CULTS BIELDSIDE AND MILLTIMBER COMMUNITY COUNCIL

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

**20 May 2012**

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

Dear Ms Greene,

**12 0491: Bieldside Lodge, Bieldside**

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

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

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

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

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

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

Yours faithfully

**Christine McKay, Planning Coordinator**

**Copy to: Councillor Marie Boulton, Councillor Aileen Malone**

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

The Elms
7 North Deeside Road
Aberdeen AB15 9AD

4th May 2012

Dear Sirs

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

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

We are particularly concerned about the following:

1. The proposed house will have adverse effects upon the area as a whole and in particular to the disused railway line that the city council has clearly been promoting as a wildlife and leisure amenity. In addition to the planned location of the proposed house that will place it far closer to the disused railway line than any of the surrounding established properties, the plans suggest a sizeable property that will be in plain view to all passers by.

2. We appreciate that the proposal would involve the felling of a significant number of attractive mature trees, some of which are protected, to facilitate the construction of the house. In addition it is hard to conceive that future occupants of the new house would not seek further permission to fell even more of the surrounding trees to improve the natural lighting. This would have yet further ramifications for the area as a whole as mentioned above.

3. Having lived in this area for fourteen years during which time we have witnessed ever increasing volumes of traffic using the North Deeside Road, we perceive dangers to all current and future users of the North Deeside Road as a result of increasing the volume of traffic using the proposed access road. In particular, the proposed access road would exit onto a busy section of the North Deeside Road that is on a bend, close to traffic lights and directly opposite another junction with Cairn Road. This stretch of road has been the scene of at least three significant road traffic accidents during the fourteen years that we have lived at the above address, two of which have involved cars emerging from, or in the close proximity of the proposed access road.

4. In addition to the aforementioned points, having studied the supporting documentation for the proposed construction of the new dwelling house, there is

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

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

Yours faithfully

[redacted]

Professor Alan J Johnstone

[redacted]

Dr Rona L Johnstone

20-04-2012

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

Norman Johnston
Whinhill House
Aberdeen
AB11 7UR

**SUBJECT: PROPOSED HOUSE AT BIELDSIDE LODGE**

Dear Ms. Green

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

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

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

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

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

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

Yours sincerely,

John Johnston

SCOTTISH CIVIC TRUST

*the*
Tobacco Merchants House
42 Miller Street
Glasgow
G1 1DT

www.scottishcivictrust.org.uk



| | | | |
|---|---|---|---|
| Your Ref: | **120491** | Our Ref: | **1336** |
| Subject: | **Erection of dwellinghouse**<br>**Bieldside Lodge**<br>**North Deeside Road**<br>**Bieldside, Aberdeen**<br>**AB15 9AD** | | |
| Date: | **21-May-12** | | |

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

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

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

<u>Were the structures built before 1948?</u>

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

<u>Were they in the same ownership as the main subject of listing at the time of listing?</u>

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

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

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

<u>Are the structures still related to the main subject on the ground?</u>

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

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

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

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

FundRaising Standards Board

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

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

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

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

[redacted]

Gemma Wild

Heritage & Design Officer

City Development Services
Letters of Representation
Application Number 120491
RECEIVED ~~21~~ 22 MAY 2012
Dev. (North)
Case Officer Initials: [redacted] LCG
Date Acknowledged 28/5/12

**To** Head of Planning and Sustainable Development, Aberdeen City Council

**Cc** Historic Scotland, AHSS

FundRaising Standards Board

Bieldside Mill
23 North Deeside RD
ABERDEEN
AB15 9AD

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

18 May 2012

Dear Madam

**Application Number 120491**
**Bieldside Lodge**

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

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

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

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

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

Clearly the applicant has ambitions to drive an access road down the Eastern perimeter of Bieldside Mill to permit vehicular access to the proposed dwelling in due course ref Exhibit iii). The likely vehicular route has been highlighted in yellow in the aforementioned document, and the B listed summer house is marked with a red X. The future vehicular access is likely at the heart of the misrepresentation of the border with Bieldside Mill. Should a single track road for vehicular access be constructed in due course on the applicant's legitimate land it is so narrow that it would almost touch the B listed summer house. The summer house is currently supported by a period brick stilt and any vehicular access would invariably be to the structural detriment of the B listed building. For a true representation of the applicant's land please refer to the Land Register of Scotland title document ABN91439 or Appendix i,ii or iii. Document ABN91439 shows how narrow any access would be from a vehicular perspective on the applicant's owned land and confirms the likely road's proximity to the B Listed summer house. Any additional future vehicular access from North Deesdie Rd will add to congestion on the already dangerous intersection opposite Cairn Road. Three road traffic accidents have already occurred within 50 yards of this intersection over the last twelve months.

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

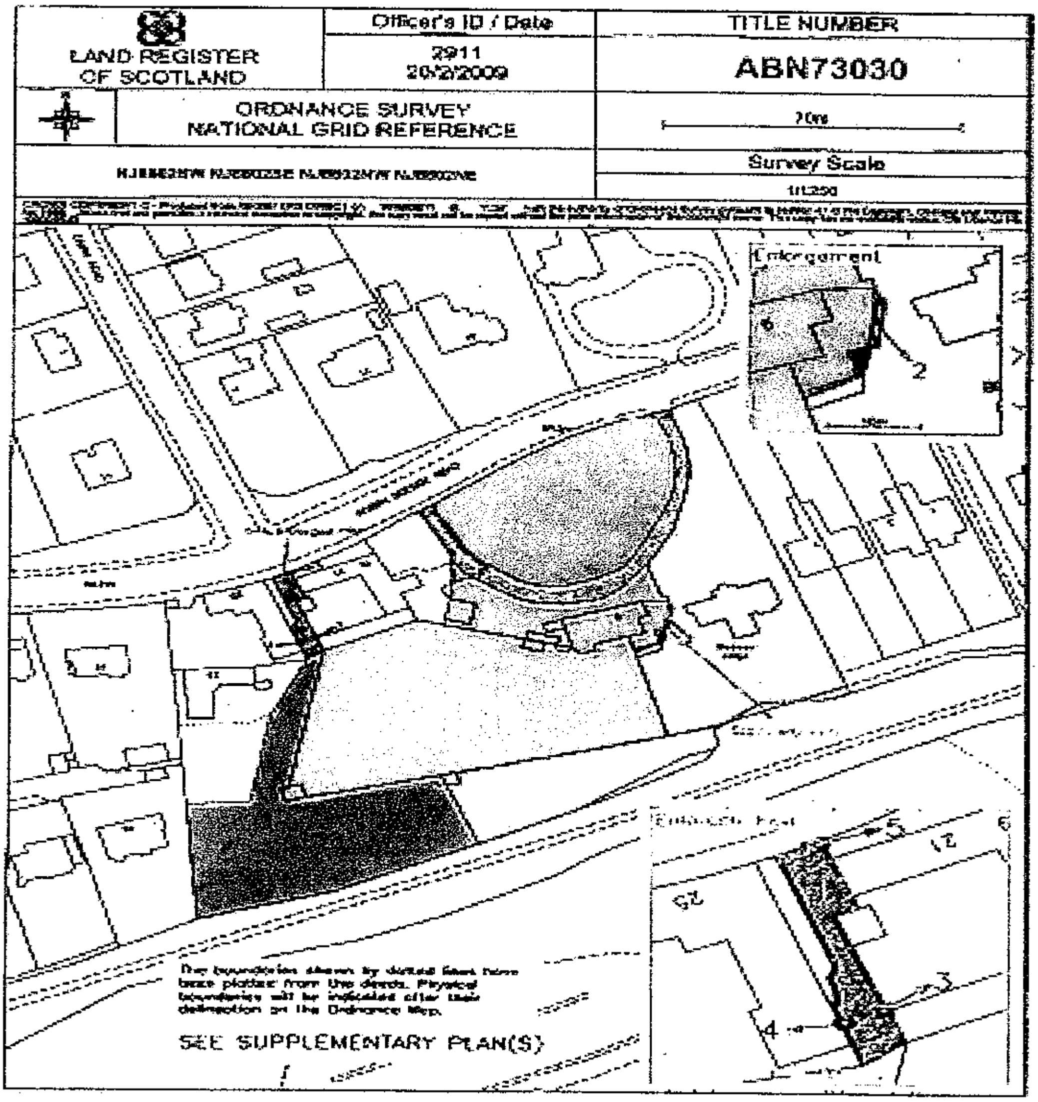
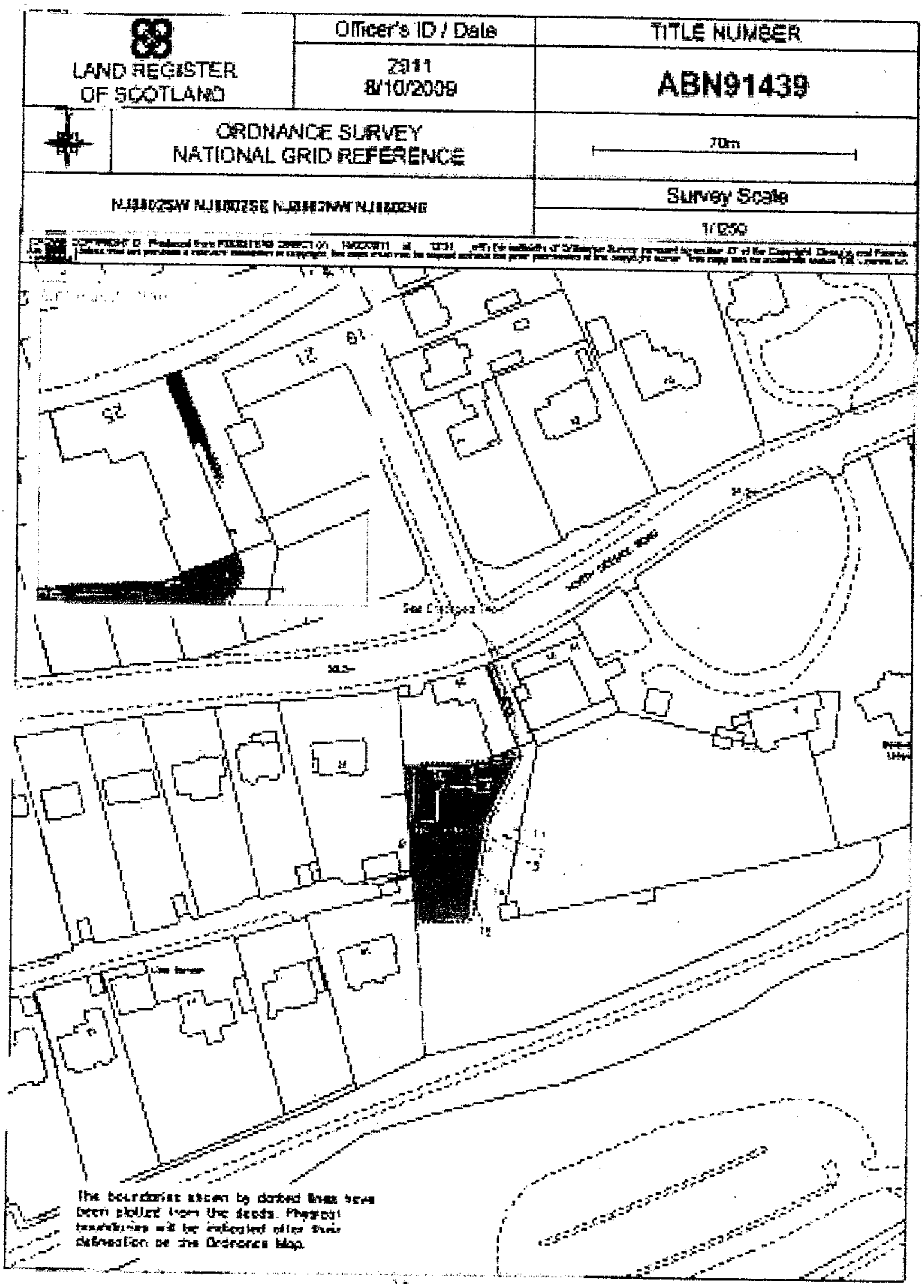


**Exhibit ii)** Land Register of Scotland title document No ABN91439. This image shows the tree T5 which is subject to the interdict relevant to the applicant.



4. The applicant has indicated that access for construction could be taken in part from the Deeside Walkway. This would be a wholly inappropriate use of this leisure facility and ironically, not only would any construction access be to the detriment of this amenity but the end result would also diminish it.

5. The outline plans are insufficient to form a view as to whether the design is of a positive nature and as such must be regarded in the negative. The access to the property is contrived and certainly could not comply with the requirements of legislation to enable disabled access.

6. The North Deeside Road has recently seen a number of accidents in the stretch where access is proposed. Further traffic using a substandard access is contrary to public policy on grounds of safety. It is questionable that the Council roads officer has adequately researched this issue.

7. There have been two previous appeals in respect of this site. The most recent of these was dismissed in January 2011 and the current application should be dismissed on similar grounds. The newly adopted local plan arguably has more material considerations adverse to this application than had its predecessor.

Yours Sincerely

Toby Bryce / Susan Bryce
[redacted]

Bieldside Mill [redacted]

Tilquhillie
By Banchory
Kincardineshire, AB31 6JT

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

17 May 2012

Dear Sirs;

REFERENCE: Application Number 120491 - Bieldside Lodge

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

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

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

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

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

Yours faithfully

[redacted]

Dr John Coyne

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

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

18th May 2012

Dear Sirs,

Application Number 120491 – Bieldside Lodge

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

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

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

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

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

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

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

Yours faithfully,

[redacted]

Mr Geoff Purcell
52 Fonthill Road
Ferryhill
ABERDEEN
AB11 6UJ

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

14 May 2012

Dear Sirs

**Application No 120491**
**Bieldside Lodge**

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

1. The impact of a house adjacent to the Deeside Walkway would have an undesirable impact on this attractive amenity.

2. The proposal involves the removal/adverse impact on mature trees which is unacceptable.

3. The proposal would have a material adverse impact on the setting of Bieldside House which is afforded statutory protection by its B-listing.

4. Many people including myself use the railway line and appreciate it for the peace and quite, beautiful trees and period properties. I do not feel this development will enhance any of these positives, in fact detract enormously.

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

Yours faithfully

G Purcell

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

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

Dear Sirs

**Application 120491, Bieldside Lodge**

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

1. Road safety and access. There have been a number of accidents on this stretch of road recently and significant works were carried out historically in order to seek to make the road safer. Consultation with the Police will confirm the number of accidents-they have been "in attendance" on at least 3 occasions in the past 12 months. This stretch of road is particularly dangerous at peak commuter times (morning and evening), on Sunday mornings with church goers and in the winter following snow fall. Many of the surrounding access driveways become impassable in winter which leads to large numbers of vehicles being parked by the roadside. The access to the proposed dwelling is also contrived and would over time inevitably be widened/increased having a further adverse impact on Bieldside House and the adjoining Green Space Network.

2. The impact on both the B listed property and its setting. The proposed development is at odds with national planning policy, the newly adopted local plan (and its supplementary guidance re cartilage splitting among others) and Historic Scotland guidance re listed buildings. The building of Bieldside Lodge was permitted only with specific restrictions (which are still in force) which were specifically in most instances to protect the existing listed building (Bieldside House) .The designs are not detailed but the earthworks associated with a development of this nature would threaten the structural integrity of the listed walls and gazebo of Bieldside House.There should be no further development here.

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

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

Yours faithfully,

[redacted]

Keith O Gordon

Bieldside House Cottage
19 North Deeside Road
ABERDEEN
AB15

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

17th May 2012

Dear Sir

**Bieldside Lodge Planning ~ Application Number 120491**

I am writing to object to the above planning application.

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

We object on the following grounds:

1 The adverse impact on the B-listed Bieldside House. There have now been many similar applications in respect of this site. Two of these were indeed appealed unsuccessfully. The principles appear unchanged and the application should fail on this ground alone.

2. The likely loss of protected trees and mature trees.

3. The adverse impact on the Deeside Walkway.

4. The proposed access is unsafe and would place further burden on an unmade driveway which is already shared by pedestrians and vehicles from 3 properties. Additionally, the access proposed would appear somewhat contrived.

Yours faithfully

[redacted]

Mr D. R. Covey

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

Comment for Planning Application 120491
Name : John Warrender
Address : 1 North Deeside Road
Bieldside
Aberdeen
AB15 9AD

Telephone : [redacted]
Email : [redacted]
type :
Comment : Dear Sir/ Madam,

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

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

Deeside Walkway. This is wholly unacceptable and contrary to policy re the Green Space Network. The use would be to the detriment of the walkway as would the finished product.
9. The application is supported by many misleading documents and photographs.

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

I look forward to hearing from you.

Yours faithfully,

John Warrender

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

Comment for Planning Application 120491
Name : Mr S Arnott
Address : 3 Station Road
Bieldside
AB15 9DP

Telephone :
Email :
type :
Comment : Please accept my objection to the planning application for erection of a new house in the grounds of Bieldside Lodge, Bieldside, North Deeside Road, Aberdeen, Application Number 120491. This objection is based on the following observations;
1. Repetition of a repeatedly refused application. This is one of a series of applications in respect of the same site. These have been twice appealed unsuccessfully to Scottish Ministers. Grounds for refusal in 2011 are not changed by the new local Development Plan for the reasons set out in that Appeal.
2. Newly adopted local plan and associated supplementary guidance. Whilst there is a new local plan the planning philosophies underlying it remain the same and the application fails to meet a number of these policies.
3. Residential Curtilage. The Council supplementary guidance on splitting of residential curtilage sets out a number of requirements which the application fails to meet. Any development would set an unwelcome precedent in respect of backland development impacting adversely on the Deeside Walkway which is designated Green Space Network.
4. Loss of trees and woodland, some protected. The applicant has a poor record in this regard with unauthorized fellings simply dumped on council land adjacent to the Deeside Walkway. Further loss of trees will adversely impact the environment at a time when the Council claims in policy to be encouraging tree and woodland development.
5. Property Access. Access (i.e. the distance between the parking area and the property) is clearly contrived and disingenuous. It is unsuitable for emergency services and disabled users and any house buyer would find it unacceptable. The applicant has a history of incrementing beyond the original application and it is inevitable over time that he would attempt to increase access to full vehicular access before the development was completed.
6. Construction Access. There is a proposal that the access for Construction might be taken along the Deeside Walkway. This is wholly unacceptable and contrary to policy re the Green Space Network. The use would be to the detriment of the walkway as would the finished product.
7. Impact on B listed Bieldside House. This property was listed for good reason and is one of only a very small number of listed properties in the area. The development of Bieldside Lodge was only allowed on very strict conditions including a bar on further development of the site specifically because of impact on Bieldside House. National planning policy affords protection and there is no reason to lift the restrictions.

Thank you,

S.Arnott

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

18 May 2012

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

Dear Madam,

**Planning Application 120491, Bieldside Lodge**

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

Reference is made in this letter to:

1 Town and Country Planning (Scotland) Act 1997 ("TCPA");

2 The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 ("the Listed Act");

3 Aberdeen Local Development Plan 2011 ("the Local Plan");

4 Supplementary Guidance to the Local Plan ("SG");

5 SG re Sub-Division and Redevelopment of Residential Curtilage ("SG Curtilage");

6 SG re Trees and Woodland ("SG Trees/Woodland");

7 SG re Natural Heritage ("SG Natural Heritage");

8 Support letter submitted by Rydens dated 3 April 2012 "on behalf of Mr Hawthorne setting out a justification for approval of the application" ("the Ryden letter");

9 Archial Assessment on Historic Setting ("AAHS");

10 Appeal Determination dated 24 February 1997 by the Scottish Office Inquiry Reporters "in respect of outline planning permission for the erection of a dwellinghouse (with tree removal) in the grounds of Bieldside Lodge, Bieldside House" ("the 1997 Appeal");

11 Appeal Decision Notice dated 20 January 2011 issued by Iain Urquhart, a Reporter appointed by the Scottish Ministers in deciding appeal ("the 2010 Appeal") Reference PPA-100-2022("the 2011 Appeal Decision");

12 Aberdeen City Council "PAARF and Statement of Observations" dated 18 November 2010 in relation to the 2010 Appeal ("the Observations");

13 Scottish Historic Environment policy and associated Guidance Notes ("SHEP");

14 Scottish Planning Encyclopedia edited by The Hon Lord Gill ("SPE");and

15 Report by W A Fairhurst & Partners , Consultant Civil Engineers dated 30 November 2006 re inspection of listed walls and gazebo foundation at Bieldside House and assessment of potential impact of construction activity on same ("Fairhurst Report").

Status of Objectors

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

Local Plan/Scots Planning Law/Listed status

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

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

Listed Building and Curtilage / Conditions re Bieldside Lodge

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

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

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

Local Plan/SG Specifics

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

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

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

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

on the Gazebo and the views of the walls. It would also dominate parts of the garden of Bieldside House which itself is an important part of the setting of the listed property. The Fairhurst Report examined the structure of the listed walls and the foundations of them and the gazebo and it is clear that the necessary earthworks for a development of this nature would cause them to fail. The 1997 Appeal and the 2011 Appeal Decision both concluded that the applications had an adverse impact on the listed building as did the Observations and no material considerations have been put forward by the applicant or his agents to justify a departure from that position as supported by the TCPA and the Listed Act.
Historic Scotland do not as policy comment on applications of this nature. They have however recently confirmed that their previous comments per the Observations Production 6 are still valid and reflect their current view.
The Local Plan identifies specific areas for large scale development and there is no material consideration to suggest this site is appropriate for this development..

Road Safety

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

Conclusion

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

Yours faithfully,

[redacted]

Robert J A Ruddiman ,LLB, DipLP, NP

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