

WOODBANK HOUSE, NORTH DEESIDE ROAD,  
CULTS

APPLICATION FOR PLANNING PERMISSION  
IN PRINCIPLE FOR PROPOSED DEMOLITION  
OF FORMER MANAGER'S ACCOMMODATION/  
TRAINING CENTRE AND REDEVELOPMENT  
OF THE SITE TO PROVIDE FOR THE  
ERECTION OF FOUR DETACHED DWELLING  
HOUSES WITH ASSOCIATED ACCESS,  
GARAGES AND LANDSCAPING  
IMPROVEMENTS.

For: Shell Property Company Limited

Application Type : Planning Permission in  
Principle

Application Ref. : P120791

Application Date: 06/06/2012

Officer: Gavin Evans

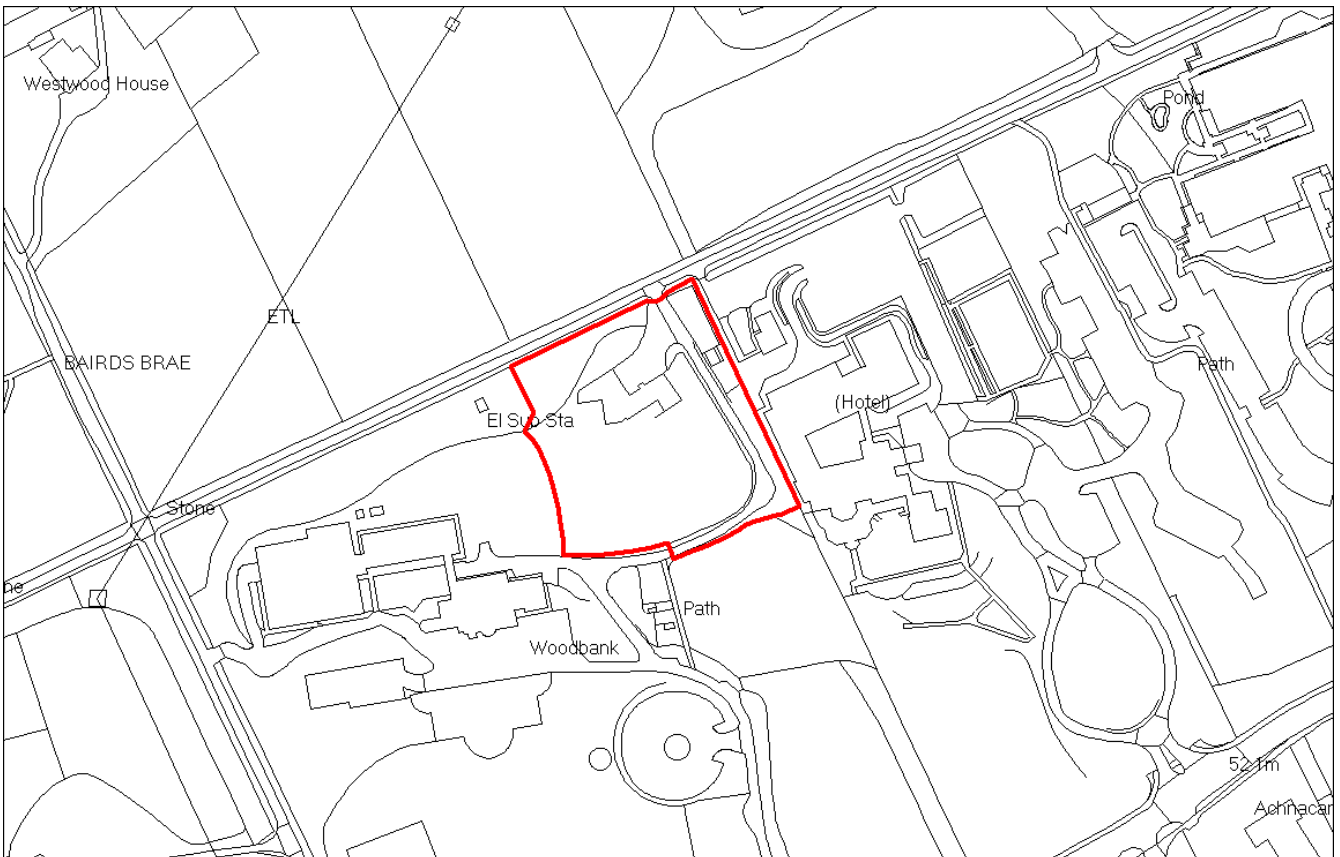
Ward : Lower Deeside (M Boulton/A Malone/M  
Maik)

Advert : Section 60/65 - Dev aff  
LB/CA

Advertised on: 27/06/2012

Committee Date: 22 August 2013

Community Council : Comments



**RECOMMENDATION:**

**Approve subject to conditions**

## **DESCRIPTION**

The application site, which extends to some 7100sqm, is located between North Deeside Road and Airyhall Road, in the Pitfodells area to the west of Aberdeen. The site currently forms part of the Shell Woodbank complex, a corporate accommodation, conference and leisure facility set in extensive grounds. This application relates to an area of land to the north-eastern corner of the existing Woodbank site, originally used to provide accommodation for the complex manager, but more recently used for conferencing and storage purposes. It is understood that the building is now surplus to requirements and unused. While the site forms a part of the wider Shell complex, it is separately enclosed in its own generous grounds, and benefits from an existing vehicular access via Airyhall Road, currently connected to the internal road network/driveway within the Woodbank complex.

The northern boundary is well-defined by a combination of a dry-stone boundary wall and mature trees arranged along the western half of the Airyhall Road frontage. An existing access gate is located in the north-eastern corner of the site. Elsewhere within the site, trees are generally arranged along the boundaries, with a gentle slope down to the south, where the grounds are laid to grass. The existing trees within the site provide a degree of screening and also contribute to the woodland character of the area.

As noted previously, the existing Shell Woodbank complex is located to the south and west of the application site. To the east lies the Marcliffe Hotel, which has an area of car parking arranged along the northern boundary, adjacent to Airyhall Road. The Hotel itself is sited close to the eastern site boundary, beyond the existing trees arranged along the application site boundary. To the north of the site, on the other side of Airyhall Road, the land rises gently and appears to be in agricultural use. Airyhall Road itself is a private road, not adopted or maintained by Aberdeen City Council. It does not include a separate pedestrian footway, and is loosely surfaced.

The site is located within the Lower Deeside/Pitfodells Conservation Area.

## **RELEVANT HISTORY**

It is noted that an application seeking Conservation Area Consent for the demolition of the existing building was submitted alongside this application (ref P120792).

## **PROPOSAL**

This application seeks Planning Permission in Principle (PPiP) for the construction of 4no detached dwellinghouses within the grounds of the existing building, which would be demolished. The site would retain its access from the north-eastern corner of the site, with a new driveway routed through the central part of the site and the four dwellings arranged accordingly. At this stage, the applicant seeks to establish only the general principle of development at the scale proposed on the application site, and so detailed design proposals do not form part of the application. Such detailed design proposals would require to be the subject of a further application, relating to Matters Specified in Conditions (MSC), in the event that members are minded to approve this application.

## Supporting Documents

All drawings and the supporting documents listed below relating to this application can be viewed on the Council's website at - <http://planning.aberdeencity.gov.uk/PlanningDetail.asp?120791>

On accepting the disclaimer enter the application reference quoted on the first page of this report.

## REASON FOR REFERRAL TO SUB-COMMITTEE

The application has been referred to the Sub-committee because the local Community Council have made objections regarding the proposal. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation. It is noted that the Braeside and Mannofield Community Council is not currently established following the elections of October 2012. Nevertheless, the comments were validly made by a Community Council that was established at that time.

## CONSULTATIONS

**Roads Project Team** – No objection. The internal road within the development is required to be designed to adoptable standard. The proposed footway connection linking the site to North Deeside Road is noted and seen to provide appropriate pedestrian accessibility to bus links.

**Environmental Health** – State no objection to the proposal in principle, but recommend that conditions are attached to any grant of planning permission, relating to noise and construction hours. The first of these conditions would require the submission of a noise assessment to ascertain the extent of any potential noise impact arising from extraction fans at the kitchens of the Marcliffe Hotel and identify appropriate mitigation measures. The second condition recommended relates to the prohibition of noise-generating construction works outwith specified hours, in order to prevent undue disturbance to residents of the adjacent hotel during the construction phase.

**Community Council** – The former Braeside and Mannofield Community Council stated its objection to the proposal on the basis of the development being accessed via Airyhall Road/Rocklands Road, which is understood to be a designated right of way and core path. The approval of vehicular access via this walking route is considered likely to result in safety issues for pedestrians and animals, to the detriment of the Conservation Area. Concerns are raised that the developer or others may have intentions to tarmac the length of Airyhall Road, altering its character to that of an urban road.

## REPRESENTATIONS

3 letters of representation have been received. These representations raise the following matters –

1. Query whether Shell or the developer of the site will be required to tarmac a stretch of Airyhall Road from the entrance to Airyhall House to its junction with Baird's Brae, along with the southern half of Baird's Brae.
2. The narrow, unlit nature of Airyhall Road, and its rough surfacing, are not considered to lend themselves to vehicular traffic, and this development proposal is considered likely to give rise to safety issues.

3. Airyhall Road is understood to be a Core Path.
4. Concern that the ongoing operation of the neighbouring Marcliffe Hotel would be prejudiced by the proposed development, with complaints arising from prospective residents potentially impinging on this existing neighbouring business.
5. Further to point 4, there is potential for disturbance of prospective residents as a result of noise arising from function spaces, outdoor smoking areas, extraction equipment and other sources on the western boundary of the Marcliffe site, adjoining the application site.
6. This residential proposal is seen to be out of character with the large detached commercial and leisure properties set within generous feus.
7. Highlights conflict with the guidance contained within the Council's supplementary guidance on the sub-division and re-development of existing residential curtilages, which states that new residential development should not prejudice the development of adjacent land or adversely affect existing development, and that development resulting in dwellings which do not front onto a public road constitutes a form of development alien to the established density, character and pattern of development.
8. The possibility of pedestrians and vehicles sharing the same surface on Airyhall Road is seen to present a safety hazard.
9. Approval of the application would set a precedent for similar developments, the cumulative impact of which would have a harmful effect on the character and amenity of the immediate area.
10. The applicants' ownership rights relating to Airyhall Road are questioned.

## **PLANNING POLICY**

### **National Policy and Guidance**

#### Scottish Planning Policy (SPP)

Paragraphs 110-114 of SPP set out the role of the planning system in protecting Scotland's built heritage. It is stated that, in most cases, it will be possible for historic assets to incorporate change, where that change is informed and sensitively managed. Paragraph 113 refers to the Scottish Historic Environment Policy for more detailed guidance on procedural matters relating to the management of the historic environment. Paragraphs 115-117 refer specifically to Conservation Areas, stating that a proposed development that would have a neutral effect on the character or appearance of a Conservation Area should be treated as one which preserves that character or appearance. It is further stated that the design, materials, scale and siting of new development within a Conservation Area should be appropriate to the character and setting of the Conservation Area.

### **Aberdeen Local Development Plan**

#### Policy D1: Architecture and Placemaking

To ensure high standards of design, new development must be designed with due consideration for its context and make a positive contribution to its setting. Factors such as siting, scale, massing, colour, materials, orientation, details, the

proportions of building elements, together with the spaces around buildings, including streets, squares, open space, landscaping and boundary treatments, will be considered in assessing that contribution.

#### Policy D2: Design and Amenity

Policy D2 sets out a series of criteria for new development, intended to ensure that an appropriate level of amenity can be secured for residents of both that new development and neighbouring land and buildings.

#### Policy D5: Built Heritage

Proposals affecting Conservation Areas or Listed Buildings will only be permitted if they comply with Scottish Planning Policy.

#### Policy D6: Landscape

Development will not be acceptable unless it avoids:

1. significantly adversely affecting landscape character and elements which contribute to, or provide, a distinct 'sense of place' which point to being either in or around Aberdeen or a particular part of it;
2. obstructing important views of the City's townscape, landmarks and features when seen from busy and important publicly accessible vantage points such as roads, railways, recreation areas and pathways and particularly from the main city approaches;
3. disturbance, loss or damage to important recreation, wildlife or woodland resources or to the physical links between them;
4. sprawling onto important or necessary green spaces or buffers between places or communities with individual identities, and those which can provide opportunities for countryside activities.

Development should avoid significant adverse impacts upon existing landscape elements, including linear and boundary features or other components, which contribute to local amenity, and provide opportunities for conserving, restoring or enhancing them.

#### Policy H1: Residential Areas

Within areas zoned as H1: Residential Areas in the Local Development Plan, proposals for new residential development will be acceptable in principle provided they;

1. Do not constitute over-development;
2. Do not have an unacceptable impact on the character or amenity of the surrounding area;
3. Do not result in the loss of valuable and valued areas of open space, as defined in the Aberdeen Open Space Audit 2010;
4. Comply with the Council's supplementary guidance on Curtilage Splits;
5. Comply with the Council's supplementary guidance on House Extensions.

### Policy H3: Density

The Council will seek an appropriate density of development on all housing allocations and windfall sites.

### Policy T2: Managing the Transport Impact of Development

New developments will need to demonstrate that sufficient measures have been taken to minimise the traffic generated.

Maximum car parking standards are set out in Supplementary Guidance on Transport and Accessibility and detail the standards that different types of development should provide.

### Policy NE5: Trees and Woodlands

There is a presumption against all activities and development that would result in the loss of or damage to established trees and woodlands that contribute significantly to nature conservation, landscape character or local amenity. Appropriate measures should be taken for the protection and long-term management of existing trees and new planting, both during and after construction. Buildings and services should be sited so as to minimise adverse impacts on existing and future trees and tree cover.

### Policy NE8: Natural Heritage

Sets out the policy position as regards protected species and designated sites. Development that, taking into account any proposed mitigation measures, has an adverse effect on a protected species will only be permitted where it satisfies the relevant criteria in Scottish Planning Policy. This policy also sets out the requirement for surveys to be provided where development may have an adverse effect on a protected species.

### Policy NE9: Access and Informal Recreation

New development should not compromise the integrity of existing potential or recreational opportunities including access rights, core paths, other paths and rights of way. Wherever possible, developments should include new or improved provision for public access, permeability and/or links to green space for recreation and active travel.

### Policy R7: Low and Zero Carbon Buildings

All new buildings, in meeting building regulations energy requirements, must install low and zero carbon generating technologies to reduce the predicted carbon dioxide emissions by at least 15% below the 2007 building standards. This percentage requirement will be increased as specified in Supplementary Guidance.

### **Supplementary Guidance**

The Council's published supplementary guidance relating to 'The Sub-division and Redevelopment of Residential Curtilages' and 'Low and Zero Carbon Buildings' are relevant to the determination of this application.

## **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.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas

### **Principle of Residential Use**

The principle of residential development on this site will, in the first instance, be established by considering how it relates to the zoning of the site within a H1 Residential Area, and in particular how it corresponds to the requirements of policy H1 of the ALDP. This policy states general support for residential development within areas zoned primarily for residential purposes, but also states a series of criteria which should be satisfied before the principle of residential development will be accepted.

### **Scale of development**

It is stated that development within areas zoned for residential purposes should not constitute over-development. In considering whether a given proposal constitutes over-development, it is logical to first ascertain whether there is a predominant character to the surrounding area, and whether there is a consistent density or pattern of development. As noted previously in this report, the site currently forms part of the Shell Woodside complex, but benefits from a degree of separation due to its former use as on-site accommodation for the complex manager. The Shell Woodside site is set in generous grounds between North Deeside Road and Airyhall Road, similar to its eastern neighbour, the Marcliffe Hotel. Further west, the International School site represents another non-residential use set in an expansive site. The zoning of the site for residential purposes to some extent sets out the planning authority's aspirations for future development. The nearby residential development at the former Woodlands Hospital site involved a range of accommodation types and building sizes, including new-build development and conversion of former hospital buildings. The variety of dwelling types and scales on the Woodlands site was not considered to undermine the character or appearance of the Conservation Area, and the acceptance by the planning authority of terraced units with relatively modest fees evidences that new residential development in this area will not be restricted to substantial detached dwellings in vast fees where that type of development is not the predominant style. The absence of any residential development immediately adjoining the application site is such that any new development in this location is perhaps less restricted in terms of any need to integrate with such development. Taking into account the relative distance to any residential development, it is concluded that the development proposed need not

be bound to replicate any particular site density in order to ensure it is consistent with its surroundings, as any residential development on this site will appear distinct from the non-residential uses which are its nearest neighbours.

The application site extends to approximately 7100sqm. The design statement submitted in support of the application highlights that the footprint covered by buildings and hard surfaces would reduce from its current 1510sqm to roughly 1280sqm, reducing the built footprint of the site from 21% to 18%. The existing building on site at present is an expansive single-storey dwelling of a style which is not considered to make a positive contribution to the character or appearance of the Conservation Area. It is noted further that the existing driveway, which connects to the internal road network within the Shell site, contributes towards the built footprint of the site at present. The removal of that driveway and the use of a more efficient layout and 2-storey dwelling type will assist in ensuring that the development would maintain a spacious woodland character whilst making provision for 4no dwellings. The design of the proposed dwellings does not form part of this application, however a subsequent application relating to Matters Specified in Conditions would provide a further opportunity for the planning authority to influence the design of any dwellings approved. The density of the development proposed is considered to be appropriate to this site, and in accordance with policy H3 (Density) of the ALDP.

### **Open Space**

The proposed development does not involve the loss of any valuable and valued areas of open space as defined in the Aberdeen Open Space Audit 2010.

### **Curtilage splitting supplementary guidance**

Aberdeen City Council's 'Sub-division and Redevelopment of Existing Residential Curtilages' supplementary guidance is principally aimed at new residential development on existing residential sites, however the principles set out in that document are also relevant to the redevelopment of the application site, from its current use as part of the wider corporate accommodation, conferencing and leisure complex at Woodbank to provide 4no residential dwellings.

That supplementary guidance document sets out principles to guide new residential development, intended to ensure that matters contributing towards the quality of the residential environment created are given due consideration, alongside universal considerations such as design, parking, access and relationship with the character of the surrounding area. Such factors include privacy, residential amenity, daylight and sunlight.

This proposal involves the formation of 4no new dwellinghouses within generous plots in an area benefitting from an open aspect and established woodland character. The proposed dwellings are sufficiently separated from each other and their respective neighbours to ensure that privacy is maintained. Based on the indicative layout provided the open aspect of the site, the detached nature of the dwellings and their respective locations within the application site are such that the dwellings and their gardens would benefit from appropriate levels of daylight and sunlight. The supplementary guidance sets out that residential development should have a public face to a street and a private face to an enclosed garden or



court, with all residents given access to sitting out areas. The dwellings proposed would be arranged around a newly created 'street' leading from the site access to the centre of the application site. The dwellings would be arranged around this central point, with the property in the north-eastern corner of the site presenting a frontage onto Airyhall Road itself, adjacent to the site access. Each of the dwellings would benefit from generous gardens, comfortably satisfying the supplementary guidance's requirement for an average of 11m garden depth for properties of 2 or more stories.

The supplementary guidance also highlights that new dwellings should be considered in relation to their bearing on the overall density and pattern of development. As noted previously in this report, the proposed dwellings are not in an area of predominantly residential development where there is a predominant pattern or density of development. This development is considered to propose an appropriate scale of development, which can maintain the open, woodland character of its surroundings. The detailed design of the dwellings will be subject to further consideration in a future application or applications, when it will be possible to more fully consider the character of those dwellings and their impact on the character and setting of the Conservation Area. Taking these matters into account, it is concluded that the proposal demonstrates due regard for the provisions of the Council's published supplementary guidance on the 'Sub-division and Redevelopment of Residential Curtilages'.

### **Supplementary Guidance relating to House Extensions**

Policy H1 requires that residential development, where applicable, demonstrate compliance with the Council's relevant 'Householder Development Guide' supplementary guidance. In this instance, the content of that document is not of relevance to the design proposal, and so it will not be considered further in this assessment.

### **Core Path, Access and Parking**

Airyhall is designated as a Core Path in the Aberdeen Local Development Plan. As such, any development potentially affecting this route must be considered against policy NE9 of the ALDP. This policy states that any new development should not compromise the integrity of the Core Path, and that where possible new or improved provision should be made for public access, permeability and links to green space for recreation and active travel. The limited number of dwellings proposed is such that there is no requirement for the road to be brought up to adoptable standard. Its existing rural character can therefore be maintained. It is considered that the existing unbound surfaced track can accommodate this limited scale of development without undue conflict between new road users and its existing recreational use. Access to the route as a Core Path would be unchanged. It is therefore concluded that the proposal accords with the relevant provisions of policy NE9 (Access and Informal Recreation) of the ALDP. In maintaining the existing recreational woodland route along Airyhall Road, and avoiding any adverse impact on landscape character, the proposal is also considered to accord with the relevant section of policy D6 (Landscape).

The Council's Roads Projects Team have no objection to the proposed development, noting that the drawings submitted appear to demonstrate

adequate car parking provision, but that full details may be provided in a future application relating to Matters Specified in Conditions. Appropriate visibility splays have demonstrated the adequacy of the site access. It is noted that it will be required that the internal road within the application site be brought up to adoptable standard. The unadopted stretch of Airyhall Road from which that access is taken will remain privately maintained and unadopted by ACC. A footway link has now been provided to ensure that public transport services are sufficiently accessible. Taking these matters into account, it is considered that the proposal demonstrates accordance with policy T2 (Managing the Transport Impact of Development).

## **Design**

As this application seeks Planning Permission in Principle (PPiP), the applicant is not required to submit full details of the design of any new dwellings. Such details can be secured as part of a later application relating to Matters Specified in Conditions (MSC). The applicants have submitted a design statement to express their intentions in general terms and demonstrate the justification for the indicative layout of the development in plan form. Respecting the character of the Conservation Area has been highlighted as an important dimension of any proposal, along with respecting the setting of the adjacent listed building at Woodbank House. The indicative layout proposed involves the use of the existing access point off Airyhall Road, with a shared driveway/internal road giving access to one house, nearest the access, and then leading to a central point within the site, from which the remaining three houses would be accessed. This arrangement minimises the extent of any new internal roads/hardstanding, allowing greater scope for landscaping to reflect the woodland character of the area. As noted previously in the 'Scale of Development' section of this report, the absence of any consistent pattern of residential development in the immediate area means that the development would not be readily compared to any neighbouring sites, and the layout would maintain the spacious woodland character of the surrounding area. Taking these matters into account, it is considered that the proposal demonstrates due regard for the provisions of policy D1 (Architecture and Placemaking) of the ALDP, albeit at this PPiP stage where detailed designs of the individual houses are not required. The layout and general arrangement of the development are not in themselves considered to result in any adverse impact on the character or appearance of the Conservation Area, as the spacious woodland character of the area is maintained. Similarly, the application site is currently somewhat distinct from the wider Shell Woodank site and the adjacent category C-listed Woodbank House, being both set back from the frontage of Woodbank House in a subservient manner and benefiting from substantial screening by virtue of the mature trees on the southern and western boundaries of the application site. On that basis, it is considered that the layout and general arrangement of the site would respect the setting of the adjacent listed building, as required by policy D5 (Built Heritage) and Scottish Planning Policy (SPP), but that proper consideration of the relationship between these buildings cannot be undertaken until full design proposals are submitted at the Matters Specified in Conditions (MSC) stage.

### **Trees and Woodlands**

The applicants have provided a tree survey in support of this application. This identifies a total of 12 trees for removal, of which 4 are to be removed specifically to allow for the proposed development, and a further seven are to be removed as a result of their poor condition. The one remaining tree is to be removed both as a result of its condition and to allow for the proposed development. The majority of the existing trees and woodland would be retained, while those to be removed can be replaced through new planting. The Council's Arboricultural Planner has stated no objection to the proposed development, and has requested that certain conditions be attached to any grant of planning permission, relating to landscaping/tree planting and measures for the protection during construction of those trees to be retained. Taking these matters into account, the proposal is considered to accord with the relevant provisions of policy NE5 (Trees and Woodlands) of the ALDP.

### **Protected Species**

The location and the woodland character of the site are such that there is potential for the presence of bats and bat roosts in the area. As such, the applicant provided a bat survey in order to ascertain the presence of any bats, to ascertain the potential for impact on any existing bats or bat roosts, and to identify appropriate mitigation measures where possible. A non-maternity day roost was found within the existing building, which is proposed for demolition. The submitted survey established the presence of a small number of bats (two or three) using that roost in the wallhead of the south-facing gable of Woodbank Lodge. The survey concludes that appropriate mitigation and compensation would allow the development to proceed without a detrimental impact on local bat populations, and notes that an EPS (European Protected Species) Habitats Regulation Licence, obtained from Scottish Natural Heritage (SNH) will be required to carry out works. As it has been established that the removal of the roost can be adequately mitigated, it is not considered that there would be any adverse effect on the EPS, and therefore the criteria set out in section 143 of Scottish Planning Policy (SPP) are not applicable. Taking these matters into account, the proposal is considered to demonstrate appropriate accordance with policy NE8 (Natural Heritage) of the Aberdeen Local Development Plan. Full details of mitigation measures will be required as part of a licence application made to SNH, and so it is not appropriate for such matters to be controlled by a condition attached to any consent.

### **Low and Zero Carbon Development**

The application does not include details of how Low and Zero Carbon Generating Technologies will be incorporated into the proposed development, however such details can be obtained as part of a future application through the use of an appropriate condition.

### **Matters raised in representations**

There appears to be a divergence in the views of those making representations as regards the need to resurface existing Airyhall Road. Both opposition and support are stated. It is noted that the developer has at no time intimated a wish to resurface Airyhall Road in the manner of an adopted road. The applicants expressed a willingness to resurface the route with unbound surfacing, repairing

any pot holes and providing passing places whilst also maintaining its rural character, however it is not a requirement stipulated by the road authority, and cannot be conditioned by the planning authority on the grounds that the developer has not demonstrated control over the land over which the road passes and it does not appear to be fundamentally necessary to allow approval of the development. Given that the Roads Authority is satisfied with the status quo, and any condition requiring the improvement of the track may not satisfy the relevant tests for conditions stipulated by the Scottish Government, it is proposed that the existing road be accepted as being capable of accommodating the level of development proposed. The status of Airyhall Road as a Core Path does not preclude its use by vehicular traffic.

Concerns regarding the relationship between the proposed development and the neighbouring Marcliffe Hotel have been expressed, however it is noted that any noise arising from the hotel may be investigated through the use of a condition requiring an appropriate noise assessment be carried out. It is further noted that the zoning of the site for residential purposes established the principle of this use, irrespective of the existing non-residential uses on adjacent land. The submitted layout suggests there would be a reasonable distance between the respective buildings, however this may be given further consideration on submission of detailed proposals for the development. The relationship between the development and the Council's published supplementary guidance on the 'Sub-division and Redevelopment of Residential Curtilages' is addressed elsewhere in the evaluation section of this report. It is not considered that the approval of this proposal would risk setting any kind of unwelcome precedent, as the land is zoned in a manner which encourages residential development, and an appropriate layout and density has been achieved, without detriment to the character and amenity of the surrounding area. The applicants' ownership rights in relation to Airyhall Road are of no direct relevance, as there exists an established access in this location, and the applicant has not made any claims as regard ownership of Airyhall Road.

### **Community Council Comments**

The former Braeside and Mannofield Community Council made comments on this application, as detailed in the 'Consultees' section of this report, above. It should be noted that this Community Council no longer exists. The Community Council correctly identifies Airyhall Road as part of the Council's Core Path network, and states that this route also constitutes a Right of Way. Recreational use of Airyhall Road would not be prohibited by the proposed development, and the level of vehicle traffic arising from this small number of dwellings is not considered to represent a significant threat to that recreational value. Similarly, it is noted that Airyhall Road is currently used for vehicular access, and a small increase in the number of vehicles using this route is not considered to be materially different from the current situation as regards safety. Concerns are expressed that Airyhall Road will be upgraded to a traditional street, thereby removing its rural woodland character, however neither the applicant nor the road authority have required/sought this course of action. The Community Council's letter states their objection to the use of Airyhall road as an entrance to the Woodbank complex, however it is not proposed that any vehicular access be provided on this basis, with the access serving only the proposed housing units.

## **Summary**

In summary, this application proposes an appropriate type of development in an area zoned for residential purposes, at a scale and density appropriate to its surroundings. The access arrangements are to the satisfaction of the Roads Authority, and are not considered to compromise the adjacent Core Path or its value as a recreational route. The proposal would create an appropriate residential environment for future residents, and is not considered to prejudice any existing land uses on adjacent land. Noise arising from the adjacent Marcliffe Hotel can be investigated by means of a noise assessment required by condition. Similarly, details of the design of the proposed dwellings may be required by a condition, and assessed as part of one or more further applications relating to Matters Specified in Conditions (MSC). The layout and arrangement of the site are considered to be compatible with their surroundings, where there are a range of land uses contained within sites of varying scale. The proposal does not, in principle, conflict with the character and appearance of the Conservation Area, however this can be considered further on submission of more detailed proposals at the MSC stage. The majority of trees are to be retained on site, while the removal of trees to permit the development can be mitigated through replacement planting. Appropriate details of compliance with the Council's supplementary guidance on 'Low and Zero Carbon Buildings' can be secured through use of a condition. The proposal is therefore considered to accord with the relevant provisions of the development plan. Matters raised by the Community Council and in representations are not considered to be of sufficient weight to warrant determination other than in accordance with the development plan, and it is therefore recommended that this application be approved subject to appropriate conditions, set out below.

## **RECOMMENDATION**

### **Approve subject to conditions**

## **REASONS FOR RECOMMENDATION**

The development hereby approved is of an appropriate type in an area zoned for residential purposes, at a scale and density appropriate to its surroundings, in accordance with policies H1 (Residential Areas) and H3 (Density) of the Aberdeen Local Development Plan (ALDP). The site is considered to be capable of accommodating the proposed residential development in a manner fit to provide an appropriate residential environment, while respecting the character and pattern of development in the surrounding area, as required by policy D2 of the ALDP and the Council's published 'Sub-division and Redevelopment of Residential Curtilages' supplementary guidance. The landscape character of the area would be maintained and loss of existing trees mitigated with replacement planting, in accordance with policies D6 (Landscape) and NE5 (Trees and Woodlands) of the ALDP. Access to the adjacent Core Path would be maintained, and there would be no adverse impact on the character of that route or its value as a recreational resource, in accordance with policy NE9 (Access and Informal Recreation) of the ALDP. Appropriate access arrangements have been demonstrated, in accordance with policy T2 (Managing the Transport Impact of Development). The scale of development and screening of the site from the south are such that the proposal is not considered to result in any adverse impact upon the setting of the adjacent listed building, nor the Lower

Deeside/Pitfodels Conservation Area, consistent with the aims of Scottish Planning Policy (SPP). The proposal therefore accords with the relevant provisions of the Development Plan. No matters raised in representations or through consultation have been of sufficient weight to warrant determination other than in accordance with the Development Plan.

## **CONDITIONS**

**it is recommended that approval is granted subject to the following conditions:-**

(1) that this planning permission in principle shall lapse on the expiration of 2 years from the approval of matters specified in conditions being obtained (or, in the case of approval of different matters on different dates, from the requisite approval for the last such matter being obtained) unless the development to which the permission relates is begun before that expiration - - in order to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

(2) that this planning permission in principle shall lapse unless a further application for approval of the matters specified in condition(s) attached to this grant of planning permission in principle has been made before whichever is the latest of the following;

(i) the expiration of 3 years from the date of this grant of planning permission in principle;

(ii) the expiration of 6 months from the date on which an earlier application for the requisite approval of matters specified in conditions was refused;

(iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed;

- in order to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

(3) that no development shall take place unless details of the siting, layout, design and external appearance of the 4no new dwellings have been submitted to, and approved in writing by, the planning authority. Thereafter the dwellinghouses shall not be occupied unless building in full accordance with the details so approved - in order to ensure that the development demonstrates due regard for its context and makes a positive contribution to its setting, as required by policy D1 of the Aberdeen Local Development Plan.

(4) that no development pursuant to this grant of planning permission in principle shall be undertaken unless a scheme demonstrating the arrangements for the provision of the internal access road, car parking and pedestrian link to North Deeside Road has been submitted to and approved in writing by the planning authority. Thereafter no dwellings shall be occupied until any such car parking areas so approved have been constructed, drained, laid-out and demarcated in accordance with the drawings approved for that purpose - in the interests of public safety and the free flow of traffic.

(5) 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.

(6) 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.

(7) that no development pursuant to this planning permission shall take place unless there has been submitted to and approved in writing for the purpose by the Planning Authority an assessment of the noise levels likely within the building, unless the planning authority has given prior written approval for a variation. The assessment shall be prepared by a suitably qualified independent noise consultant and shall recommend any measures necessary to ensure a satisfactory noise attenuation for the building. The property shall not be occupied unless the said measures have been implemented in full - in the interests of ensuring that residents are protected from undue disturbance through noise arising from adjacent land.

(8) 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.

(9) 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.

(10) That the use hereby granted planning permission shall not take place unless provision has been made within the application site for refuse storage and disposal in accordance with a scheme which has been submitted to and approved in writing by the planning authority – in order to preserve the amenity of the neighbourhood and in the interests of public health.

(11) 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'.

(12) 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.

(13) 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.

(14) 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.

(15) that, except as the Planning Authority may otherwise agree in writing, no construction or demolition work shall take place:

(a) outwith the hours of 7.00 am to 7.00 pm Mondays to Fridays;

(b) outwith the hours of 9.00 am to 4.00 pm Saturdays; or

(c) at any time on Sundays,

except (on all days) for works inaudible outwith the application site boundary. [For the avoidance of doubt, this would generally allow internal finishing work, but not the use of machinery] - in the interests of residential amenity.

(16) that no development shall be commenced until such time as full details of the mitigation measures proposed in relation to the presence of bats have been submitted to and approved by the planning authority, following consultation with Scottish Natural Heritage, and that thereafter such measures are implemented in full prior to the commencement of development - in order that the measures to mitigate the loss of an existing roost may be given due consideration following consultation with the appropriate licencing authority and in order to avoid any undue adverse impact on a European Protected Species.



**Dr Margaret Bochel**

Head of Planning and Sustainable Development.