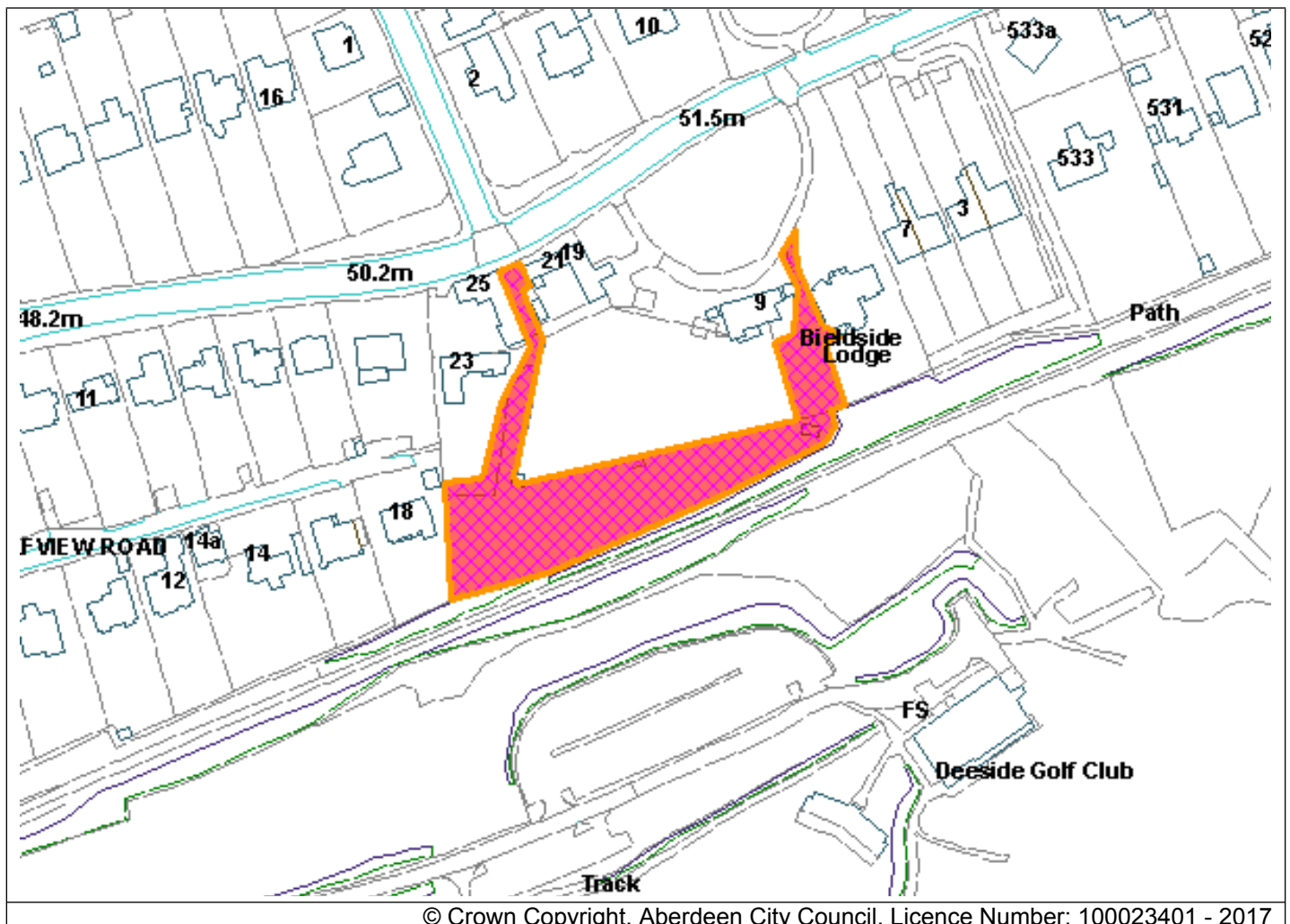


Site Address:	Land At Bielside Lodge, North Deeside Road, Bielside, Aberdeen AB15 9AD
Application Description:	Approval of matters specified in conditions 1(design/landscaping/boundary treatment/method statement) 6(finishing materials) 7(drainage works) 8(foul sewerage facilities) 10(landscaping) 12 & 13(care, protection and maintenance of trees) of P120491 for erection of dwellinghouse
Application Reference:	170028/MSC
Application Type	Approval of Matters Specified in Condition
Application Date:	16 January 2017
Applicant:	Mr Iain Hawthorne
Ward:	Lower Deeside
Community Council	Cults, Bielside and Milltimber
Case Officer:	Lucy Greene



RECOMMENDATION

Approve conditionally

APPLICATION BACKGROUND

Site Description

The application site consists largely of part of the garden ground associated with Bielside Lodge, the latter lying to the north east of the site. The site also includes a connected strip of land extending northwards and linking with North Deeside Road, so that it wraps around the walled garden to the Category B listed Bielside House and would originally have formed part of its grounds. The site is on a steep south facing slope.

The submissions state that the site extends to 3545m². The main area is approximately 120m in length, whilst varying between approximately 35m and 7m in width. This main area of the site contains a number of trees protected by Tree Preservation Order (TPO) and is otherwise roughly grassed and self-seeded with smaller plants. There is a fall of 12m between North Deeside Road and the southern end of the garden to the rear of Bielside Lodge. There is a further fall east/west across the site of 10m between the southern corner of the garden to the rear of Bielside Lodge and the main site to the south of the Bielside House gazebo. The eastern leg falls 9m between the shared horseshoe driveway and the main part of the site.

On the eastern side the site includes the south west corner of the garden ground immediately to the rear of Bielside Lodge. It should be noted that the application site boundary does not include the driveway linking Bielside Lodge and Bielside House to North Deeside Road. (This driveway is 'horseshoe' shaped and was partly included in the Planning Permission in Principle (PPiP) application site boundary.)

On three sides the site is bounded by the walled garden to the listed Bielside House. An elevated summer house/gazebo, forms a distinctive corner feature within the boundary wall. The wall and summerhouse form part of the listing. There is a metal gate within the walled garden wall providing access, across the application site and through a further gate, onto the Deeside Walkway. The southern boundary of the site runs along the boundary of the former Deeside Railway line, now a public walk and cycle way, part of the Core Path Network and a Local Nature Conservation Site. To all other sides the area is residential.

Relevant Planning History

Application Number	Proposal	Decision Date
120491	Planning Permission in Principle for Erection of dwellinghouse	22.12.2015 Approve with legal agreement

APPLICATION DESCRIPTION

Description of Proposal

The application is for approval of matters specified in conditions (MSC) for conditions 1, 6, 7, 8, 10, 12 and 13 of Planning Permission in Principle (PPiP) for erection of dwellinghouse Ref P120491.

These conditions cover the requirements for submission of information on the PPiP prior to development commencing. The only exception to this being that part of the PPiP application site is not included in this MSC application site, and where conditions relate to that area of land, they

would not be covered in this current MSC. The only condition that relates to this excluded area is in condition (1)(ii) which relates to the “landscaping of the site, including construction and laying out of the access..” A further application for MSC would be required to confirm details of any works lying within this area of the site.

The conditions could be summarised as follows (the full wording of each condition is included in the Evaluation Section below):

- (1) – Design of house, landscaping, boundary treatments, construction method statement and swale
- (6) – External finishing materials
- (7) – Surface water drainage
- (8) – Foul drainage and water
- (10) – Planting of trees and landscaping
- (12) – Tree protection during works
- (13) – Management proposals for trees

The following two conditions from the PPIp (Ref.120491) are also relevant as they set out restrictions and requirements on development:

- Condition 15 requires there to be no storage of materials or machinery etc, nor changes in ground levels within the root protected areas specified in condition 12.
- Condition 17 requires the remediation of any damage to trees or surfaces on the Deeside Walkway and that no works to trees is carried out without consent of the planning authority. This is to be noted when assessing information submitted in relation to the construction method statement under condition 1.

To recap, the PPIp approval is for a single storey detached house, that is described as ‘semi-subterranean’. The house would take advantage of the north – south slope of the land so that it’s single aspect south facing elevation would be approximately at the level of the Deeside Walkway, whilst the accommodation would be built into the slope, with varying proportions being under what is the current ground level. The plans indicate that the footprint of the house would be irregular in shape being a maximum of approximately 14m at its widest point, with a meandering front elevation extending approximately 42m across the site and that the roof of the house would be grassed / planted. The applicant’s agent had submitted cross sections indicating how the ground behind the house, i.e. that containing the listed walls and garden to Bielside House, would be retained behind the rear wall of the proposed house.

Various trees were indicated as being required to be removed, proposed to be transplanted or felled for health reasons.

Supporting Documents

All drawings and supporting documents listed below can be viewed on the Council’s website at:

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OJPKWSBZIFL00>.

The following documents have been submitted in support of the application –

- Layout and elevational plans
- Construction Method Statement by Anderson Construction
- Tree survey by Astell Associates dated 13.03.2018
- Tree Protection Plan
- Drainage Statement by Ramsay and Chalmers
- Planning Statement

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because there are 84no. representations and the determination therefore falls outside the scope of delegated powers.

CONSULTATIONS

ACC - Roads Development Management Team – No comments.

ACC - Flooding And Coastal Protection – No objections subject to there being no surface water flowing onto the Deeside Walkway or house.

Cults, Bielside and Milltimber Community Council

The Community Council objects to the proposal, having submitted an objection in the initial consultation period, and a further objection following fresh submissions and a period of re-consultation. These were on the following grounds:

- The condition requires a construction method statement (CMS) showing how the house could be built without damage to the listed structure and how vehicles and equipment would be brought to the site. The revised CMS submitted should adhere to policy NE9 and not involve obstruction and inconvenience for users of the Deeside Walkway, whilst the public should always have freedom of movement along the Walkway. Other methods should be explored, such as craning items from the tennis court to the rear of Bielside Lodge.
- Confirmation is also desired, that a legal agreement has been entered into that would prevent the development of further vehicle accesses, as noted in the PPIP.
- In the first objection the Community Council comments on the inadequate details relating to foul sewage.

REPRESENTATIONS

There were 84 letters of objection received from 79 individuals or organisations. These are summarised below:

Construction Method Statement and the Deeside Walkway:

1. Allowing construction to take place from the Deeside Walkway would result in restrictions on use of path and possibility of damage;
2. Damage to trees on walkway and construction site;
3. The use of Golf Road is unacceptable as it is very narrow and unsuitable for construction vehicles;
4. Access to Golf Club would be impeded if the Walkway is used for construction access;
5. Construction Method Statement fails to satisfy the conditions with regard to damage to listed structure, trees or delivery transfer and storage of materials;
6. Objector raises concern about potential for damage to listed structures adjacent to the application site and submits a report from Fairhursts 2006 on structural integrity of wall to listed building;
7. Any agreement on use of the Deeside Walkway is without the house having planning permission and is therefore *ultra vires*;
8. There is no provision or mention of, the existing gates in listed wall that provide access across the application site for occupiers of Bielside House, and for maintenance of wall;
9. Access gates provided by applicant from Deeside Walkway into site do not have planning permission;
10. Updated CMS in dealing with the listed wall issues, dismisses this with erection of a hoarding at sufficient distance, this is inadequate;

11. CMS reference to trees does not mention lifting of materials at height that could damage canopies;
12. That there is a report to full Council on current process for access along Deeside Walkway for construction traffic and existence of licensing powers, which are under delegated powers to officers in Ranger Service. It is further stated that since 2011 only 4 licences have been granted, 3 for tree works and one for the Aberdeen Western Peripheral Route. The granting of licence for the erection of a house would be inconsistent with this approach;
13. CMS refers to large tipper trucks to removed excavated material, whilst the access way along the Deeside Way is 3m and horseshoe drive is 2.7m, likelihood of structural failure of the summerhouse and wall due to vibration of vehicles;
14. That the proposal to take construction access via the entranceway to Bielside Mill is contrary to the S75 agreement that restricts access;
15. It is questioned how the potential layout areas indicated on the plans would be used without impact on the protected trees and their roots;
16. Allowing construction access from the Walkway would set a precedent for building on all land backing onto it;
17. That it should be questioned whether the old bridge over the Deeside Walkway (part of Golf Road), is adequately strong to withstand heavy vehicles;
18. Use of this route for construction materials would be likely to involve stacking materials next to a swing gate that is a fire access point, near to the Golf Club exit. This requires consideration and risk assessment;
19. Lorries would have to reverse along the Deeside Walkway as there is nowhere to turn;
20. Taking construction access from North Deeside Road would also be dangerous due to the nature of manoeuvres needed. Vehicles would need to reverse out, due to land ownership boundaries and there is a record of accidents;
21. The Deeside Way is used by residents of Newton Dee, and is safe and secure allowing a sense of well-being and security for these residents. This freedom and independence for residents would be threatened;
22. Proof is required that the excavation for the property would not undermine the slope and create a landslide;

Access:

23. Vehicular access to the proposed house is contrived;
24. The proposal does not provide for disabled access;

Wildlife and trees:

25. Presence of bats and red squirrels on site, these are protected species that would be adversely affected;
26. Tree survey and plans for replanting do not tie in with PPIp;
27. Loss of healthy protected trees, whilst there is history of failure to comply with TPOs on this site;

Procedural and legal matters

28. Ownership statements on application are incorrect and this is proven by Court of Session interdict. An accompanying plan shows the relevant land ownerships;
29. Long delay in providing information on the application has caused uncertainty;
30. There was a lack of consultation with the council's conservation team or Historic Environment Scotland although there is potential identified in the PPIp to affect setting;
31. That at the time of planning permission for Bielside Lodge, this was conditional upon the remainder of the ground being undeveloped. There has been no physical change to the ground and the site should remain undeveloped;
32. The S75 legal agreement on the PPIp application, did not achieve what was being sought by Committee, in terms of restricting access;

Drainage

33. The area missing from this current MSC application but within the PPIp application site contains the access and drainage;
34. Details are insufficient to show how water from the site mill lade would be dealt with;
35. There are two alternative drainage plans – one uses horseshoe drive and the other uses area to south of Bielside Lodge, where no servitude rights exist across land – it is owned by 1-7 North Deeside Road;
36. The current mill lade from Bielside Mill discharges over the proposed site, this needs diverting in an environmentally sound way to avoid flooding of nearby property;

Policies

37. The proposal is contrary to the following policies in the adopted Aberdeen Local Development Plan:
 - a. NE1 – Green Space Network;
 - b. NE9 – Access and Informal recreation;
 - c. NE5 - Trees and Woodlands;
 - d. NE6 – Flooding, Drainage and Water Quality;
 - e. D4 – Historic Environment; and
 - f. Supplementary Guidance on Sub-division and re-development of residential curtilages - the current version contains different wording with regard to respecting pattern of existing development and this proposal fails to do so; and,

Other matters:

38. Loss of existing views from neighbouring properties would adversely affect residential amenity.

MATERIAL CONSIDERATIONS

Legislative Requirements

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.

Aberdeen Local Development Plan (2017)

Policy D1 – Quality Placemaking by Design
Policy D2 – Landscape
Policy D4 – Historic Environment
Policy H1 – Residential Areas
Policy NE5 – Trees and Woodlands
Policy NE6 – Flooding, Drainage and Water Quality

Supplementary Guidance and Technical Advice Notes

Supplementary Guidance: The Sub-Division and Redevelopment of Residential Curtilages
Supplementary Guidance: Trees and Woodlands

EVALUATION

Principle of Development

The principle of development has been established by the permission granted under Planning Permission in Principle (PPiP) Reference 120491.

It is not therefore relevant to revisit the matters of principle that were considered at that time, other than in so far as the details are relevant to those matters.

The matters for consideration now are: design of house, landscaping, boundary treatments, construction method statement, external finishing materials, surface water drainage, foul drainage and water, planting of trees and landscaping, tree protection during works, management proposals for trees.

Taking each condition in turn:

Design, Landscaping Boundary Treatments and Construction Method Statement

(1) that no development pursuant to the planning permission in principle hereby approved shall be carried out until such time as a further application has been made to the planning authority for approval of the matters specified in this condition and such approval has been granted; these matters being details of the: (i) detailed design and external appearance of the building(s) the highest point of which shall be no more than 37.5m AOD and shall be planted with grass or other plants in accordance with a scheme to be agreed as required by other conditions;

(ii) landscaping of the site, including construction and laying out of the access and the installation of a swale or other measures in order to handle water from the former mill lade;

(iii) details of the boundary treatment, including the hedge and temporary treatment to the boundary in the period before the hedge reaches its intended height;

(iv) a construction method statement including details of how construction of the house and any retaining structures shall take place avoiding damage to the listed structures near to the site, including the garden wall and summerhouse; and, how construction vehicles and materials will be brought to and stored upon the site, including how these will be transferred onto the site taking into account the need to protect trees. - 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.

Design and external appearance of the building (condition (1)(i))

The design indicated on the submitted plans is very similar to that indicated in the PPiP application. It has a similar footprint and the top of the grassed roof is indicated as being at a level above ground level of 37.5m AOD.

The glazed frontage to the house would be formed in aluminium curtain walling, which would be faceted to achieve an overall curve. A curved metal brise-soleil would extend along the edge of the roof. The external doors to the entrance at the east end of the proposed house would be aluminium framed glazed doors and the adjacent concrete retaining wall, would be faced in random stone rubble adjacent. The roof covering would be sedum, mosses and grasses.

The appearance of the proposed house is as generally indicated in the PPiP. This application is specifically for the details of the curtain walling, roof and brise soleil. It is indicated that the roof would be covered in low growing sedum. The PPiP considered issues such as the impact of the proposal on the setting of the listed building, impact on visual amenity and the amenity of users of the Deeside Walkway. It is only in terms of the further detail now submitted that these issues are to be assessed. The details now submitted would result in only an insignificantly different impact

on the setting of the listed building and associated structures, the Deeside Walkway and visual amenity in the area in general, over and above that already considered in the PPIp application. With the foregoing in mind it is considered that the details are acceptable in terms of condition (1)(i).

Landscaping and swale (condition (1)(ii))

The submitted plans indicate that 36no. trees would be planted, in addition to the beech hedge along the southern boundary. These would be appropriate native species, similar to those currently on site, such as beech, holly, scots pine and cherry. The number of trees is suitable in terms of what could be accommodated on the site, species are appropriate and the details are acceptable in terms of this condition.

Plans indicate the use of no-dig methods for laying surfaces. These would be porous asphalt surfaces to the car parking and driveway within the existing garden of Bielside Lodge. The footpath between the car park and the house would utilise a cellular confinement system with porous asphalt, whilst the footpaths through the areas in front of the house would be gravel on a geogrid. These proposals would allow for sustainable drainage of surface water, whilst mitigating for potential damage to tree roots through digging or compaction.

In terms of the swale, engineers have provided details of further works to deal with water that flows in varying volumes and times from the south end of the Bielside Mill plot and across the western area of the site. These involve a channel to be laid over the ground and a small depression outside root protection areas, where water would soak away. There would therefore be no change to the current situation in terms of impact on the Deeside walkway.

The details submitted are considered acceptable in terms of condition (1)(ii). It should be noted however, that this current MSC application does not include the area of driveway between North Deeside Road and Bielside Lodge, and any change to hard landscape surfaces in that area would need to be subject to a further application for MSC.

Boundary Treatment (condition (1)(iii))

Boundary Treatment proposals include a beech hedge along the boundary with the Deeside Walkway. There is no boundary treatment indicated between the application site and the applicant's property, Bielside Lodge. It is noted that condition 5 on the PPIp application removed permitted development rights, such that an application would be required to be made to erect a boundary treatment. Having said that, in this location, lack of a boundary treatment would be acceptable, as it impacts upon the applicant's property only. There is no indication of a temporary treatment to the boundary during the growth period of the hedge. This is not unacceptable, however, it is noted that due to the removal of permitted development rights, any boundary treatment proposed would require planning permission.

With the attachment of a condition requiring the hedging to be planted and replaced where necessary within specified periods, it is considered that the details submitted are acceptable in terms of condition 1(iii).

Construction Method Statement (condition (1)(iv))

A construction method statement (CMS) has been submitted in relation to condition (1)(iv). This includes several elements.

Laydown areas for materials are indicated and these are just outside tree root protection areas. The proposed areas are small, the western most area (Area 3) is on a steep slope and areas are bounded by the edges of tree root protection areas. Whilst it is acknowledged that these will be awkward to use and care will be needed to work within the tree protection fencing, the details of

those two areas are considered acceptable. The area indicated for site huts has been amended to take it out of the root protection area of tree 861.

Turning to the CMS itself, this is a revised version provided by Anderson Construction. It states that the main means of access to the works will be via the Deeside Walkway and that "due to the limited space available for vehicular access there may be a requirement for larger loads to be decanted before they go down Golf Road and then transported along to the construction works by specialist transportation". The CMS acknowledges the limitations of the access and amongst other things, states that a banksman on foot will escort all vehicle movements. There have been discussions directly between the Council's Ranger Service and the applicant, with the former being the Council service that would regulate the use of the Deeside Walkway. The agreement with the Council would be likely to include restrictions, amongst many things, on times of use of the Walkway, so that use would fall outside the busier commuting times. The decision as to whether and under what terms access would be granted along the Deeside Walkway is for the Council, rather than the planning authority.

Construction sites are occasionally located in awkward and restricted locations and in these circumstances measures such as specialist vehicles and smaller loads require to be used. With that in mind construction access is rarely a matter for consideration by the planning authority, and it is only in respect of impact on the protected trees and the listed structure that it is a consideration under this application. It is considered that the proposals for access could reasonably be considered to be possible without significant impact on the Walkway. A condition on the PPIp requires remediation, and this would be attached to any consent granted under this current application. However, the use of the Walkway would be regulated by the Council under other controls and national planning guidance indicates that the planning system should not seek to duplicate these.

The purpose of the CMS is not for the planning authority to approve the details of construction as that is not within the remit of planning. The legitimate planning consideration is limited to whether a method of construction is proposed that has taken into consideration the restrictions of the site including protection to existing structures. The construction method proposed would involve excavating out the area of ground prior to the construction of a reinforced in-situ concrete retaining wall. The CMS confirms that no vibration causing methods or equipment are proposed. It would be possible to attach a condition to this affect to any consent granted, ensuring that the work takes place in accordance with the CMS. There is no reason to conclude that appropriately sized diggers and other equipment would not be able to construct the proposed house whilst remaining outside the areas of tree protection and with the protective fence in place to the listed wall and summer house.

Taking into account the requirement for separate agreement between the Council and applicant on the Deeside Walkway access; and, with conditions requiring that protection fences remain in place and that there are no activities that cause vibration, it is considered that the details submitted are acceptable in terms of the condition.

External Finishing Materials (condition 6)

(6) that no development shall take place unless a scheme detailing all external finishing materials to the roof and walls of the development 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.

The glazed frontage to the house would be formed in aluminium curtain walling, which would be faceted to achieve an overall curve. A curved metal brise-soleil would extend along the edge of the roof. The external doors would be aluminium framed glazed doors with external walls in natural stone. The roof is proposed to be planted with a mix of sedum, mosses and grasses, that would

help blend the house into the natural environment, with a condition relating to replacement of this if it dies off, the details are considered appropriate. Overall, the details submitted are considered acceptable within the setting of the site as the proposal represents a simple contemporary approach with a limited palette of materials. The PPIP considered the principle of the design approach in terms of its impact on the setting of the listed building and the Deeside Walkway and the materials carry through on the approach indicated previously in principle.

Drainage (conditions 7 and 8)

(7) 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.

(8) that the dwellinghouse hereby granted planning permission shall not be occupied unless a scheme for the provision of foul sewerage and wholesome water facilities has been submitted to and approved in writing by the Planning Authority and that the said scheme has been implemented - in the interests of public health.

A drainage statement was provided by Ramsay and Chalmers, as well as plans showing the location of a soakaway and the foul drainage arrangements. Surface water falling onto the green sedum roof would run into drainage channels that would connect into the soakaway shown to the south east of the proposed house. The car park would be surfaced in porous paving. The soakaway would be located outwith the root protection areas. Foul drainage would be provided via a pump and link up the driveway to the public sewer under North Deeside Road. The pump is indicated as being located where it would be outside the root protection areas.

Taking into account the foregoing carefully considered design elements that mitigate surface water drainage and provide adequately for foul water disposal the proposed measures are considered acceptable in terms of conditions 7 and 8.

Trees

(10) 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.

(12) 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.

(13) that no part of the development hereby approved shall be occupied unless a plan and report illustrating appropriate management proposals for the care and maintenance of all trees to be retained and any new areas of planting (to include timing of works and inspections) has been submitted to and approved in writing by the Planning Authority. The proposals shall be carried out in complete accordance with such plan and report as may be so approved, unless the planning authority has given prior written approval for a variation - in order to preserve the character and visual amenity of the area.

Under the PPiP application, it was indicated that in total 11no. trees would be removed, 2no. of these should be removed for health and safety reasons and attempts would be made to transplant two of the smaller trees, so that 7no. trees would be removed purely for development.

The plans submitted for the MSC application indicate the same trees as being affected by the development. These trees have grown in the intervening period and it is less likely that transplantation would be successful. At the time of consideration of the previous application, there was some doubt that transplantation would be successful, due to the size and intertwining of roots with other trees. These trees are relatively small and replacement planting would provide adequate replacement tree cover within a relatively short time span so the loss of these trees is not considered to be significant in this context .

The following trees would be lost:

8m Norway Maple – Cat. B
14m Cherry – Cat. B
2no. 11m Cypress – Cat. B
16m Sycamore – Cat. B
16m Lime – Cat. B
6m Holly – Cat. B
13.75m Cherry – Cat. C
7m Holly – Cat. B

An additional tree is proposed to be moved for health and safety reasons, which is a 14m high Wych Elm that is growing immediately adjacent to the listed stone wall.

Under the PPiP application it was acknowledged that root protection areas of some trees to be retained would to varying degrees, lie within the footprint affected by the proposed build. The Grand Fir, tree number 845 was noted as having a high canopy and for this reason it was taken into account that it was less likely to be under pressure for removal by future residents due to blocking sunlight. The principle of tree removal and building within this proximity of trees was taken into account in the approval of the PPiP. The building's footprint has remained the same, whilst the trees have grown.

Trees protection measures have been proposed that follow guidance in terms of the type of fencing, albeit, the tree root protection areas are acknowledged to be compromised by the development. This situation has not changed as a result of the submissions within this MSC application and refusing the application on the basis of loss of, and impact on, trees is not justified. It is acknowledge that the principles of building within the proximity of trees proposed does not comply with the current SG on Trees and Woodland, which looks at zones of influence for trees. These extend more widely than root protection area and take into account the relationship of trees to houses. It is noted, however, that the house is south facing with a large glazed elevation to the main living space, which should help provide balance between receipt of sunlight and overshadowing by trees.

On the basis of advice from the Council's arboricultural planner, a number of conditions are recommended to be attached relating to trees, these are:

- I. Timing of tree works so that they take place outside the bird breeding season;
- II. That no-dig methods be used for the vehicle and pedestrian route surfaces;
- III. That replacement planting be itself replaced if it dies within 5 years;
- IV. That prior written consent is required for any additional tree work that becomes required;

- V. That no construction activities or heavy items are stored with root protection areas and that there are no changes in ground level. This is in order to avoid root compaction with starves the tree roots of oxygen.
- VI. Restrictions on bringing large construction items through the denser areas of trees to the east and west of the site
- VII. That further evidence is required of the appropriateness of the thrust boring technique for installing underground services.

These conditions are attached in order to maximise the degree of protection to the trees on site, that are subject of TPO and avoid accidental damage.

Taking into account the foregoing the submitted details are considered acceptable in relation to conditions 10., 12. and 13.

Other matters raised in letters of representation:

Points 1, 2, 3, 4, 5, 7, 12, 13, 16, 17, 18, 19, 21 Deeside Walkway – this has been covered above and is a matter that is regulated by the Council, with a licence. If granted the licence would contain a number of restrictions and limits designed to protect the users, including vulnerable users, of the Walkway, the trees, surfaces and wildlife.

Points 6. and 10. Listed Wall – a protective fence would be provided and this would be required by condition to remain in place for the duration of works. In addition, the CMS confirms that there will be no vibration and this is conditioned.

Point 8. Existing access - across the site for the residents of Bielside House is acknowledged on a drawing. It is however, a private matter between the applicant and neighbour.

Point 9. The gates do not currently require planning permission whilst they are not being used. Use of the gates to build the house, once all consents are in place, also does not require planning permission.

Points 14. and 32.. The Section 75 does not restrict access via Bielside Mill route and did achieve the Committee resolution.

Point 15. The CMS has been amended in terms of the site hut area.

Point 20. and 28. Land ownership matters are not a relevant planning consideration. Revised Certificates were submitted in terms of land ownership of the application site.

Point 22. The proposed house construction would be signed off by an engineer and require Building Warrant.

Points 23., 24., 27. and 31. Were dealt with at PPIP stage.

Point 26. Revised tree surveys were submitted and this matter is dealt with above.

Point 29. Neighbours were renotified of the revised information submitted.

Point 30. The Council's conservation officers were consulted and had no comment. Historic Environment Scotland are not statutory consultees. The principle of the development in terms of impact on setting was dealt with at PPIP stage and is mentioned above in terms of details.

Point 33. The area missing from the MSC application boundary does include the sewer, and this will be dealt with via a future MSC.

Points 34. and 36. This is dealt with above.

Point 35. A revised plan has been submitted to confirm that drainage is via the driveway to North Deeside Road.

Point 37. Policies are dealt with above. Where the principle of the development has been established, this cannot be revisited in the light of updated or new policies.

Point 38. Loss of views is not a valid planning consideration.

RECOMMENDATION

Approve conditionally

REASON FOR RECOMMENDATION

The principle of the development was accepted through the Planning Permission in Principle 120491 (PPiP). The details submitted in terms of design and materials comply with Policy D1- Quality Placemaking by Design and Policy H1 – Residential Areas, and are acceptable in terms of condition (1)(i), replacement tree planting and boundary hedges are proposed and in terms of the impact on the public view and visual amenity from the Deeside Walkway, these comply with Policy D2 – Landscape. The proposal is acceptable in terms of condition (1)(ii) and (iii) and 6.

The use of the Deeside Walkway is controlled, under separate licence, by the Council rather than the planning authority. With the proposed conditions restrictions activities and storage within certain areas of the site in order to protect trees and listed structures, the Construction Method Statement is considered acceptable in terms of condition (1)(iv).

The proposals for drainage are acceptable in terms of Policy NE6 and conditions 7 and 8.

With regard to trees, it was acknowledged at PPiP stage that the proposal would result in the loss of a number of trees and that the proposed house would be potentially affect the root protection areas of others due to proximity. It is acknowledged that the proposal does not fully accord with the current Supplementary Guidance on Trees and Woodland, whilst there are also tensions with Policy NE5 – Trees and Woodland. In terms of the details submitted, these provide protection as far as possible to the remaining trees. Replacement tree planting is acceptable and the details submitted are acceptable for conditions 10, 12 and 13.

CONDITIONS

1. That any tree removal works agreed in terms of this planning permission shall take place outside the bird breeding season, which for the purposes of this shall be taken to be beginning of March until of end of August – in the interests of wildlife.
2. That works shall not take place unless there remains in place on site the scheme for the protection of trees and to be retained on the site during construction works as approved under this MSC in relation to condition and 12 (Ref. 120491) and this has been agreed on site with the planning authority- in order to ensure adequate protection for the trees on site during the construction of the development.

3. that all planting, seeding and turfing, including the sedum roof, 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.
4. 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: 1989 "Recommendation for Tree Works" before the building hereby approved is first occupied - in order to preserve the character and visual amenity of the area.
5. 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.
6. The proposals shall be carried out in complete accordance with the management proposals for the care and maintenance of all trees to be retained and any new areas of planting (to include timing of works and inspections) and as approved under condition 13 (Ref.120491), unless the planning authority has given prior written approval for a variation - in order to preserve the character and visual amenity of the area.
7. That the development shall take place only in accordance with the Construction Method Statement by Anderson Construction including that there shall be no use of piling or other equipment or methods that would cause vibration as amended by any details agreed in terms of the conditions on this permission, unless otherwise agreed in writing with the planning authority – in the interests of protection of trees and the listed building and structures.
– in the interests of preserving the fabric of the nearby listed building.
8. The structures required for the site hut and welfare area shall not be delivered to the site via the Deeside Walkway, unless details are submitted to and agreed in writing by, the planning authority showing how this can be implemented without damage to trees.
9. No plant, machinery or construction vehicles shall access the area of the site in which construction is proposed to take place via either the western leg access to North Deeside Road, or via the Bielside Lodge / car park area and the eastern leg access – in the interests of protecting trees.
10. That the pipes for the underground services shall not be installed other than in accordance with further details of the thrust boring technique, including a report from a suitably qualified person on the suitability of the site, details of the machinery size and pit locations – in the interests of protecting trees.
11. That works shall not take place unless there remains in place on site the scheme for the protection of listed structures and this is to be retained on the site during construction works as

approved under this MSC in relation to condition 1 (Ref. 120491) - in order to help ensure the protection of listed structures on site during the construction of the development.

ADVISORY NOTES FOR APPLICANT

1. That the Council's separate agreement is required to the use of the Deeside Walkway for access. The applicant is advised to contact Ian Talboys, Public Infrastructure and Environment.

2. No construction or demolition work should 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.

3. It should be noted that the following condition is attached to the Planning Permission in Principle Reference 120491:

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