



## Strategic Place Planning

Report of Handling

<b>Site Address:</b>	Unit 1, Stoneywood Park, Aberdeen, AB21 7DZ
<b>Application Description:</b>	Extension of yard area including all associated engineering and landscaping works
<b>Application Ref:</b>	180989/DPP
<b>Application Type:</b>	Detailed Planning Permission
<b>Application Date:</b>	18 June 2018
<b>Applicant:</b>	Marwood Group Ltd
<b>Ward:</b>	Dyce/Bucksburn/Danestone
<b>Community Council:</b>	Dyce And Stoneywood
<b>Case Officer:</b>	Matthew Easton

### RECOMMENDATION

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Refuse

### APPLICATION BACKGROUND

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#### Site Description

The application site comprises an area of woodland of approximately 2550m<sup>2</sup> in area. The eastern most two thirds feature dense woodland, whereas the smaller remaining western part comprises trees at a lower density with rough ground and grass. It forms part of a wider woodland belt, generally 35m deep, which separates Stoneywood Industrial Estate to the north and the Stoneywood Estate and other residential properties to the south.

To the immediate north of the identified application site, is a single storey warehouse and storage yard. It is understood to have been occupied by the applicant, Marwood Group, a non-mechanical plant hire company, since around late 2015. To the east are further trees forming an additional part the woodland belt continuing c.35m deep over a distance of some 335m; and to the south are homes on Cedar Avenue, a part of the Stoneywood Estate residential development. To the west is a dwellinghouse (328 Stoneywood Road) and plot of land accommodating a recently completed 1½ storey dwellinghouse. These latter two (328 Stoneywood Road and new house) immediately abut the site.

#### Relevant Planning History

- Utilising permitted development rights, the applicant recently created an additional area of yard space at the rear of their building – within the extent of their existing site, identified by the blue on the location plan. No planning permission was required for this work.

- Planning permission (161802/MS) exists for a new house to the immediate south of the site, on land between 326 and 328 Stoneywood Road. The house would be located adjoining the south western boundary of the application site, with the house toward the west part of the plot and a garden at the east.
- A planning application (171180/DPP) for the extension of the yard and removal of the woodland was refused by the Planning Development Management Committee, in accordance with officer recommendation on 7 December 2017, with the decision being issued on 3 January 2018.

## **APPLICATION DESCRIPTION**

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### **Description of Proposal**

The construction of an extension to the storage yard associated with the Marwood Group operation. The yard extension would be approximately 1385m<sup>2</sup> in area and located across the eastern most two-thirds of the application site. It would be surfaced with asphalt.

The construction of the yard would require the removal of vegetation and woodland on the site, comprising the loss of 93 trees.

The western third of the site, comprising approximately 591m<sup>2</sup>, would be planted with 80 replacement trees. An eight metre wide landscape strip would also be provided along the southern boundary of the site whereas the eastern side would have a two metre boundary.

This application represents a reduction of around 20% in the size of the yard which was refused permission in January 2018.

### **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=PAIS5IBZMIU00>

- Supporting Statement
- Tree Survey Report (same report as submitted for application 171180/DPP)

## **CONSULTATIONS**

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**Dyce and Stoneywood Community Council** – The Community Council object for the following reasons –

- The unacceptable effect on residential amenity of nearby properties with respect to noise and visual intrusion.
- The inappropriate proposed land use in terms of policy NE1 (Green Space Network).
- The unacceptable loss of mature woodland in terms of policy NE5 (Trees and Woodland).
- The Community Council consider that to all intents and purposes the application is a resubmission of application 171180/DPP which was refused.

## **REPRESENTATIONS**

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Twenty eight letters of representation have been received, the vast majority from residents of surrounding homes and wider Stoneywood Estate. All object to the application and the following matters of concern have been raised –

1. The removal of the woodland is generally unacceptable.
2. The removal of woodland would affect the amenity of residents on Cedar Avenue in terms of noise and pollution.
3. The removal of the woodland would adversely affect the visual character and feel of Stoneywood Estate.
4. The removal of woodland would affect wildlife.
5. The removal of the woodland would expose other trees to wind damage, increasing risk of loss for of the entire woodland belt.
6. The trees are described by the applicant as being in poor condition, however according to their tree report only four need to be felled due to their condition.
7. The proposed replacement tree planting would not provide any screening for a significant time.
8. The zoning of the woodland as green space network should not be considered as an error, as suggested by the applicant.
9. The area to the south side of the woodland belt is residential in character and not commercial as suggested by the applicant.
10. A tree preservation order should be made covering the woodland.
11. If any external lighting was proposed for the yard it would be detrimental to residential amenity.
12. If approved the application could encourage other similar applications for the removal of further trees along this tree belt.
13. If the applicant requires larger premises, there are plenty of vacant premises in the area which would be used, which would avoid the need to remove trees.
14. The proposal would benefit a private company over the wider residents of the area and public.

## **MATERIAL CONSIDERATIONS**

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### **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.

Section 159 of the act requires that whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation or planting of trees.

### **National Planning Policy and Guidance**

#### Scottish Planning Policy (2014)

- Para 194 (A Natural, Resilient Place – Policy Principles)
- Para 216 - 218 (A Natural, Resilient Place – Woodland)

#### The Scottish Government's Policy on Control of Woodland Removal Policy

- Provide policy direction for decisions on woodland removal in Scotland.

**Aberdeen Local Development Plan (2017)**

- B1: Business and Industrial Land
- H1: Residential Areas
- NE1: Green Space Network
- NE5: Trees and Woodland

**Supplementary Guidance and Technical Advice Notes**

- Trees and Woodlands

The site lies out-with the area covered by the Stoneywood Estate Development Framework and Masterplan.

**EVALUATION**

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**Background**

Scottish Planning Policy indicates that ancient semi-natural woodland is an irreplaceable resource and, along with other woodlands, hedgerows and individual trees, especially veteran trees of high nature conservation and landscape value, should be protected from adverse impacts resulting from development.

In this case the section of woodland which would be removed to allow the development comprises an area approximately 60m long and between 22m and 30m wide, with associated undergrowth. The trees present therein vary in height, with the largest up to 25m tall, and many over 100 years old. These trees form part of a much larger woodland belt, 335m long, which runs the length of Cedar Avenue. This woodland belt provides a buffer between Stoneywood Industrial Estate and the housing within Stoneywood Estate, the latter developed by Dandara over recent years.

A tree survey of the affected area has been submitted by the applicant and reviewed by the Council's Environmental Policy Team. The survey however is identical to that previously submitted and has not been updated to take account of the revised proposal.

Notwithstanding, it appears that around 18 of the 95 trees on the site would remain if the proposal were approved, resulting in a total of 77 trees being removed to allow development. A proportion of these trees have been classed as category 'C' by the applicant, which indicates they are of low quality and value, either due to their poor condition and limited life expectancy, or relatively young age. However no consideration would appear to have been given to their landscape significance or cumulative impacts rather than individual merits. The majority of trees currently categorised as 'C' would, in the opinion of the planning authority, be better described as category 'B2'; inferring that they attract a significantly higher collective rating as a group than they might as individuals, due to their visual contribution to the wider locality. Furthermore the Planning Statement considered these trees to be of poor quality; however only four trees appear to be proposed for removal due to their condition or for woodland management reasons (*as noted by issue 6 in representations*).

Despite the reduction in the number of trees which would have been required to be removed because of the previous application refused in January 2018, as discussed in the following sections, the reduction does not remove the significant tensions with several policies.

**Land Use Policy Zoning / Amenity**

The entire area of woodland is covered by the residential colouring upon the proposals map of the ALDP, where Policy H1 (Residential Areas) states that proposals for non-residential uses will be refused unless they are either considered complementary to residential use; or it can be demonstrated that the use would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity.

A warehouse and storage use is generally not considered to be a use compatible with residential uses. Importantly, this part of the Stoneywood Estate is particularly quiet as Cedar Avenue is a no-through road and set back from busy Stoneywood Road and divided from non-residential uses to the north by the significant tree belt. By allowing the yard to expand, the proximity of industrial uses and associated activity to the houses on Cedar Avenue would be reduced from around 60m+ to some 22m to 30m. This would significantly decrease the amenity of residents in the area by bringing potentially noisy activity closer to their homes, in conflict with the requirements of Policy H1.

Visually, the woodland belt provides a significant barrier between the industrial estate and the residential properties. Its removal would result in a storage yard, with potentially associated plant equipment, being evident from these homes, substantially altering the character of the area. The proposed yard would also be immediately adjacent to the garden ground of the new home located on the plot between 324 and 328 Stoneywood Road, again reducing the level of amenity which the home would enjoy. The existing house at 328 Stoneywood Road would also experience a reduction in amenity, as the yard activity moved substantially closer. The 8m wide landscaped strip proposed along the southern edge of the site would considerably fall short of providing the same, if any, significant buffer or element of protection, especially if external lighting was later proposed/installed. In summary, the loss of the woodland and creation of the yard would significantly reduce the amenity of existing and future residents, contrary to Policy H1 (*issues 2, 3, 9 and 11 in representations*).

A small area of the application site, on its west side and comprising a landscaped area, is zoned for business and industrial purposes, where Policy B1 (Business and Industrial Land) supports in principle the expansion of existing concerns and uses. However, B1 goes on to say that within such existing business and industrial areas, there shall be a presumption in favour of retaining existing open space. It is noted that the area zoned as business and industrial is where it is suggested that replacement planting could be provided, so there is no direct conflict with this policy in the detail of the proposals.

However, more generally, whilst the expansion of existing businesses is supported by Policy B1 (for example by extending a building within the footprint of an existing operational site), the expansion into areas of green or open space is not. The overall proposal is clearly contrary to the aim of retaining open space and therefore Policy B1 is not considered to lend any weight to the development of areas out with this designation, or indeed that identified area in itself.

## **Natural Heritage**

Four natural heritage policies within the Local Development Plan apply to the proposal.

Policy NE3 on 'Urban Green Space' says that permission will not be granted to redevelop any parks, playing fields, sports pitches, woods, allotments or all other areas of urban green space (including smaller spaces not identified on the Proposals Map) for any use other than recreation and sport. Exceptions will be made when an equivalent and equally convenient and accessible area for public space is laid out and made available in the locality by the applicant for urban green space purposes and where proposals meet certain criteria. No compensatory areas are proposed in this case.

The tree belt is also identified as forming part of Aberdeen's Green Space Network, a strategic network of connected natural green spaces and habitats linked to the communities around them. In these areas, Policy NE1 applies, which states that the Council will: protect, promote and enhance the wildlife, access, recreation, ecosystem services and landscape value of the Green Space Network. Proposals for development that are likely to destroy or erode the character and/or function of the Green Space Network will not be permitted.

Finally, Policy NE5 on 'Trees and Woodlands' contains a presumption against all activities and development that will result in the loss of or damage to: trees and woodlands that contribute to nature conservation, landscape character, local amenity or climate change adaptation and mitigation.

Through the Community Council's response and representations from individual residents, it has been made clear that the local community in the area place particular value on the green space which exists in and around Stoneywood Estate, both in terms of what it contributes towards the parkland character of the area and the wildlife habitat it provides. Several representations highlight the range of wildlife which can be found in the woodland, including red squirrels, great crested newts (both protected species), deer, foxes and birds. By encouraging connectivity between habitats, the Green Space Network helps to improve the viability of species and the health of isolated habitats and ecosystems (*issue 8 in representations*).

There is the potential for bats and other protected species such as red squirrel to be present within the woodland. Therefore, the provisions of Policy NE8 on 'Natural Heritage' would apply, which seeks to avoid any detrimental impact on protected species through the carrying out of surveys and submission of protection plans describing appropriate mitigation where necessary. Notwithstanding, in this case the principle of development is not considered to be acceptable and therefore such surveys have not been requested.

The proposed development is clearly in contravention Policy NE3 as it would redevelop an area of woodland, considered to be urban green space. No equivalent green space is proposed and even if it was the relevant additional criteria could not be met, such as the proposal having no significant loss to the landscape character and amenity of the site and surrounding area.

The removal of the woodland would evidently destroy this part of the green space network and erode the network in the wider sense. It may also encourage other businesses within Stoneywood Industrial Estate to seek the removal of other parts of the woodland belt, thus setting an undesirable principle precedent. The loss of this area of woodland could also expose other trees which have developed with an element of protection would otherwise be protected from the wind. This risks tree loss beyond that identified in the applicant's tree report (*issue 5*). The proposal is therefore contrary to Policy NE1 (Green Space Network) and Policy NE5 (Trees and Woodland) (*issues 1, 4, 12 in representations*).

Whilst compensatory planting has been proposed, it is considered that this would not actually compensate for the removal of the 77 trees and the extent of woodland area lost. The planting of 80 trees in an area approximately 42% of the area proposed for felling is not considered adequate to compensate for the proposed loss of woodland and would not provide a similar visual and functional greenspace as is currently present. Additionally it would take a significant number of years for trees to reach the same maturity as those which they would replace and in any case as they would be concentrated at the western side of the site. This arrangement would not achieve the same effect as a visual screen between the industrial and residential use (*issue 7 in representations*).

## **National Policy on Control of Woodland Removal Policy**

The Scottish Government's Policy on Control of Woodland Removal applies and requires that woodland removal should be allowed only where it would achieve significant and clearly defined additional public benefits. In appropriate cases a proposal for compensatory planting may form part of this balance. Approval for woodland removal should be conditional on the undertaking of actions to ensure full delivery of the defined additional public benefits. In this context, whilst it has been indicated that Marwood Group is doing well and that this development would aid continued expansion of the business, it is not considered that such potential economic benefit would represent an overriding wider public benefit, so as to outweigh the negative public impacts set out above – and as such does not comply with the Scottish Government policy. Indeed such expansion could be facilitated by relocating to a more suitably sized premises or constructing a new premises on allocated business and industrial land, for which there is a plentiful supply within the Aberdeen City region (*issues 13 and 14 in representations*).

### **Tree Preservation Order**

It has been suggested that a tree preservation order (TPO) be applied to the woodland, which would make it an offence to cut down, top, lop, uproot, wilfully damage or wilfully destruct a tree without the consent of the planning authority.

None of the Stoneywood Estate is at present covered by a TPO; however as part of the ongoing review of sites throughout the city, the making of such an order will be considered (*issue 10*).

### **RECOMMENDATION**

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Refuse

### **REASON FOR RECOMMENDATION**

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The loss of the woodland and creation of the yard would significantly reduce the amenity of existing and future residents in both the immediate surroundings and wider Stoneywood area, contrary to Policy H1 (Residential Areas).

The removal of the woodland would destroy part of the city's identified Green Space Network (GSN) and erode the overall network in the wider sense. It may also set a principle precedent and encourage other businesses within Stoneywood Industrial Estate to seek the removal of other parts of the woodland belt, exacerbating this negative impact on the GSN. The proposal is therefore contrary to Policy NE1 (Green Space Network), NE3 (Urban Green Space) and Policy NE5 (Trees and Woodland). Neither is the proposal supported by the Scottish Government's Policy on Control of Woodland Removal, as no overriding wider public benefit has been demonstrated.

Compensatory planting has been proposed but it is considered that this does not adequately compensate for the reduction in area of GSN and associated removal of 93 mature trees.

Whilst the expansion of existing businesses is supported by Policy B1 (Business and Industrial) within such allocated areas, the overall proposal does not see the business activity expanded into such an identified area, but is also clearly contrary to the aim of retaining open space and therefore Policy B1 is not considered to support the proposals.