance gates and CCTV camera
<b>Application Ref:</b>	201037/DPP
<b>Application Type</b>	Detailed Planning Permission
<b>Application Date:</b>	23 September 2020
<b>Applicant:</b>	Fleet Investments Aberdeen Ltd
<b>Ward:</b>	Dyce/Bucksburn/Danestone
<b>Community Council:</b>	Dyce and Stoneywood
<b>Case Officer:</b>	Lucy Greene



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### **RECOMMENDATION**

Approve conditionally

## **APPLICATION BACKGROUND**

### **Site Description**

The application relates to the Category B listed Stoneywood House and its grounds, which lies within the Stoneywood area of Dyce. The house dates from 1850 and is of mass masonry granite construction, harled with exposed quoins and window surrounds. It is in Jacobean style and of two and half storeys in height. The house was originally built by and used by the owners of the Stoneywood Paper Mill, which lies to the south. It is now in commercial use being used as offices, for meetings and occasional overnight stays in association with the Stoneywood Paper Mill.

The house sits within its parkland style grounds, with a sweeping driveway (taking access from Polo Park to the north and Petrie Way at the southern end) and lawn to the front (west) and the River Don immediately to the east. The riverside and swath of land between the house and residential area, contain a large number of mature trees with rhododendron understorey. Much of the area to the north and west has been developed relatively recently as a residential area and contains detached houses.

### **Relevant Planning History**

Application Number	Proposal	Decision Date
201036/LBC	Installation of CCTV (partially retrospective)	18.02.2021
		Status: Approved Conditionally

## **APPLICATION DESCRIPTION**

### **Description of Proposal**

The application proposal has been significantly amended from what was originally applied for and the application is planning permission for gate posts and double sliding gates together with one of the CCTV cameras only. Previous proposals for the erection of boundary fencing and walls have been removed from this application. The gates would be located on the driveway approximately 10.0m from its junction with Petrie Way, within the grounds of Stoneywood House. The gate posts would be approximately 2.2m in height, faced in granite with brick quoins and artificial granite coping stone. They would stand approximately 6.5m apart with two mild steel railing gates that rise to a height of 2.4m in the centre. A rail would extend to either side of the gate posts to support the gates when in open position, whilst an intercom on a stand would be located on the driver's side of the driveway.

The CCTV cameras have already been granted listed building consent (201036/LBC) and only one of these requires planning permission – it would be within 10m of another camera and therefore falls outside the permitted development rights that cover CCTV cameras.

The cameras are relatively small, measuring approximately 30 cm by 10 cm. There are three cameras currently, all on the front elevation or close to the corners of the building to the front (west elevation) covering the area to the front of the building. A further three cameras are proposed, which would cover the areas to the south and east of the building, of these only the camera on the north elevation, close to the frontage of the house, would require planning permission that is currently sought.

The individual cameras including brackets are approximately 385 × 190 × 180 mm and are encased in pale grey coloured metal. They are capable of being painted. The cameras are located between first and second floor level.

## 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=QFZDGV BZK2Y00>

## Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because the number of objections (thirty one) result in it falling outside the Scheme of Delegation to Officers.

## CONSULTATIONS

**Dyce and Stoneywood Community Council** – Object to the proposal for reasons that relate to access and the original proposals for the boundary fences and can be summarised as:

The various fences would unreasonably prohibit public access and are contrary to a number of policies;

The deer fence is intended to prevent public access, being contrary to Policy D1 on Design and NE9- Access and Recreation, which states that new development should not compromise the integrity of existing and potential recreational opportunities;

Apart from the lawn the grounds of the house are designated under Policy NE1: Green Space Network, which provides for access to the outdoors and covers paths and links;

The site is also designated under and at odds with Policy H1 and OP17, with the former stating that proposals should not impact detrimentally on character and amenity or result in the loss of valued open space;

Neither would the proposal be fully aligned with the Land Reform Act which puts a responsibility on landowners to ensure that the public are able to exercise their right to roam over land that they own.

## REPRESENTATIONS

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Letters of objection have been received from thirty one (31no.) individuals and a letter of support from the applicant. The matters raised are largely relevant only in respect of perimeter fences that are no longer part of the application, with those in support as follows:

- That the Stoneywood Development Framework (DF) indicates that Stoneywood House would be converted into flats, with the setting and privacy of the listed building being respected, with a hedge running around the perimeter of the lawn. This is concluded by the writer to mean that there would always be an intention for this part of the estate to remain private.
- That the DF shows core paths, core public spaces, cycle paths and local open spaces and none of these are within the ground of Stoneywood House. It is stated that 20.69ha of open space is provided and none of this includes the streets, lawns and area around Stoneywood House.
- There is a long standing history between the house and the Stoneywood Papermill, with the conversion to residential proposed by the DF, not having taken place. The mill went into administration in 2019 and there was then a management buy out. During that period many crucial meetings were held in Stoneywood House including with MSPs and the Scottish Government.

- The letter includes a description of various acts of anti-social behaviour from the public, including dog fouling, and invasion of privacy of the house. Due to the situation, fences and CCTV were erected.
- Fencing was taken down by others on more than one occasion and this was reported to the Police.
- A letter was delivered to Stoneywood House from the Stoneywood North Residents Association, which advised that there is a legal right to access to the grounds which is contained within title deeds of houses within Stoneywood. The legal claims are disputed.  
*It should be noted that this is no longer relevant to the application and so far as it relates to deeds is not a relevant material consideration in the planning process.*

The following matters were also raised in objections, and again largely relate to the cameras (that were the subject of listed building consent granted earlier this year), and fences that have been removed from the application proposal:

- That the proposal is contrary to Scottish Planning Policy, Historic Environment Scotland Policy Statement (HEPS) the Aberdeen Local Plan 2017 (LDP) and Proposed Local Development Plan (PLDP)- in particular, policies relating to design, built heritage, access, green space and amenity, the Stoneywood Development Framework and Masterplan Supplementary Guidance, the Land Reform Act and planning permissions that have been granted on the site.
- That the proposals are intended to prevent public access, whilst the character of Stoneywood Estate relies on connectivity including through the grounds of Stoneywood House as per the Stoneywood Development Framework.
- That the CCTV cameras have already been installed (in early 2020) without permission and spoil the look of the listed building. The cameras are unsightly, would materially affect and have a negative impact on the listed buildings character and setting of Stoneywood Estate.
- There is no consideration given to the positioning, colour and fixings of the CCTV cameras, in terms of the historic fabric and that they would obstruct the principal elevation. They could be more sensitively located.
- That there is no justification for the CCTV cameras as there are no incidents that warrant this measure – the fire raising incident quoted by the applicant was in the woods 300 yards away.
- Objection queries the intention of the data collected by the cameras and how this relates to the General Data Protection Regulation (GDPR).
- That the cameras are intended to intimidate people and discourage walking in the grounds, not to prevent dog fouling and prevent vandalism.
- That public access to the area around Stoneywood House would result in passive surveillance, which negates the need for cameras that would compromise the integrity of the listed building.
- That the fences would be detrimental to visual and residential amenity and impact adversely on the setting of the listed building.
- The gates and previously proposed wall would adversely impact upon setting of the Category C listed East Lodge - the gatehouse. *It should be noted that the wall is no longer part of the proposal.*

## **MATERIAL CONSIDERATIONS**

### **Legislative Requirements**

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that where, in making any determination under the planning acts, regard is to be had to the provisions of the

Development Plan and that determination shall be made in accordance with the plan, so far as material to the application unless material considerations indicate otherwise.

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

Policy H1 – Residential Areas  
Policy NE1 – Green Space Network  
Policy T3 – Sustainable and Active Travel  
Policy NE9 – Access and Informal Recreation  
Policy NE5 – Trees and Woodland  
Policy D1 – Quality Placemaking by Design  
Policy D4: Historic Environment  
Opportunity Site OP17

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

Stoneywood Development Framework

### **Proposed Aberdeen Local Development Plan (2020)**

The Proposed Aberdeen Local Development Plan (Proposed ALDP) was approved at the Council meeting of 2<sup>nd</sup> March 2020. A period of representation in public was undertaken from May to August 2020. The Proposed ALDP constitutes the Council's settled view as to what the final content of the next adopted ALDP should be and is now a material consideration in the determination of planning applications. The Aberdeen Local Development Plan 2017 will continue to be the primary document against which applications are considered. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether:

- such matters have or have not received representations as a result of the period of representations in public for the Proposed ALDP;
- the level of representations received in relation to relevant components of the Proposed ALDP and their relevance of these matters to the application under consideration.

The foregoing can only be assessed on a case by case basis.

## **EVALUATION**

### **Principle of Development**

The issues for consideration are the appearance of the gates and CCTV camera within the context of the site and whether there is any potential impact on access including for recreation or wildlife. The application site lies within an area designated under Policy H1: Residential Areas and Policy NE1: Green Space Network in the adopted Aberdeen Local Development Plan 2017.

Proposals for new development in residential areas shall be assessed on the basis of impact on the character and amenity of the surrounding area under Policies H1 and D1. The gates would be more than 40m from the plots of houses at 1 and 2 Petrie Way and approximately 34m from the boundary of the East Lodge. Although substantial gates at over 2m in height, these would not be out of character with the residential surroundings and are of a scale appropriate to the size of Stoneywood House grounds. The railing style design would allow views through and along the drive, further reducing any visual impact, whilst the use of granite and brick is a traditional approach that would fit with the granite of the main house.

The CCTV camera is part of the scheme that has already been granted listed building consent and requires planning permission due to its location within 10m of an existing camera. It is located on the north elevation close to the west elevation (front) of the building. The overall array of CCTV cameras was reduced as part of the 201036/LBC application in order to minimise impact on the listed building and this is equally applicable to visual amenity. The single camera proposed on the north elevation of the House is considered acceptable. And would not have a detrimental impact on the character or amenity of the House or the surrounding area, in line with the requirements of Policies H1 and D1.

The gateposts would be constructed on the grass to either side of the tarmac driveway, with surface mounted guide runners. To either side of the driveway are grassed areas of varying width with shrubs and mature trees set back from the driveway. With the gates in either an open or closed position, access from the south would not be prevented other than for vehicles. In terms of policies relating to access, recreation and wildlife corridors issues raised by objectors in relation to the originally proposed fences, the content of the revised application would result in the situation with regard to non-vehicular access being no different to that which exists. The proposals are consistent with policies NE9 and T3 relating to access and with the aims of the Stoneywood Development Framework.

There are existing mature trees at intervals along the driveway and set back several metres from it. The gateposts would be 660mm square and would therefore require a limited area of foundation, whilst the guide runners would be surface mounted. There is no proposal for works to trees as part of the development, however, a plan has not been submitted showing the exact position of trees in relation to the gate posts. In order to protect the long term health of trees and given that the exact position of the gateposts could be refined in terms of exactly where the gates cross the driveway, it is proposed to attach a condition requiring a survey of the location and root protection area of trees in relation to the gate foundations to be submitted, along with protection barriers during construction. With this condition attached it is considered that the proposal would be consistent with Policy NE5, which states that any buildings should be sited so as to minimise adverse impacts on existing trees. The proposal would also comply with the aims of the Stoneywood Development Framework which seeks to retain the woodland setting of the estate.

In terms of impact on the setting of nearby listed buildings, the East Lodge and Stoneywood House (Category C and B respectively) the gates are at a distance whereby any impact would be insignificant, whilst the camera is part of a range of cameras that were reduced in number to minimise their impact whilst fulfilling their security function.

The paragraphs above address all relevant issues raised by objectors, whilst a number of the matters relate to the fences that have been omitted from this revised application.

### **Proposed Aberdeen Local Development Plan**

In relation to this particular application, the policies in the Proposed Aberdeen Local Development Plan 2020 (ALDP) substantively reiterate those in the adopted Local Development Plan and the proposal is acceptable in terms of both Plans for the reasons previously given.

### **RECOMMENDATION**

Approve conditionally

### **REASON FOR RECOMMENDATION**

In terms of their size, design, position and scale, the proposed gates and CCTV camera are acceptable in their impact on visual and residential amenity and the setting of nearby listed buildings.

The gates would not prevent access other than vehicular, with no impact or change to the current situation regarding non-vehicular access and there would be no detrimental impact on the use by wildlife of the Green Space Network that covers part of the site. The proposal would be thereby consistent with Policies H1: Residential Areas, D1: Quality Placemaking, D4: Historic Environment, NE1 – Green Space Network, T3 – Sustainable and Active Travel and NE9 – Access and Informal Recreation.

With the attachment of a condition requiring further details of the foundations in relation to tree roots, the proposal would ensure that impact on trees is minimised and would comply with Policy NE5 – Trees and Woodland.

The site is part of Opportunity Site OP17 'Stoneywood' identified as a residential development, the implementation of which is guided by the Stoneywood Development Framework and Masterplan including guidance on matters including residential character, woodland setting and access.

## **CONDITIONS**

1. That no development shall take place unless there has been submitted to, and approved in writing by, the planning authority, the following details:
  - a. A tree survey showing the location of the gate posts and all trees within 12m of the gate posts, this shall include plotting tree root protection areas;
  - b. Details, including plan and dimensions, of the foundations of the gateposts and methodology for the excavation;
  - c. Details of tree protection measures, including plan and specification including barriers fixed into the ground, where these are identified as necessary following the tree survey.Development shall be carried out only in accordance with the details as so agreed.

Reason: In the interests of minimising damage to trees.