

# Planning Development Management Committee

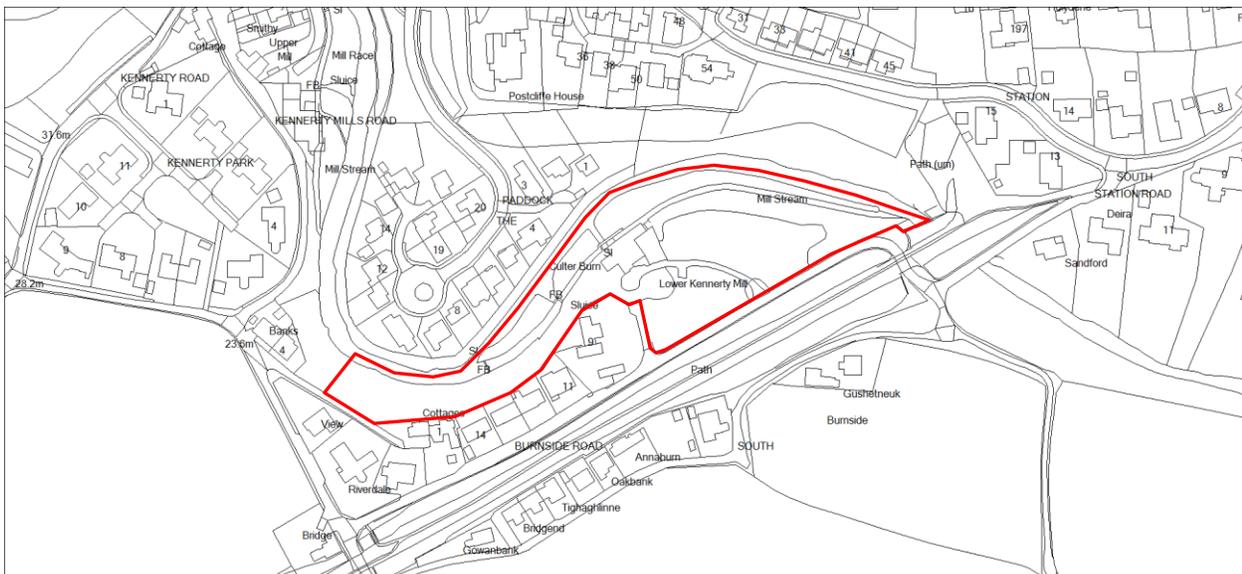
LOWER KENNERTY MILL, 8 BURNSIDE ROAD

PROPOSED TWO STOREY EXTENSION TO  
SIDE OF EXISTING DWELLINGHOUSE.

For: Client of Fitzgerald + Associates Ltd

Application Type : Detailed Planning Permission  
Application Ref. : P151766  
Application Date: 09/11/2015  
Officer: Ross McMahon  
Ward : Lower Deeside (M Boulton/A Malone/M  
Malik)

Advert : Section 60/65 - Dev aff  
LB/CA  
Advertised on: 18/11/2015  
Committee Date: 17/03/2016  
Community Council : Comments



## RECOMMENDATION:

**Approve subject to conditions**

## **DESCRIPTION**

The application property is a former mill – now in domestic use – located to the north of Burnside Road, and comprises a category C listed, two-and-a-half storey dwelling of slate and granite construction set within a large open area of land bound to the north by Culter Burn. The site lies within a Residential Area as identified in the adopted Aberdeen Local Development Plan 2012.

## **RELEVANT HISTORY**

A corresponding Listed Building Consent application (ref. P151767), which includes internal alterations in addition to the erection of an extension, is currently under consideration by the Planning Authority.

## **PROPOSAL**

Planning permission is sought for the erection of a two-storey side extension to the north-west (side) elevation of the property. The extension would accommodate a new swimming pool at ground floor/basement level and an open plan kitchen/living space at upper floor level.

## **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?ref=151766>

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

- Environmental Walkover Survey
- Bat Survey

## **REASON FOR REFERRAL TO COMMITTEE**

The application has been referred to the Planning Development Management Committee as a formal objection to the proposal has been received from the Culter Community Council and officers' recommendation is for approval. Accordingly, the application falls out with the scope of the Council's Scheme of Delegation.

## **CONSULTATIONS**

**Roads Development Management** – No observations.

**Environmental Health** – No observations.

**Communities, Housing and Infrastructure (Flooding)** – Notes that the proposed extension would be partially located within a Medium to High Risk Flood Zone as indicated by SEPA fluvial and coastal flooding maps. Request that a Flood Risk Assessment (FRA) should be submitted. Requests that full surface water drainage proposals for the development are submitted, including any proposed SuDS facilities.

**Community Council** – Object to the proposal, as submitted, on the following grounds: unsympathetic design not in keeping with the architectural integrity of the original building; concerns with the structural integrity of the building resulting from the formation of a swimming pool, sauna and steam room; requests that the site sub-strata is investigated; suggests that a separate building should be erected to facilitate the applicants requirements.

## **REPRESENTATIONS**

A petition has been received in connection with the application. The matters raised relate to the following:

1. Potential impact of the development on the flow of Culter Burn when in spate and flood risk;
2. Concerns with regard to existing trees on site.

## **PLANNING POLICY**

### **National Policy and Guidance**

- Scottish Planning Policy (SPP)
- Scottish Historic Environment Policy (SHEP)

### **Aberdeen Local Development Plan**

- Policy D1 – Architecture and Placemaking
- Policy H1 – Residential Areas
- Policy D5 – Built Heritage
- Policy NE6 – Flooding and Drainage
- Policy NE8 – Natural Heritage

## Other Material Considerations

- Supplementary Guidance: Householder Development Guide
- Historic Environment Scotland's (HES): 'Managing Change in the Historic Environment – Extensions'

## Proposed Aberdeen Local Development Plan

The following policies substantively reiterate policies in the adopted local development plan as summarised above:

- D1 – Quality Placemaking by Design (*D1 – Architecture and Placemaking in adopted LDP*);
- H1 – Residential Areas (*H1 – Residential Areas in adopted LDP*);
- D4 – Historic Environment (*D5 – Built Heritage in adopted LDP*);
- NE6 – Flooding, Drainage and Water Quality (*NE6 – Flooding and Drainage in adopted LDP*);
- NE8 – Natural Heritage (*NE8 – Natural Heritage in adopted LDP*).

## 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.

### Principle of Development

The application site is located within an area zoned for residential use in the adopted Aberdeen Local Development Plan 2012, and relates to an existing dwelling. The principle of extending an existing dwellinghouse is therefore acceptable, subject to an appropriate form and appearance. In determining what constitutes an acceptable form and appearance, the aforementioned national and local planning policies and associated supplementary guidance will be of relevance.

### D1 – Architecture and Placemaking

The proposed extension is considered to be architecturally compatible with the existing property and the surrounding area in terms of design, size, scale, massing and use of materials. The proposed side extension takes cues from the existing dwelling in terms of design, form, scale, materials, roof pitch and window style/proportions and would present itself as a subservient and visually separate element from the property by virtue of recessed glazed links to its south and east elevations. It should be noted that the extension would lie within a sunken courtyard space, sitting at a lower level to the access road. As such, the visual impression of the proposal would be that of a single storey extension, further reducing its impact when viewed on approach from Burnside Road. Accordingly, the proposal demonstrates due regard for the existing property and the wider context in accordance with Policy D1 (Architecture and Placemaking).

## **H1 – Residential Areas**

The proposal is considered to adhere to Policy H1 (Residential Areas) and the Council's supplementary guidance on householder development for the following reasons:

1. As discussed under Policy D1 (Architecture and Placemaking), all elements of the proposal are considered to be architecturally compatible in design and scale with the original property.
2. All neighbouring properties are located sufficiently distant from the proposal to ensure no significant detrimental impact in terms of loss of daylight to habitable windows.

Turning to the impact to adjacent properties in terms of overshadowing, the orientation of the proposal and its distance are important factors. The size, form and orientation of the proposal are such that there would be no additional impact relating to overshadowing of private rear garden ground or habitable room windows to surrounding properties.

Given the open nature of the site and the orientation of the proposal, it is not considered that the formation of south and west facing windows – in addition to a first floor balcony – would create any opportunity for overlooking of neighbouring properties.

3. The built footprint of the property, as extended, would not double its original footprint.
4. No more than 50% of the rear and/or front curtilage of the development would be covered by development.

## **D5 – Built Heritage**

Proposals affecting Listed Buildings will only be permitted if they comply with Scottish Planning Policy. The proposal is considered to comply with Historic Environment

Scotland's *'Managing Change in the Historic Environment – Extensions'* in that it would protect the character and appearance of the building; would be subordinate in scale and form; would be located on a secondary elevation and would be designed in a high-quality manner using appropriate and sympathetic materials. Accordingly, it is considered that the proposal complies with Policy D5 (Built Heritage) in that the character of the listed building would be protected.

## **NE6 – Flooding and Drainage**

With regard to the comments received from the Council's Flooding Team, it is noted that the proposed extension would be partially located in a Medium to High Risk Flood Zone with an annual probability of fluvial flooding of 0.5% or greater (1 in 100 and 1 in 200 years). SPP states that the planning system should prevent development which would have a significant probability of being affected by flooding or would increase the probability of flooding elsewhere, and discourages the piecemeal reduction of the functional floodplain given the cumulative effects of reducing storage capacity.

SPP goes on to state that alterations and small-scale extensions to existing buildings are outwith the scope of this policy, provided that they would not have a significant effect of the storage capacity on the storage capacity of the functional floodplain or local flooding problems.

It is noted that this application relates to the extension of an existing residential dwelling, and therefore would not represent a material intensification of that existing land use nor the introduction of a new use within an area at risk of flooding. While the principle of erecting a new dwelling in this location would not be acceptable for the reasons noted above, the existing mill is situated within a Medium to High Risk Flooding Zone, and is currently subject to this level of flooding risk.

In this instance, and in light of SPP, it is not considered that the proposal would increase the number of buildings at risk of flooding, nor significantly increase the probability of flooding to this property specifically. It would not have a significant impact on the storage capacity of the floodplain on which it would be located, nor would it materially exacerbate local flooding issues given its modest size and scale. Accordingly, the officers consider the request for a FRA in connection with the development to be unnecessary.

It has been found necessary to add a condition to the consent requiring that full surface water drainage proposals for the development are submitted which include the provision of any proposed SuDS facilities for the purposes of ensuring that surface water runoff is adequately managed.

## **NE8 – Natural Heritage**

An Environmental Walkover Survey was submitted with the application and identified that the application property has good bat roost potential. As such, and given the

properties' location next to a watercourse and semi-mature woodland, it was considered necessary to request a Bat Survey. A further survey was submitted by the applicant which concluded that the Lower Kennerty Mill roof and wallheads have very little bat roost potential, where development is proposed, to the satisfaction of the Council's Environment Team and in accordance with Policy NE8 – Natural Heritage.

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

The Proposed ALDP was approved for submission for Examination by Scottish Ministers at the meeting of the Communities, Housing and Infrastructure Committee of 27 October 2015. It constitutes the Council's settled view as to what should be the content of the final adopted ALDP and is now a material consideration in the determination of planning applications, along with the adopted ALDP. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether:

- these matters have been subject to representation and are regarded as unresolved issues to be determined at the Examination; and
- the relevance of these matters to the application under consideration.

Policies and proposals which have not been subject to objection will not be considered at Examination. In such instances, they are likely to be carried forward for adoption. Such cases can be regarded as having greater material weight than those issues subject to Examination. The foregoing can only be assessed on a case by case basis. In relation to this particular application, proposed policies D1 (Quality Placemaking by Design), H1 (Residential Areas), D4 (Historic Environment), NE6 (Flooding, Drainage and Water Quality) and NE8 (Natural Heritage) substantively reiterate policies, D1 (Architecture and Placemaking), H1 (Residential Areas), D5 (Built Heritage), NE6 (Flooding and Drainage) and NE8 (Natural Heritage) of the adopted Aberdeen Local Development Plan and therefore raise no additional material considerations.

### **Matters Raised in Representations and the Community Council**

All matters raised in respect of design, scale, massing, use of materials etc. have been addressed in the evaluation sections of this report.

There is no statutory requirement for an applicant to submit information to the Planning Authority relating to the proposed building structure or potential structural implications associated with the development, or any subsequent complications relating to property maintenance that result from development. Separate legislation dictates the manner in which structure implications are assessed, such as via a building warrant etc.

There is no statutory requirement for the Planning Authority to notify SEPA for the erection of a domestic extension in this location. All matters relating to flooding and drainage issues are undertaken by the Council's Flooding section, who have not raised any concerns in respect of the proposed extension.

Matters relating to the potential increase in flood risk associated with existing trees on the south side of Culter Burn are not material to this application. Any proposed works to existing trees forming part of the TPO would be subject to a Tree Work application, separate from a detailed application for planning permission. Furthermore, the onus is on the landowner to ensure that any necessary work is undertaken.

Full regard has been given to all concerns raised in representations, but neither do they outweigh the policy position as detailed above, nor do they justify further amendments to the plans or refusal of the application

## **RECOMMENDATION**

**Approve subject to conditions**

## **REASONS FOR RECOMMENDATION**

The proposal would comply with the relevant policies of Aberdeen Local Development Plan 2012, namely Policies D1 (Architecture and Placemaking), D5 (Built Heritage) and H1 (Residential Areas) in addition to the Council's Supplementary Guidance: Householder Development Guide and would preserve the character of the Listed Building in line with the principles of Historic Scotland's SHEP and associated guidance. On the basis of the above, and following on from the evaluation under policy and guidance, it is considered that there are no material planning considerations that would warrant refusal of the application. Full regard has been given to all concerns raised in representations, but neither do they outweigh the policy position as detailed above, nor do they justify further amendments to the plans or refusal of the application.

## **CONDITIONS**

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

(1) that no development shall take place until a sample of the granite proposed to the extension walls and slate to the proposed roof; and additionally, specification of all proposed venting and cast iron rainwater goods hereby approved has been submitted to, and approved in writing by, the planning authority and thereafter the development shall be carried out in accordance with the details so agreed - in the interests of visual amenity.

(2) that no development shall take place unless a scheme for all proposed drainage design and method of discharge of all surface water in connection with the development 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.

## **INFORMATIVES**

During construction work the applicant and/or the developer should remain vigilant for signs of bats, if they come across any bats or any signs of bats, all work in that area must cease immediately and Scottish Natural Heritage must be contacted for further advice.

It should be noted that as bats are a European Protected Species, as listed in the Conservation (Natural Habitats &c.) Regulations 1994 it is illegal to:

- Deliberately kill, injure, disturb or capture/take European Protected Species of animal;
- Damage or destroy the breeding sites or resting places of such animals.