

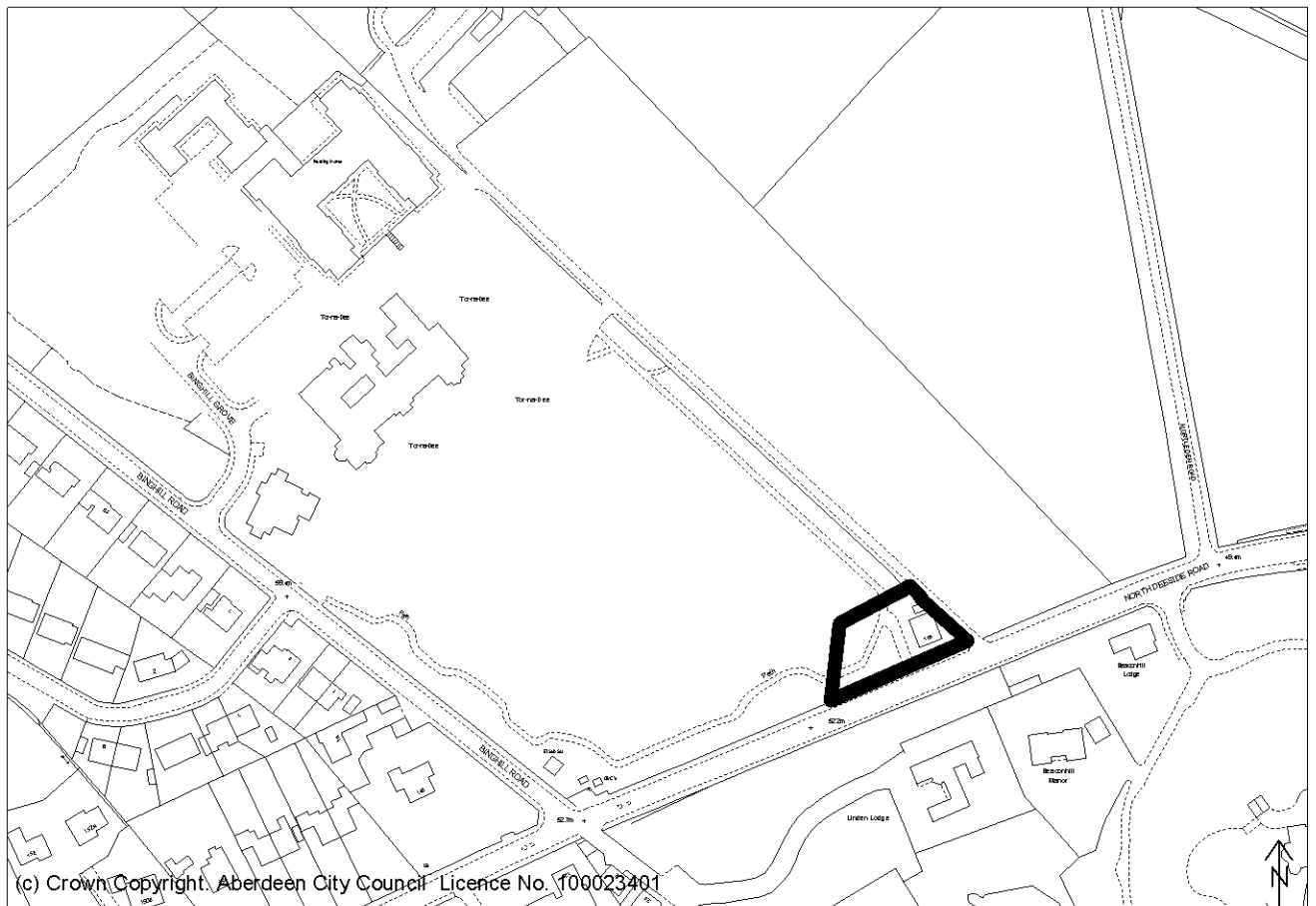
THE LODGE, TOR NA DEE, 106 NORTH
DEESIDE ROAD, MILLTIMBER

DEMOLISH EXISTING DWELLINGHOUSE
AND ERECT REPLACEMENT
DWELLINGHOUSE

For: Tornadee Ltd

Application Ref. : P121679
Application Date : 04/12/2012
Officer : Gavin Evans
Ward: Lower Deeside (M Boulton/A
Malone/M Malik)

Advert : Full Notify not poss.
(neighbours)
Advertised on : 09/01/2013
Committee Date : 14 February 2013
Community Council : No response received



RECOMMENDATION: Approve subject to conditions

The application site, which extends to some 1250sqm, is located on the northern side of North Deeside Road, between Murtle Den Road and Bingham Road, and comprises a single-storey dwellinghouse of traditional design with associated garden grounds. The building is understood to have been vacant for some years, and appears to be in a state of disrepair. There is an existing access point onto North Deeside Road to the west of the building, however a mature Cypress has grown unchecked and appears currently to be encroaching on that access.

The site is bounded to the east by a private road that provides access to Aberdeen Riding School, which is located approximately 250m to the north. Beyond that access road lie enclosed fields, laid to grass, which appear to be used in connection with the riding school. To the north and west of the site are extensive landscaped grounds relating to the former Tor Na Dee hospital, now converted and in use as a private care home. To the south, on the opposite side of North Deeside Road, is a 12m wide tree belt, which sits at a lower level than the adjacent footway and is enclosed by a low retaining wall, providing a buffer between the road and the residential properties beyond: Beaconhill Lodge, Beaconhill Manor and Linden Lodge.

The application site is enclosed along its North Deeside Road frontage by a low-level granite rubble boundary wall, topped by ivy and a variety of other bushes, currently overgrown. This enclosure continues along the eastern boundary, facing onto the access road for the riding school. To the north and west there is no enclosure of a defined residential curtilage pertaining to the gate lodge, and the building sits amid the wider grounds of the former hospital. The existing access point, to the west of the dwelling, features traditional granite gatepiers and a wrought iron gate.

The site comprises a gate lodge of traditional design, which appears to be in a state of some disrepair, with a freestanding lean-to style single garage. It is understood that the modest single-storey property once served as the gate lodge to the old Tor-Na-Dee Hospital. The harled granite building features a hipped slate roof with decorative clay roof tiles and a bay window on its southern elevation. Existing openings are currently boarded up.

To the south-western corner of the site and along the western end of its street frontage are a number of mature trees, of various species including Sycamore, Norway Spruce

The entire application site is within a wider area covered by Tree Preservation Order (TPO) 170, which requires that no works to protected trees be carried out without the express consent of the planning authority. Due to the presence of trees on the site, the Council's Arboricultural Planner was consulted for his views on the likely impact of the works on those trees. This consultation is detailed further below.

HISTORY

There is no recent planning history pertaining to the site of the gate lodge at Tor Na Dee. Application A5/2033, submitted in November 2011, sought planning permission for the redevelopment of the former hospital site for healthcare use. The application was referred to committee on 16th February 2006, and members indicated a willingness to approve conditionally, subject to appropriate conclusion of a legal agreement and pending the grant of a bat licence by the Scottish Executive.

PROPOSAL

This application seeks detailed planning permission for the demolition of the existing vacant building and the construction of a 2-storey detached dwellinghouse of contemporary styling, incorporating an integrated double garage.

The proposed replacement dwelling would occupy a footprint of approximately 230sqm, compared to the 120sqm footprint of the existing house and garage combined. While the proposed replacement dwelling would occupy a larger footprint than the existing house, it would be constructed in a similar position, towards the south-eastern corner of the site, and the position of its southern and eastern walls would broadly match those of the original dwelling, maintaining a strong relationship with the south-eastern corner of the site to reflect the character of the original building as a gate-house.

Access to the new dwelling would remain via the existing access point off North Deeside Road, with an area of hardstanding formed on the western side of the house using permeable paviers.

Works to protected trees are necessary to facilitate the development – these are detailed further in the evaluation section of this report.

REASON FOR REFERRAL TO SUB-COMMITTEE

This application has attracted a total of 23 representations. Under the Council's current scheme of delegation, any application attracting more than 5 representations must be referred to the Development Management Sub-Committee.

CONSULTATIONS

ROADS SECTION – No objection to the proposal
ENVIRONMENTAL HEALTH – No observations
COMMUNITY COUNCIL – No response received

REPRESENTATIONS

A total of 23 letters of representation were received in relation to this application. All of these representations were based on the same template. The matters raised in the representations received can be summarised as follows:

- States that each owner of property within the Tor Na Dee development (now known as Binghill Grove) is in possession of a 1/106 share of the amenity ground surrounding that development, and that the proposed development encroaches upon the amenity ground which is jointly owned by those parties.
- Reference is made to the 2004 Planning Brief for the development of the Tor Na Dee site, which states the importance of retaining both trees and open space. Objectors contend that the encroachment upon, and enclosure of, land in mutual ownership of residents within the Tor Na Dee development would serve to deny public access to this ground, contrary to a condition attached to planning permission A5/2033, which required the reinstatement of paths and planting within those amenity grounds following completion of the Tor Na Dee development.
- Based on the above, objection is stated to the proposal however, should the planning authority intend to approve the application, objectors stress that the conditions on the deed of residents at Tor Na Dee, requiring that the land in question be available for public access, should be enforced.
- It is requested that no protected trees be removed to facilitate construction, and that appropriate conditions are attached to any consent to control this.
- Concerns are raised regarding the proposed access onto North Deeside Road. It is acknowledged that there is an existing access point, however it is pointed out that traffic volumes have increased significantly since that access was last used. It is noted that the access is in close proximity to the driveway serving the riding school and the existing bus stop on the northern side of North Deeside Road. Concerns are raised regarding the possibility of ensuring appropriate lines of sight/visibility for vehicles using the proposed access.

PLANNING POLICY

Aberdeen Local Development Plan

Policy **D1: Architecture and Placemaking** requires that all new development must be designed with due consideration for its context and make a positive contribution to its setting.

Policy D2: Design and Amenity states residential development shall have a public face onto a street and a private face to an enclosed garden or court. All residents shall have access to sitting-out areas, which may be provided in the form of balconies, private gardens, terraces, communal gardens or other means acceptable to the Council.

Policy D4: Aberdeen's Granite Heritage

The City Council will encourage the retention of granite buildings throughout the city, even if not listed or in a conservation area. Conversion and adaptation of redundant granite buildings will be favoured. Where a large or locally significant granite building that is not listed or in a conservation area is demolished, the City Council will expect the original granite to be used on the principal elevations of the replacement building.

Policy NE3: Urban Green Space

States that permission will not be granted to use or redevelop any parks, playing fields, sports pitches, woods, allotments or all other areas of urban green space for any use other than recreation or sport, unless an equivalent and equally convenient and accessible area for public access is laid out and made available in the locality by the applicant for urban green space purposes.

Policy NE5: Trees and Woodlands sets out that there will be a presumption against all activities and development that will result in the loss of or damage to established trees and woodlands that contribute significantly to nature conservation, landscape character or local amenity, including ancient and semi-natural woodland which is irreplaceable. Appropriate measures should be taken for the protection and long-term management of existing trees and new planting, both during and after construction. A tree protection plan for the long-term retention of trees should be submitted and agreed with the Council before development commences on site.

Policy R7: Low and Zero Carbon Buildings requires that new buildings install low and zero carbon generating technologies to reduce their predicted carbon dioxide emissions. Further guidance is contained in the Council's published supplementary guidance, entitled 'Low and Zero Carbon Buildings'.

The City Council's published **Supplementary Guidance in relation to the Sub-division and Redevelopment of Residential Curtilages** is of relevance to the proposed development, as it involves the redevelopment of an existing residential curtilage. This document sets out guidelines for the redevelopment of existing residential curtilages intended to ensure that new development appropriately reflects the context of a given site, and adequately safeguards the amenity of neighbouring residents.

Further Supplementary Guidance in relation to **Low and Zero Carbon Buildings** is of relevance in so far as it sets out that all new development should install low and zero carbon generating technologies to reduce predicted carbon dioxide emissions by at least 15% below 2007 building standards levels. It further states that it will be the responsibility of applicants to provide the necessary technical calculations in support of planning applications. Development will have deemed compliance if either a) it can be demonstrated that the development will exceed the 30% carbon dioxide saving required by building standards; or b) that a financial contribution of £200 per dwelling is made towards the improvement of the energy performance of the existing housing stock.

EVALUATION

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) 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.

Tesco Stores Ltd has submitted an appeal to the Supreme Court against the decision of the Inner House of the Court of Session to refuse its application to quash the Aberdeen Local Development Plan. Tesco has been unsuccessful regarding both an interim suspension and a full appeal in front of three judges in the Inner House and the Council has received robust advice from Counsel that the reasoning of the Inner House is sound and there are strong grounds to resist the appeal.

Planning applications continue to be determined in line with the Aberdeen Local Development Plan but the appeal is a material consideration and the Council has to take into account the basis for the legal challenge when determining applications. It should also be pointed out that the Court indicated that, even if Tesco's arguments had found favour, it would have been inclined to quash the plan only in so far as it related to Issue 64 (Allocated Sites: Woodend...Summerhill... etc.) and that it would be disproportionate to quash the whole plan.

This evaluation has had regard to and taken into account the legal challenge. None of the policies or material considerations which apply to this application would be affected by the terms of Tesco's challenge. The recommendation would be the same if the application were to be considered in terms of the 2008 Aberdeen Local Plan.

Urban Green Space zoning

As this site is zoned within an area designated as Urban Green Space in the Aberdeen Local Development Plan (ALDP), it follows that the proposed development shall be assessed against policy NE3 of the ALDP. Policy NE3 is intended to ensure that planning permission is not granted for the development of areas of Urban Green Space without compensatory provision of equivalent urban green space in a convenient location. This proposal involves an existing residential property, albeit one which is vacant, that is located in a wider area zoned as Urban Green Space, namely the grounds of the former Tor Na Dee hospital.

In addition to the requirement for the provision of replacement Urban Green Space, policy NE3 sets out a series of criteria which will apply to proposals for development within land so zoned. Development will only be permitted provided that the following criteria can be satisfied;

1. There is no significant loss to the landscape character and amenity of the site and adjoining areas;
2. Public access is either maintained or enhanced;
3. The site is of no significant wildlife or heritage value;
4. There is no loss of established or mature trees;

The proposal would not involve a significant loss to the landscape character or amenity of the site and adjoining areas, and would in fact be to their benefit in removing a long vacant building whose physical state appears to be deteriorating. Notably, public access would not be maintained, with an area of

the wider grounds around the new dwelling being enclosed to form a new residential curtilage. The site is not considered to be of significant wildlife or heritage value, with a bat survey having demonstrated no evidence of bat roosts within the building and the modest single-storey harled building being in a state of some disrepair. A tree survey submitted in support of the application indicates the removal of six trees, which has been accepted by the Council's Arboricultural Planner as being in the interests of good woodland management.

While the proposal fails to accord with policy NE3 by virtue of its failure to provide alternative urban green space and the loss of mature or established trees, it is noted that that the proposal relates to the replacement of an existing dwelling and the enclosure of a relatively modest area of grounds in order to form a conventional residential curtilage. These factors are considered to represent a significant material consideration, of sufficient weight to warrant the setting aside of policy NE3 in this instance, on the grounds that any proposal for residential use on this site, whether through conversion and adaptation or through the construction of a replacement building, would require the provision of appropriate private garden grounds. Were development to be restricted to the envelope of the existing building, it is considered likely that there would be severely limited scope for the development of the site, with the result that the condition of the existing building would further deteriorate, with a consequent adverse impact on the character and amenity of the area. It is concluded that refusal on the grounds of non-compliance with policy NE3 in this instance would not be reasonable or proportionate.

Loss of granite building

Policy D4 sets out the council's desire to see traditional granite buildings retained, irrespective of whether located within a conservation area. Sensitive conversion and adaptation are favoured. In this instance, while the building is constructed in granite, its rendered finish, generally poor condition and modest size mean that it is not ideally suited to adaptation and extension in a way which would provide the desired level of accommodation. In this instance, though of a traditional character, the building is not considered to be of exceptional architectural merit and its relationship to Aberdeen's granite heritage is diminished by the rendered finish applied to its walls. There appears to be limited scope for the re-use of granite from doughtings, and on balance it is considered that a high-quality replacement dwellinghouse of contemporary design in this prominent location would be preferable to the prolonged vacancy of the existing building, and would not involve the loss of a granite building of particular architectural interest.

Design quality

The proposed replacement dwelling would be of a contemporary design, incorporating a mixed palette of materials including coursed natural granite, white coloured render, Siberian larch cladding and aluminium roof and wall cladding. Its proportions and composition are undeniably modern compared to the modest bungalow it replaces, however it has been sited in the same corner of the site as the existing building in order to acknowledge its use as a gate lodge. The proposed new dwelling may be accessed via its eastern and western elevations,

with a further set of French doors opening out onto garden grounds from the northern elevation. The layout plans provided in support of the application show the doorway on the western elevation as being the principal entrance. This entrance would be adjacent to the area of permeable paviers used as a hard surface for car parking, and features a vestibule opening onto the main hallway. The access on the eastern elevation is via a utility room and opens onto a stance for the storage of wheeled bins.

In recognition of the site's prominent position adjacent to the main road and on the approach to Milltimber, the house has been designed to have a recognisable frontage on each of its western, eastern and southern faces. The only relatively 'blank' elevation is that to the facing to the enclosed garden area to the north. Policy D1 of the ALDP requires that all development be designed with due regard for its setting and make a positive contribution to its setting. The application site lies within an area characterised by open fields and mature trees between the existing built-up areas of Bieldside and Milltimber. The main body of Milltimber lies to the west and, while there is residential development on the southern side of North Deeside Road at this point, that development is predominantly low-density in its character. Any new dwelling would be viewed principally against the backdrop of the woodlands around the Tor Na Dee development, and the siting of the new dwelling to the south-eastern corner of the site is appropriate in retaining a link to the former gate lodge. As there are no immediately adjacent properties against which the new dwelling would be viewed, there is no predominant style or character with which the new dwelling must integrate. This offers an opportunity for a high-quality contemporary approach. It is noted that the proposed dwelling responds to the prominence of the site, with extensive use of natural granite on the eastern, western and southern faces which will be seen from the main road. While the dwelling is clearly larger than that which it would replace, the elevations are well broken up visually, with staggered frontages and the use of a complementary range of materials serving to reduce the perceived massing of the building. Arguably the most prominent part of the proposed dwelling would be its south-eastern corner, which would be viewed when approaching from the Bieldside/Aberdeen along North Deeside Road. This prominence is recognised with full-height glazing accentuating this south-east corner of the building.

As noted previously, the proposed building is substantially larger than that which it would replace. Nevertheless, a substantial area of private garden ground would be afforded to residents, with a distance of some 30m from the front to the back of the site (south-north).

Impact on Trees

As noted previously, the site lies within a wider area covered by a Tree Preservation Order (ref. TPO 170) which requires proposals for significant works to protected trees to first be authorised by the planning authority. A tree survey has been submitted in support of the application, identifying the existing trees within the application site and assessing their quality, estimated remaining lifespan etc. The accompanying drawings detail those trees to be removed to directly facilitate the development, along with those to be removed for reasons of

good woodland management and associated tree works. The proposed new house lies outwith the root protection area of all trees apart from a single mature Holly and a single mature Cypress. The Cypress is currently encroaching onto the existing access and is understood to be cracking the boundary granite wall and breaking the gate pillar. It is proposed to fell this tree and transplant the holly from its central position to take its place, maintaining a landscaped boundary along North Deeside Road. A further 5 trees (1 Scots Pine, 3 Norway Spruce and 1 Cypress) are also to be removed. The Council's Arboricultural Planner has acknowledged that these removal works are in the interests of sound arboricultural practice and accepted the tree works proposed in the report. A number of conditions are recommended, relating to the provision and implementation of an appropriate scheme of landscaping, the provision and implementation of a scheme detailing protection of those trees to be retained during the construction phase, a requirement that any additional tree works that become necessary during construction are not undertaken without the prior approval of the planning authority, and a prohibition of the storage of materials within the areas enclosed by tree protection fencing. It is concluded that the trees to be removed do not make a significant contribution in terms of nature conservation, landscape character or local amenity, and that their loss can be adequately mitigated through the provision of appropriate replacement planting. Such replacement planting can be secured via the attachment of an appropriate condition, as requested by the Council's Arboricultural Planner, relating to the provision of a scheme of landscaping. The proposal is therefore considered to accord with the terms of policy NE5 (Trees and Woodlands) of the Aberdeen Local Development Plan.

Potential for presence of European Protected Species

Due to the potentially good habitat for bats in the area, the relative proximity of the site to the River Dee and the evidence of past bat sightings in the immediate area, the applicant submitted a bat survey in support of their proposal. Following consultation with the Council's Environmental Planners, the findings of this survey are accepted as being sufficient to demonstrate that there is no evident risk of adverse impact on bats, a European Protected Species.

Supplementary Guidance

The Council's Supplementary Guidance in relation to the sub-division and redevelopment of residential curtilages sets out guidelines for development of this type. This Supplementary Guidance has the same status as the policies contained within the Local Development Plan. Elements of the Supplementary Guidance, particularly those in relation to impact on immediate neighbours through loss of daylight, sunlight and privacy, are of minimal relevance to this proposal given its woodland setting, some distance from any adjacent residential property. Appropriate amenity space has been provided via extensive garden grounds, and there is not considered to be any adverse impact arising from the proposal in relation to privacy, daylight or overshadowing. As regards design and materials, the Supplementary Guidance states that high quality contemporary or modern design that enhances the appearance of the area, or that provides an attractive contrast to surrounding buildings, will be encouraged where appropriate. It is noted that the proposed replacement dwelling is of greater

height than that which it replaces, with a resultant increase in visual impact on what is a particularly prominent site on the eastward approach to Milltimber. What is currently a modest single-storey building, largely concealed behind the boundary wall and hedging, would be replaced by a 2-storey building of stark contemporary architectural styling. Nevertheless, while there would be an increased visual impact as a result of the proposal, it is acknowledged that the building has been designed in a manner which responds to this prominent position and places emphasis on its south-eastern corner. It is therefore concluded that the proposal demonstrates sufficient accordance with the guidance set out in the Council's 'Sub-division and Redevelopment of Residential Curtilages' Supplementary Guidance.

No technical calculations have been provided in relation to the incorporation of low and zero carbon technologies within the proposed development, nor for 'deemed compliance' through alternative means. As a result, it is recommended that an appropriate condition be attached to any consent to ensure that such details are required, and equipment installed as applicable, prior to occupation of the building.

Matters raised in representations

As noted above, there were 23 letters of objection received in relation to the proposed development. It is noted that the matters raised are principally based on the premise that an area of land contained within the application site, and to be enclosed as part of the new curtilage/private garden formed, is in the shared ownership of residents at Bingham Grove, within the former Tor Na Dee hospital site. It should be noted firstly that disputes over the ownership of land do not represent material planning considerations, and as such are not relevant to the assessment of a planning application. While this principle stands, it is understood that the concerns raised over ownership may arise as a result of an incorrect scaling of a plan shown on title deeds. It seems reasonable to highlight this potential error here for the benefit of objectors, though it will not be taken into account in the planning authority's evaluation of the proposal. It is understood that the boundary line in question may have been taken from an A3 drawing, but transposed onto an A4 plan, with the result that the boundary may appear to be extended as part of this proposal. Those who made representations on this basis may wish to contact the agent for further confirmation.

Notwithstanding the above, further comments were raised in the letters received regarding the following matters;

- Reference is made to the 2004 Planning Brief for the development of the Tor Na Dee site, which states the importance of retaining both trees and open space.

As noted previously in this report, the proposed replacement dwelling is located outwith the root protection area of all but two trees. The works necessary to directly facilitate the development are relatively limited, and the remedial works proposed across the wider application site are in the interests of good woodland management, and are likely to improve their long term health and by extension maintain and preserve the amenity value of these trees.

- It is requested that no protected trees be removed to facilitate construction, and that appropriate conditions are attached to any consent to control this.

As noted above, the Council's Arboricultural Planner is satisfied with the nature of the works proposed, and appropriate replacement planting and tree protection measures can be secured through the use of appropriate conditions.

- Concerns are raised regarding the proposed access onto North Deeside Road. It is acknowledged that there is an existing access point, however it is pointed out that traffic volumes have increased significantly since that access was last used. It is noted that the access is in close proximity to the driveway serving the riding school and the existing bus stop on the northern side of North Deeside Road. Concerns are raised regarding the possibility of ensuring appropriate lines of sight/visibility for vehicles using the proposed access.

Roads Engineers express the opinion that a safer option would be to access the site via the adjacent adopted land (leading to Aberdeen Riding School/Oldfold along the eastern boundary), however the proposal is accepted on the basis that it is an existing access which was historically used for this purpose.

In summary, the proposed development is does not satisfy the terms of the relevant zoning policy NE3 (Urban Green Space), however it is acknowledged that the development potential of the building is fundamentally compromised by rigid application of this policy. It is reasonable to expect that the conversion or replacement of the existing building for residential purposes would involve the enclosure of an area of ground in order to form a new residential curtilage. The area of ground in question is relatively modest in the context of the wider Tor Na Dee grounds, and is not considered to adversely affect their character or function. On balance, it is considered that the benefits of securing new small-scale development on this prominent site would outweigh the benefits of maintaining the entire area as Urban Green Space. The principle of development on the site is therefore accepted, contrary to the terms of policy NE3, on the basis that there are material considerations of sufficient weight to outweigh that particular element of the development plan.

The proposal is considered to demonstrate due regard for its context, and would make a positive contribution to its setting through the visual improvement of a prominent site on the approach to Milltimber and the resultant proposals for the management of the trees within the site in the long-term. Taking these matters into account, it is considered that the proposal accords with policy D1 (Architecture and Placemaking) of the Aberdeen Local Development Plan.

The proposal demonstrates a clear street frontage, appropriate scale and massing, provides ample private garden grounds, and is in keeping with the general pattern of development in the area, as required by policy D2 (Design and Amenity) and the Council's published supplementary guidance on the 'Sub-

division and Redevelopment of Residential Curtilages'. It is noted that, while the proposal involves the replacement of an existing traditional granite building, the building in question is not of particular architectural interest in terms of its contribution to Aberdeen's granite heritage, and its replacement with a contemporary building of high design quality, incorporating traditional vernacular building materials, would represent an improvement in the appearance of the site and its surrounds. On this basis, it is considered that there is no conflict with the terms of policy D4 (Aberdeen's Granite Heritage). As noted previously, the proposed tree works have been agreed in consultation with the Council's Arboricultural Planner, and are seen to be in the long term interests of the site. The proposal accords with policy NE5 (Trees and Woodlands) of the ALDP. While no details have been provided to demonstrate the incorporation of Low and Zero Carbon equipment, or other means of securing deemed compliance with the Council's policy R7 and the accompanying supplementary guidance, it is possible to attach appropriate conditions to any approval to ensure that such information is provided, and action taken as applicable. The use of such conditions will ensure compliance with policy R7 (Low and Zero Carbon Buildings) and the supplementary guidance of the same name.

Having had regard for the provisions of the development plan and all other material planning considerations, it is recommended that this application be approved subject to appropriate conditions, as set out below. These conditions include the removal of domestic permitted development rights, which would otherwise permit the further extension of this property without further assessment by the planning authority. This is recommended on the basis that the house proposed is of a considerable scale in relation to that which it replaces, and occupies a particularly prominent site on the approach to Milltimber. It is appropriate to ensure that any further extension of this property is subject to further scrutiny by the planning authority, in the interests of preventing against over-development of the site and undue visual impact in a prominent location.

RECOMMENDATION

Approve subject to conditions

REASONS FOR RECOMMENDATION

The proposed development, though not in accordance with the terms of policy NE3 (Urban Green Space) of the Aberdeen Local Development Plan, involves the enhancement of the existing site and the construction of a new dwellinghouse of high-quality contemporary design. The zoning of the site as Urban Green Space severely restricts the development potential of the site, and it is considered reasonable that a residential development of this nature should be incorporated within an enclosed residential curtilage in order to provide private amenity space for residents. The proposal complies with all other relevant parts of the development plan, including policies 1 (Architecture and Placemaking), D2 (Design and Amenity), D4 (Aberdeen's Granite Heritage), NE5 (Trees and Woodlands) and R7 (Low and Zero Carbon Buildings), as well as the relevant supplementary guidance documents relating to the 'Sub-division and Redevelopment of Residential Curtilages' and 'Low and Zero Carbon Buildings'.

On balance, it is considered that the benefits of the development represent a material consideration which outweighs the provisions of policy NE3 in this instance, and therefore warrant approval of the application.

it is recommended that approval is granted with the following condition(s):

(1) that no development pursuant to this planning permission shall take place, nor shall any part of the development hereby approved be occupied, unless there has been submitted to and approved in writing by the Planning Authority, a detailed scheme of site and plot boundary enclosures for the entire development hereby granted planning permission. None of the buildings hereby granted planning permission shall be occupied unless the said scheme has been implemented in its entirety - in order to preserve the amenity of the neighbourhood.

(2) that no development shall take place unless a scheme of all drainage works designed to meet the requirements of Sustainable Urban Drainage Systems has been submitted to and approved in writing by the Planning Authority and thereafter no part of the development shall be occupied unless the drainage has been installed in complete accordance with the said scheme - in order to safeguard water qualities in adjacent watercourses and to ensure that the development can be adequately drained.

(3) that notwithstanding the provisions of Article 3 and Schedule 1, Parts 1, 2 and 3 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 no extensions, alterations or improvements which materially affect the external appearance of the dwellinghouse, nor any means of enclosure shall be erected or carried out either on, or in the curtilage, of the dwelling houses hereby approved without a further grant of planning permission from the planning authority - in the interests of visual amenity.

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

(5) that all planting, seeding and turfing 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 - in the interests of the amenity of the area.

(6) that no development shall take place unless a plan showing those trees to be removed and those to be retained and a scheme for the protection of all trees to be retained on the site during construction works has been submitted to, and approved in writing by, the Planning Authority and any such scheme as may have been approved has been implemented - in order to ensure adequate protection for the trees on site during the construction of the development.

(7) 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: 2010 "Recommendations for Tree Work" before the building hereby approved is first occupied - in order to preserve the character and visual amenity of the area.

(8) 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 - in order to ensure adequate protection for the trees on site during the construction of the development.

(9) that the building hereby approved shall not be occupied unless a scheme detailing compliance with the Council's 'Low and Zero Carbon Buildings' supplementary guidance has been submitted to and approved in writing by the planning authority, and any recommended measures specified within that scheme for the reduction of carbon emissions have been implemented in full - to ensure that this development complies with requirements for reductions in carbon emissions specified in the City Council's relevant published Supplementary Guidance document, 'Low and Zero Carbon Buildings'.

Dr Margaret Bochel

Head of Planning and Sustainable Development.