

Planning Development Management Committee Detailed Planning Permission

160692: Subdivision of residential curtilage, erection of new dwellinghouse and associated access road at Aulnagar, Dyce Drive, Dyce, Aberdeen AB21 0HH

For: Mr Sandy Pirie

Application Date:	30 May 2016
Officer:	Jane Forbes
Ward:	Dyce/Bucksburn/Danestone
Community Council:	Dyce and Stoneywood Community Council
Advertisement:	Neighbour Notification was not possible
Advertised Date:	15 June 2016



RECOMMENDATION: Approve Conditionally

SITE DESCRIPTION

The application site, which extends to an area of some 2400m², lies to the north west of Kirkhill Industrial Estate and north east of Cairn Industrial Park, and forms part of a wider residential feu extending to an area of some 8500m² comprising a 1½ storey dwelling with detached garage, within a mature, semi-rural garden setting. The site is accessed via a private single track road off Dyce Drive, with this unadopted road serving a grouping of four detached properties, including that of the wider application site. To the south-west of the site, and screened by means of bunding, is the Cairn Industrial Park which currently operates as Aberdeen Air Park, a long term car parking facility for Aberdeen International Airport. To the north and east of the site is agricultural land, and to the west is Kirkhill Forest. The existing dwelling which lies within the wider site, is a relatively modest 1960's/70's style bungalow with rear dormer extension. The site benefits from an expansive area of garden ground, with mature trees and shrubs providing screening, whilst allowing a semi-open outlook to the front (east) onto open agricultural land and beyond towards the airport.

RELEVANT HISTORY

Ref P160068: Planning application submitted on 27 March 2016 seeking the subdivision of the residential curtilage and the erection of 2 new dwellings with formation of associated access roads; and the demolition of and erection of a replacement garage for the existing dwelling. Following an assessment of the proposal and subsequent discussion between the agent and the planning authority, the application was withdrawn on 27 May 2016.

DESCRIPTION OF PROPOSAL

Detailed planning permission is sought for the erection of a 1½ storey detached dwelling and integral double garage, with a footprint of some 170m², and a ridge height of 7.5 metres. The proposed dwelling would be of a simple, contemporary design, and incorporate a pitched roof with two dormers and extended rooflight to the front (south) elevation, and a single dormer and two rooflights to the rear elevation. The roof and dormers would have a metal profile finish, whilst the walls would be finished in horizontal and vertical timber cladding. The windows would be in dark grey aluminium clad timber, whilst the doors would be in horizontal timber cladding.

SUPPORTING DOCUMENTS

All drawings and supporting documents can be viewed on the Council's website at www.publicaccess.aberdeencity.gov.uk.

CONSULTATIONS

Roads Development Management – No objection. Note that the proposal seeks to add one property to an area served by a private access, and that the additional unit is acceptable. Advise that the new owner of the property should join any existing road maintenance agreement for the private access.

Environmental Health – No objection. Environmental Health officers advised on the basis that the proposed development lies within the Aberdeen Airport noise map area, that in the event that the proposal is supported, a condition is applied requiring a noise assessment to be undertaken to ascertain predicted impacts of likely noise sources on the proposed development. Consideration should also be given to potential noise impacts from industrial noise in the area. Details of any noise mitigation measures, if required, which would reduce noise to an acceptable level

and thereby reasonably protect the amenity of the occupants, should be provided as per the assessment.

Communities, Housing and Infrastructure (Flooding) - No observations.

Dyce and Stoneywood Community Council – Object to the development on the following grounds:

1. This development is not appropriate on a site zoned either as green-belt (area NE2 in the 2012 Local Plan) or business and industrial use (area BI1);
2. Curtilage splitting of this site will set an undesirable precedent in terms of other 'semi-rural' locations.
3. Unacceptable residential amenity: this site is adjacent to a large industrial estate where dangerous chemicals are stored and is remote from community facilities (shops, schools, health centre...). It is seriously blighted by noise from Aberdeen Airport, especially ground-running helicopters at their west-side bases.

Aberdeen International Airport – No objection. Advise that the proposed development has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria.

Shell/BP – Confirmation received that the proposed works are outwith the Shell NGL Pipeline and would not affect the safety & engineering integrity of the BP Forties Pipeline.

REPRESENTATIONS

One letter of objection was received from the Dyce and Stoneywood Community Council, as outlined above.

REASON FOR REFFERAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee because an objection was received from the Dyce and Stoneywood Community Council, and therefore the applications falls outwith the scope of the Council's Scheme of Delegation.

PLANNING POLICY

Aberdeen Local Development Plan

BI1 – Business and Industrial Land

NE1 – Green Space Network

NE5 – Trees and Woodlands

D1 – Architecture and Placemaking

H8 - Housing and Aberdeen Airport

BI5 – Pipelines and Controls of Major Accident Hazards

Supplementary Guidance

The Council's Supplementary Guidance – The Subdivision and Redevelopment of Residential Curtilages

Proposed Aberdeen Local Development Plan

BI1 – Business and Industrial Land

NE1 – Green Space Network

NE5 – Trees and Woodlands

D1 – Quality Placemaking by Design

B4 - Aberdeen Airport

BI5 – Pipelines and Controls of Major Accident Hazards

OTHER RELEVANT MATERIAL CONSIDERATIONS

None

EVALUATION

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that where, in making any determination under the planning acts, regard is to be had to the provisions of the Development Plan and that determination shall be made in accordance with the plan, so far as material to the application unless material considerations indicate otherwise.

The main considerations which are of relevance in this instance relate to the principle of the proposed development; its scale, design and siting; the impact of the proposal on the existing character of the area and its amenity, and finally, the level of amenity which can be delivered for the proposed use.

Principle of Development

The application site lies within an area which has been zoned as B11 (Business and Industrial Land) in the Aberdeen Local Development Plan (ALDP), however, it would appear that the inclusion of the site within this zoning is somewhat of an anomaly, given that it forms part of a wider residential feu which comprises an existing dwellinghouse dating from the 1960's/70's. The site is bound immediately to the south by two further residential properties which lie within an area zoned as green belt, and a third dwelling which also lies within a business and industrial zoning. The proposed development would see the subdivision of the existing residential curtilage, and the introduction of a new residential property within the northern corner of the site and in a location further from the neighbouring Cairn Industrial Park than the existing dwelling. The site would be bound by open agricultural land to the north and east, and by Kirkhill Forest and part of the existing garden ground to the west. Policy B11 states that 'Where business and industrial areas are located beside residential areas new planning permissions will be restricted to Class 4 Business. Buffer zones will be required to separate these uses and safeguard residential amenity. Conditions may be imposed regarding noise, hours of operation and external storage.' Although the above policy outlines the requirement to restrict the use of land which is zoned under B11 to Class 4, if that land lies adjacent to a residential area, it is silent with regards proposals for new residential development within a site already in residential use, but which is zoned as B11. Notwithstanding its allocation, it would appear that on the basis of the continuation of its current residential use, the site is not suited to industrial development, and it is therefore deemed reasonable to accept the principle of the proposal for residential development in this instance.

The garden ground of the site is also partially zoned as Green Space Network (Policy NE1) within the ALDP. The Green Space Network has functions in terms of enabling access for wildlife, providing access for recreational purposes as well as providing suitable habitats for wildlife and more general landscape value. Taking into account that the proposed dwelling would lie at a distance of some 30 metres from the edge of Kirkhill Forest in an open area of garden ground, and that the development footprint would be limited to a footprint of some 170m² within a site extending to some 2,400m², it is considered that the location and relatively small

scale nature of the proposed development would have minimal impact on either the character or function of the Green Space Network, and as such the proposal would be suitably compliant with the requirements of Policy NE1.

It has therefore been established that the proposed development would have no conflict with the principles of Policy NE1, and whilst the proposal would not comply with Policy BI1, it has been accepted that there are suitably strong mitigating circumstances which would allow for the proposed development in this instance. The detail of the proposal must also be fully assessed against all remaining policy and guidance relevant to such a proposal, including the Supplementary Guidance on 'The Sub-division and Redevelopment of Residential Curtilages'. The SG outlines the criteria against which an application for the subdivision of a site should be assessed, and as a general principle states that new residential development should not borrow amenity from, or prejudice the development of, adjacent land or adversely affect existing development in terms of privacy, overlooking, daylighting or sunlighting.

Density, Pattern and Scale of Development

The proposed development would see the site at Aultnagar, which extends to some 8,500m², and with a plot ratio of just 3%, sub-divided to form two residential feus, with the new dwelling occupying a site of some 2400m² and a plot ratio of 7%. The sub-division of the site would deliver a level of density which would compare particularly favourably with that of the surrounding area, where the 3 neighbouring properties lie within site areas of between 800m² and 1970m², and their development footprints of between 140m² and 190m² result in plot ratios of between 10 and 20%.

Privacy, Residential Amenity, Daylight & Sunlight

The proposed dwelling would sit comfortably in the northern half of the site, and due to the size of the existing residential curtilage and the orientation of the proposed development, a reasonable separation distance can be achieved between the existing and proposed dwelling, with a suitable level of privacy possible for both properties. A condition has been attached securing the submission of boundary treatment detail, for prior approval. The new dwelling would benefit from a large area of private garden ground available to the north and west of the property, and face south-east across open countryside, and beyond towards the outer edge of Kirkhill Industrial Estate and the airport, taking advantage of the open outlook which the site benefits from, whilst again respecting a suitable separation from the existing dwelling. In terms of daylight and sunlight, the proposed house would have a south facing aspect and benefit from a reasonable level of daylight and sunlight, with open garden ground on all sides. The dwelling would be set back from the existing dwelling by a distance of some 20 metres, and at a sufficient distance to cause no issue with over-shadowing.

Design, Scale & Siting

Policy D1 (Architecture and Placemaking) seeks to ensure a high standard of design for new development, with due consideration given to its context and a positive contribution to its setting. As outlined above, the proposal would see the erection of a relatively modest dwelling within what remains, despite its BI1 zoning, very much a countryside location. It would appear that significant attention has been given to the context of the site in terms of the simple, contemporary design of the build which is

being proposed, including the material finish of timber cladding. It is considered that the style of dwelling would be particularly well suited to the rural setting of the site, and its proximity to Kirkhill Forest. An appropriate level of glazing has been incorporated into the building, and whilst there would be a degree of shading from the forest along the western boundary of the site, the proposed dwelling has been orientated in such a manner as to benefit most from daylight and sunlight across the site. The scale of the proposed dwelling fits well with that of existing residential properties within the surrounding area, and the design, whilst more contemporary, is nevertheless still suitably in-keeping with that of the established 1½ storey dwellings.

Taking the above into account, it is considered that the proposed subdivision of the plot and the construction of a new house would accord with the Council's guidance on The Sub-division and Redevelopment of Residential Curtilages and in turn with Policy D1 of the Aberdeen Local Development Plan. The proposal would not lead to over-development of the site, nor would it have an unacceptable impact on the character or amenity of the surrounding area. The new house has been designed with due consideration for the context and would make a positive contribution to its setting.

Landscaping/Trees

The site benefits from a certain sense of enclosure due to the mature tree and shrub planting which exists along the northern, western and part of the southern boundaries. This is further emphasised with the backdrop to the site of Kirkhill Forest. The proposed development would require the removal of a small group of mature coniferous trees on the western boundary of the site in order to ensure the delivery of a suitable drainage scheme for the new dwelling. Policy NE5 states that there is a presumption against all activities and development that results in the loss of or damage to established trees and woodlands, where the trees or woodland have a significant contribution to the landscape character or local amenity. In this instance, whilst there is a reasonable quality to many of the deciduous trees across the wider site, and the proposed development would have minimal impact on these, the conifers which would be removed along the western boundary of the site are immediately adjacent to Kirkhill Forest. The trees are of a similar maturity to those growing across the wider forest which is a commercial plantation, and their presence within this residential setting is therefore of questionable merit. As such it is considered that their removal would have no impact on either the landscape character or the local amenity. A condition has been attached which secures the submission and prior approval of an appropriate landscaping scheme for the site, and this would include details of all trees to be retained, together with measures for their protection in the course of development, and for all proposed areas of tree/shrub planting to be undertaken. Taking the above into account, it is considered that the proposal would be suitably compliant with the requirements of NE5.

Access

The site is currently served by a private access and the roads development management team raised no concerns with this proposal which would see a 5th property accessed off that road, and with no resulting requirement for the road to be formally adopted. Whilst it was suggested that the future owner of the property may want to join any existing road maintenance agreement, this comment is provided on an advisory basis.

Airport

Aberdeen International Airport was consulted on the proposal, on the basis that the application site lies within the airport safeguarding zone. Having examined the detail of the proposed development, the airport advised that there would be no conflict with the safeguarding criteria, and that they had no objection to the proposal. Whilst the application site lies within the airport noise map contours, it does not lie within a zone where aircraft noise levels would be in excess of 57dB LAeq, and as such the proposal suitably accords with the requirements of Policy H8 (Housing and Aberdeen Airport). Environmental Health officers raised no objection to the proposal, but given the proximity to the airport and the adjacent industrial park, they have sought a condition be attached to any consent requiring the submission for prior approval of a noise assessment which would ascertain any likely noise sources for the proposed development, and details of any noise mitigation measures to be included if appropriate.

Pipelines

Policy BI5 (Pipelines and Controls of Major Accident Hazards) advises that in determining planning applications for development within consultation distances from hazardous installations, the council takes full account of any risk to people's safety. In this instance, Shell and BP were contacted due to the proximity of the application site to the Shell NGL Pipeline and the Forties Pipeline. Both parties confirmed that the proposed development would have no effect on either of the aforementioned pipelines. As such the proposal is in accordance with Policy BI5 of the ALDP.

Matters Raised in Representations

1. This development is not appropriate on a site zoned either as green-belt (area NE2 in the 2012 Local Plan) or business and industrial use (area BI1) – This issue has been dealt with above, as part of the assessment of the proposal (see Principle of Development), although it is worth noting that the application site is not zoned as green belt.
2. Curtilage splitting of this site will set an undesirable precedent in terms of other 'semi-rural' locations – This issue has been dealt with above as part of the overall assessment of the application, and in particular in relation to Aberdeen City Council's Supplementary Guidance on 'The Sub-division and Redevelopment of Residential Curtilages'.
3. Unacceptable residential amenity: this site is adjacent to a large industrial estate where dangerous chemicals are stored and is remote from community facilities (shops, schools, health centre...). It is seriously blighted by noise from Aberdeen Airport, especially ground-running helicopters at their west-side bases – This issue has been dealt with above as part of the overall assessment of the application. Aberdeen City Council's Environmental Health service raised no objection to the proposal, but sought a condition be attached to any consent for the submission of a noise impact assessment, with any requirement for mitigation measures identified and implemented if deemed necessary.

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 and the Reporter has now reported back. The proposed plan

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 comment by the Reporter; and
- the relevance of these matters to the application under consideration.

The Reporters response does not affect policies in a manner that is relevant to this application. In relation to this particular application proposal policies in the Proposed LDP are not materially different from those in the adopted LDP.

Approval to adopt the LDP will be sought at the Full Council meeting of 14 December 2016. The actual adoption date is likely to be around the third week in January 2017.

RECOMMENDATION: Approve Conditionally

REASONS FOR RECOMMENDATION

The application site lies within an area zoned as BI1 (Business and Industrial Land) of the Aberdeen Local Development Plan. Taking into account the longstanding residential use of the site, it is apparent that whilst the proposed development would in theory conflict with BI1, there are significant mitigating factors which allow for the principle of residential development to be considered acceptable in this instance.

In accordance with Policy NE1, the new dwelling would neither destroy nor erode the character or function of the Green Space Network within which it lies, and whilst the proposal would result in some tree loss, appropriate conditions have been applied in relation to the protection of trees and woodland on site, thereby ensuring the proposal is suitably compliant with Policy NE5.

The proposal is considered to be suitably compliant with Planning Policy D1 (Architecture and Placemaking) and would accord with the Council's Supplementary Guidance on The Sub-division and Redevelopment of Residential Curtilages. The proposal would not result in over-development of the site, nor would it have an unacceptable impact on the character or amenity of the surrounding area. The new dwellinghouse has been sited and designed with due consideration for its context, with a simple, contemporary design and choice of materials, including a high degree of timber, which is particularly fitting of the rural location of the site, and its proximity to Kirkhill Forest. As a result it is considered that the proposed development would make a positive contribution to its setting.

Finally, the proposed development would be suitably compliant with the requirements of both Policy H8 (Housing and Aberdeen Airport) and Policy BI5 (Pipelines and Controls of Major Accident Hazards) of the ALDP.

Insofar as they are relevant, and with the exception of Policy B1 (Business and Industrial Land), the proposals are also considered to accord with policies contained within the Proposed Aberdeen Local Development Plan 2015.

CONDITIONS

1. That no development shall take place unless there has been submitted to and approved in writing for the purpose by the planning authority, a detailed scheme of landscaping for the site. Such scheme should 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. The scheme shall be implemented as approved - in the interests of visual amenity
2. That all planting, seeding and turfing comprised in any 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.
3. 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.
4. 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.
5. That no development pursuant to this planning permission shall take place nor shall the building be occupied unless there has been submitted to and approved in writing for the purpose by the Planning Authority a noise assessment, in accordance with Planning Advice Note (PAN) 1/2011 Planning & Noise and its accompanying Technical Advice Note. The scope of any assessment should also consider BS4142, BS8233, WHO and NR25 (night time) and NR35 (day time) internally within the nearest residential properties. The assessment, which should be prepared by a suitably qualified independent noise consultant, should ascertain the predicted impacts of likely noise sources on the proposed development, including the potential for aircraft and industrial noise nuisance. Details of any noise mitigation measures, if required to reduce noise to an acceptable level, to reasonably protect the amenity of the occupants, should be provided - in the interests of residential amenity.
6. That no development pursuant to this planning permission shall take place, unless there has been submitted to and approved in writing by the Planning Authority, a detailed scheme of site boundary enclosures. The dwelling hereby granted planning permission shall not be occupied unless the said scheme has been implemented in its entirety - in the interests of residential amenity