

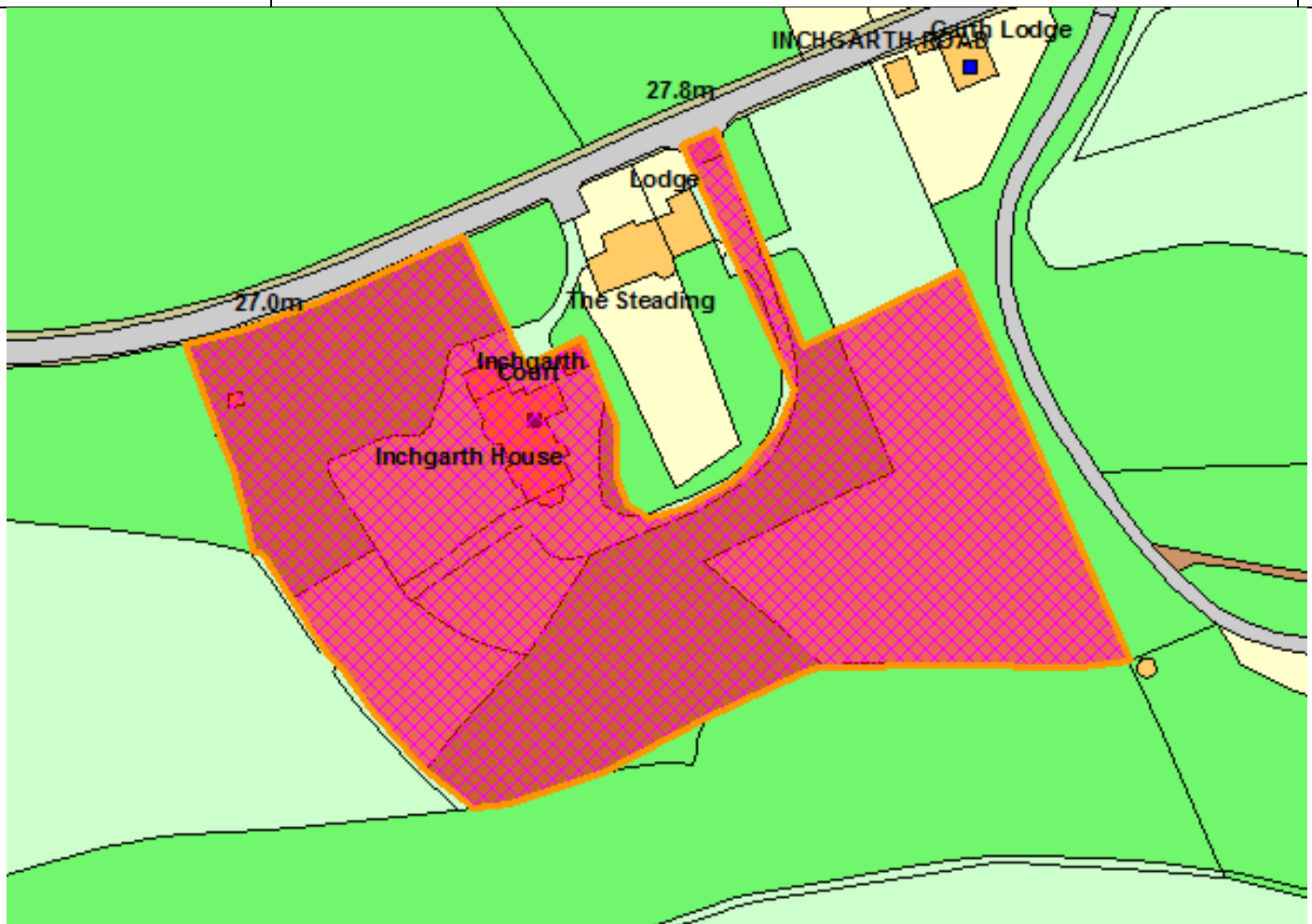


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 30 May 2019

Site Address:	Inchgarth House, Inchgarth Road, Aberdeen, AB15 9NX
Application Description:	Formation of new access and driveway with gate, wall and pillars through an existing boundary wall; closing up an existing drive opening; with all associated landscaping works
Application Ref:	182093/DPP
Application Type	Detailed Planning Permission
Application Date:	13 December 2018
Applicant:	Mr Ian Dunbar
Ward:	Lower Deeside
Community Council:	Garthdee
Case Officer:	Robert Forbes



RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

This approximately 2 hectare site is located to the south of Inchgarth Road within Pitfodels Conservation Area. It comprises the category 'C' listed Inchgarth House, and extensive surrounding garden ground, including established trees. Access to the site is taken from Inchgarth Road to the east of the house via a driveway which curves around to the south end of the building. Extensive ground and building works have recently taken place on site. The existing northern boundary wall is about 1.8m high and of granite construction. The entrance is defined by granite gate piers but the entrance gates have been removed.

Relevant Planning History

Application Number	Proposal	Decision Date
111285	Extensive tree management works including removal of an overgrown cypress hedge and approximately 140 trees. Part of the tree works includes the removal of trees to allow for the straightening of the driveway.	21.10.2011 Status: Approved
111557	Demolish existing garage and porch, erect new store, garage block and colonade, convert house and 2 flats back to one house, re-furbish all windows	26.01.2012 Status: Approved
150523	Partial demolition, alteration and extension	03.07.2015 Status: Approved
170115/DPP	Formation of new access and driveway with gate, wall, pillars and landscaping	25.05.2017 Status: Withdrawn
170610/LBC	Complete demolition of the Steading and Lodge to allow reinstatement of Inchgarth House and surrounding landscape	26.04.2018 Status: Approved
170921/DPP	Formation of new access and driveway with gate, wall and pillars, erection of a two storey detached garage and a single storey storage building and associated landscaping	01.02.2018 Status: Refused. (decision upheld at LRB – 07.06.18)
171540/DPP	Erection of two storey detached garage and associated access and landscaping	03.04.2018 Status: Approved
180608/DPP	Erection of a single storey storage building and formation of associated access and landscaping	28.05.2018 Status: Approved
180610/TPO	Works to 2 Protected Trees; T1 - Wych Elm - Remove to base as overhanging road & in poor condition T2 - Oak - Remove to base as overhanging road & in poor condition	10.09.2018 Status: Approved
181684/TPO	Works to 6 Protected Trees as per schedule of works	01.11.2018 Status: Approved
182141/LBC	Partial demolition and alteration of existing boundary wall and formation of	

	new gated vehicle access	Status: Pending
190038/DPP	Installation of a temporary security gate at the existing entrance (retrospective)	16.01.2019 Status: Withdrawn

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought for formation of a new access and driveway with gate, wall, pillars and associated landscaping. The proposal includes demolition of part of the boundary wall (approximately 12m in length) at the North West corner of the application site and removal of 17 trees to create the new access to the site from Inchgarth Road. Part of the works, including part of the groundworks for formation of the driveway and removal of a number of trees, have already taken place, such that the proposal could be considered as part-retrospective.

The new gated access would be 5.2m wide and would have 1.8m high walls and pillars. The metal gates would be 1.6m high. The recessed entrance to the south of Inchgarth Road would be surfaced with granite setts. The tarred driveway would be 3-3.5m wide with granite sett edging. Landscaping proposal includes hedging, woodland / tree plantation, and extensive grass areas.

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=PJO0WQBZJOX00>.

Heritage Statement; Access Appraisal; Road Safety audit report; Tree Survey; Tree Removal Plan; Badger / Squirrel Survey

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because It has attracted 8 objections, which exceeds the threshold figure specified in the Council's Scheme of Delegation.

CONSULTATIONS

ACC - Roads Development Management Team – No objection subject to the driveway being internally drained. Note that a road safety audit has been carried out and the visibility splays at the proposed access are acceptable.

ACC - Flooding and Coastal Protection – No objection. Recommend use of permeable surfacing materials in the design.

Garthdee Community Council – No response received.

REPRESENTATIONS

8 objections have been received raising the following matter -

Road safety concerns regarding the existing / proposed access and the existing road;
Alleged ownership notification irregularity;
Concern regarding the visual impact of blocking up the existing wall;
Concerns regarding tree loss which has taken place / further tree removal;
Need for replacement landscaping;

Alleged contravention of policy D4 due to opening up the boundary wall.

A neutral letter has been received requesting submission of an ecological survey and advising of the need to consider the impact on protected species prior to determination.

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.

The Conservation (Natural Habitats) Regulations 1994, as amended, require that before deciding to give permission for a project, an appropriate assessment of the implication for the European site may be required to be undertaken by the competent authority (e.g. Aberdeen City Council).

National Planning Policy and Guidance

Scottish Planning Policy 2014 (SPP) expresses a presumption in favour of development which contributes to sustainable development and emphasises the need to protect heritage assets.

Historic Environment Policy for Scotland (HEPS). HEP 4 is of particular relevance in setting out principles for managing change;

Historic Environment Scotland (HES) managing change guidance regarding boundaries and setting.

Aberdeen City and Shire Strategic Development Plan (2014) (SDP)

The purpose of the SDP is to set a spatial strategy for the future development of the Aberdeen City and Shire. The general objectives of the plan are promoting economic growth and sustainable economic development which will reduce carbon dioxide production, adapting to the effects of climate change, limiting the use of non-renewable resources, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility.

The SDP is now beyond its five-year review period. In the light of this, for proposals which are regionally or strategically significant or give rise to cross boundary issues between Aberdeen City and Aberdeenshire, the presumption in favour of development that contributes to sustainable development will be a significant material consideration in line with SPP.

The Aberdeen City Local Development Plan 2017 will continue to be the primary document against which applications are considered. The Proposed Aberdeen City & Shire SDP may also be a material consideration.

Aberdeen Local Development Plan 2017 (ALDP)

D1: Quality Placemaking by Design

D2: Landscape

D4: Historic Environment

D5: Our Granite Heritage

NE2: Green Belt

NE5: Trees and Woodland

NE6: Flooding, Drainage & Water Quality

NE8: Natural Heritage

Supplementary Guidance and Technical Advice Notes

- Landscape
- Flooding and Drainage
- Transport and Accessibility
- Trees and Woodlands

Other Material Considerations

- Conservation Area Character Appraisal – Pitfodels

EVALUATION

Principle of Development

Although the site is located within the greenbelt, policy NE2 allows for development associated with existing activities (e.g. an existing residential use) subject to a number of criteria being met. The development is small in scale, within the boundary of the existing activity / ancillary to it, and the intensity of activity is not increased. Therefore, there is no conflict with NE2 policy. In order to help safeguard the continued and long-term residential use of Inchgarth House, which is a desirable objective in terms of policies D4 and D5 and HEPS, it is recognised that provision of a safe vehicular access route to the house via Inchgarth Road is desirable. The proposal accords with this aspiration, by reducing the risk that the house becomes unoccupied because of the existing unsatisfactory access arrangements, and therefore accords with the SPP presumption in favour of development which contributes to sustainable development, by helping to retain the active use of the property and protection of heritage assets.

In terms of assessment against the Strategic Development Plan, due to the small scale of this proposal the proposed development is not considered to be strategic or regionally significant, or require consideration of cross-boundary issues and, therefore, does not require detailed consideration against the SDP.

Road Safety

The supporting information (a Stage 1 Road Safety Audit prepared by Roads Safety Consultants) provided by the applicant demonstrates that, whilst there have been no recorded accidents over the last 5 years, there are safety concerns associated with use of the existing access, in particular due to the limited visibility for vehicles exiting the site and the relatively high speed of vehicles on this section of Inchgarth Road. The Road Safety Audit states *“this exposes drivers to a risk of a serious side impact collision”*. This is supported by some of the objections, who refer to encountering near misses whilst travelling on Inchgarth Road. The proposed new entrance / exit location on Inchgarth Road would provide significantly enhanced visibility for drivers exiting the property and is thus considered to represent an improvement on the existing situation in terms of road safety risk. ACC Roads officers have no objection to the proposal on road safety grounds and are satisfied that the proposed visibility splays at the junction would be appropriate. A condition can be imposed to ensure that the existing site access is stopped off in the interest of road safety (in order to prevent its use as an egress / access) and in order to ensure that the safety benefits of the proposal are delivered.

Conservation Area / Heritage Impact

The site is located within a conservation area and is within the curtilage of a listed building. Pitfodels Conservation Area is characterised by large detached villas set in spacious landscaped garden plots with generous tree planting, as is recognised by the Conservation Area Character Appraisal. The proposal does not result in any reduction in the extent of or subdivision of the site and would retain its sense of grandeur.

Historic evidence shows that the primary access to Inchgarth House was via a sweeping driveway located to the east of Inchgarth Lodge. However its position has no formal architectural relationship with the setting of the house (e.g. in the manner of a symmetrical approach to / alignment with a neoclassical mansion as referred to in HES guidance on boundaries). Whilst the retention of this access as the principal approach route to the house is desirable from a conservation perspective, this would appear to conflict with road safety objectives and the potential for upgrade of visibility at this access is constrained by the existing boundary wall and trees. The proposed access route / position would enable the principal elevations of the house to be better appreciated on approaching the entrance. It would be sufficiently distant from the house, be of appropriate design and with intervening tree planting, such that the setting of the house would not be adversely impacted to any significant extent. In order to recognise the historical interest and importance of the existing access route, the proposal has been amended to show the physical retention of the existing access (albeit it would be closed as a useable driveway) and can be secured by condition.

The introduction of the new access would result in localised demolition of the boundary wall but the overall sense of enclosure and setting of the listed building would not be prejudiced by these works. Furthermore, the boundary wall has recently been altered by the applicant, by implementation of planning permission (171540/DPP), to reinforce the sense of enclosure of the site. The proposal has been amended in order to reduce the extent of demolition proposed in order to retain as much as possible of the historic granite boundary wall. In addition, extensive tree planting is proposed within the grounds in order re-establish a sense of enclosure and privacy.

It is desirable to avoid the loss of mature trees and encourage replacement tree planting in order to preserve the setting of the listed building and enhance the character and the landscape quality of the wider conservation area. Many of the trees affected by the works (e.g. the conifer trees adjacent to the boundary) are of limited amenity and landscape value and their removal is justified on woodland management grounds, irrespective of whether the new access is formed. Whilst some loss of more historic deciduous trees (primarily beech) would take place to form the access, and these trees do have some amenity / landscape value, many of these trees are in relatively poor condition, so that their survival, even in the short / medium term is questionable. Significant replacement planting is proposed which should help to restore the character of the conservation area in the longer term.

The proposal differs substantively from that which was previously refused in that the extent of dountaking of the boundary wall would be less, the drive would be narrower, the existing access gate piers would be retained and considerable replacement tree planting within the grounds is proposed. The design of the proposed new access, as amended, is considered to be appropriately detailed such that it would respect the setting of the building, accord with the objectives of ADLP policies D1 and D2.

Overall, the works would have a neutral effect on the character of the conservation area, the setting of the listed building and satisfy the objectives of HEPS, ADLP policies D1: Quality Placemaking by Design, D4: Historic Environment and D5: Our Granite Heritage.

Tree Impact

It is noted that the trees on the site have statutory protection by reason of their location within a conservation area and the entire site is covered by the classification of ancient woodland. In Scotland, ancient woodland is defined as land that is currently wooded and has been continually wooded, at least since 1750. Once destroyed, they cannot be recreated. Woodland in this location is evident on the Roy Military Survey of Scotland 1747-55, although this predates the construction of Inchgarth House and significant tree removal has since occurred. The trees and landscape structure of Pitfodels is one of the primary reasons for its designation as a conservation area and are important in understanding the historical development of the area. Therefore, its erosion

should be avoided, although it is recognised that the tree cover at the site has been modified by planting of alien conifer species and significant tree removal at the site was consented by ACC in 2011 (under ref 111285) and has partly taken place, although it is unclear how many trees were removed within that consent period. Although there is no legislation specifically protecting ancient woodland, Scottish Planning Policy identifies it as an important and irreplaceable national resource that should be protected and enhanced. The Scottish Government's policy on control of woodland removal states that there is a strong presumption against removing ancient semi-natural woodland or plantations on ancient woodland sites, amongst other types of woodland.

In terms of ALDP policy NE5 there is a presumption against all activities and development that will result in the loss or damage to trees and woodlands that contribute to nature conservation, local landscape character, local amenity and climate change adaptation and mitigation. The proposal would result in loss of approximately 17 deciduous trees to form the access, the majority of which are identified as poor specimens, with the remainder dead and only 3 fair specimens identified (2 Wych Elm and 1 Beech). Whilst these trees do have some amenity / landscape value, many are in relatively poor condition, so that their survival, even in the short / medium term is questionable. It is significant that the tree survey report identifies that Dutch Elm disease is present in the local area, with trees on the site having recently been affected. Therefore, irrespective of the proposal, the long-term survival of the remaining 2 elm trees on the site is unlikely. The works would also result in the partial removal of a group of immature Leyland cypress. These conifer trees are considered to be of no heritage / amenity value and their removal is desirable on the grounds of woodland management (i.e. to avoid outcompeting the deciduous trees of amenity value on the site). It can therefore be concluded that the proposed access would result in limited loss of trees of limited amenity value.

Although the proposal involves the loss of approximately 17 semi mature trees, which does not accord with the objective of policy NE5, many of these trees are poor specimens or dead. It is considered that the impact of this loss can be substantively mitigated by the extensive replacement planting proposed within the grounds. Details of this have been provided and implementation can be secured by condition, in the interest of compliance with ALDP policies NE5 and D2.

Wildlife / Ecological Impact

The surveys / reports which have been submitted indicate that there would be no direct adverse impact on protected mammal species (i.e. bats / badgers / red squirrels) as a result of the works. A condition can be imposed to ensure that, during construction, indirect risks are minimised in the interest of compliance with ALDP policy NE8. In the longer term, the replacement native tree planting which is proposed within the site would provide a valuable wildlife habitat.

Habitat Regulations Appraisal

In terms of the Conservation (Natural Habitats) Regulations 1994, it is recognised that the site lies within the catchment of the River Dee Special Area of Conservation (the SAC) and the works involve a limited degree of construction activity. As the works constitute a project which is not directly related to the management of the designated site, Appropriate Assessment may therefore be required to be undertaken by ACC as competent authority. However, it is first required to screen the proposal in relation to the requirement for such an assessment. Given the authorised use of the site as a house, the significant distance between the site and the river edge, the limited scale of the proposed construction works and the absence of water courses / features within the site, it would not be necessary to require submission of ecological survey of the relevant designated species (i.e. otters, Atlantic Salmon and freshwater pearl mussel). The qualifying interests of the SAC (i.e. otters, Atlantic Salmon and freshwater pearl mussel) would not be directly impacted by the construction works as suitable habitat for these species is not present on the site. There would be no risk of indirect impact as there is sufficient vegetated buffer area intervening which would minimise the risk of impacts due to any potential pollution incident (e.g.

sedimentation of the river / its tributaries or hydrocarbon contamination due to oil spillage). The risk of pollution resulting from use of the driveway by vehicles already exists as the use of the house is authorised and it currently has a driveway. There is no potential for the project to have any adverse impact on other designated European protected species or sites.

It is recognised that there are considerable development pressures along the river Dee catchment, with numerous housing development sites (projects) under construction or proposed, such that there is potential for those other projects, in combination, to have potential effects on the SAC. However, those projects are of substantively larger scale than the project which is the subject of this consideration, such that they are of limited direct relevance to consideration of the "in combination" effects of the project under consideration.

It can therefore be concluded that the project will not in itself, or in combination with other projects, adversely affect the integrity of the site and appropriate assessment is not required. Planning permission may therefore be granted as it would not have likely significant effects on the designated site, or any other designated site.

Flood risk / Drainage / Water Quality

The site is not in itself at risk of flooding, but surface water drainage is towards the River Dee, which has a high degree of ecological sensitivity, as recognised above, there is no increased risk of adverse impact on its ecology / water quality. Whilst the creation of the new drive would increase the extent of hard surfacing on site and therefore result in a limited increased rate of surface water discharge, the limited scale of the proposed work is such that neither a flood risk assessment nor a drainage impact assessment is reasonably required to be submitted. Given the extensive undeveloped areas within the site, the development is unlikely to pose an increased risk of flooding elsewhere or risk to water quality within the River Dee. Although not specifically requested by ACC Flooding Team, it would be possible to require the imposition of a condition requiring use of SUDS measures / porous surfacing on site in order to demonstrate compliance with ALDP policy NE6. It is also considered appropriate to attach advisory notes relating to minimisation of the risk of pollution to groundwater during construction works / use of the driveway by vehicles through reference to relevant SEPA guidance.

Cumulative Impact / Precedent

Given the unusually large scale of the plot, which contrasts with the prevailing norm on Inchgarth Road, where smaller detached house plots of more modern origin predominate, and given the unique circumstances justifying the proposed new access and related tree removal (i.e. a specific and identified safety issue and the safety benefits of the new access) it is considered that approval of this proposal would not establish an undesirable precedent for other similar proposals.

Other Concerns Raised in Objections

The dispute in relation to land ownership at the western boundary of the site is not a material planning consideration of relevance to determination of the application. This matter has been raised with the applicant in accordance with ACC protocol relating to such disputes and no further action is required.

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

The proposed new entrance / exit location represents a significant improvement on the existing situation in terms of road safety risk. The proposal differs substantively from that which was

previously refused in that the extent of duntaking of the boundary wall would be less, the existing gate piers would be retained, the drive is of reduced width and considerable replacement tree planting within the grounds is now proposed. The design of the proposed new access, as amended, is considered to be appropriately detailed such that it would respect the setting of the building, accord with the objectives of Aberdeen Local Development Plan 2017 (ADLP) policies D1: Quality Placemaking by Design and D2: Landscape. Although the proposal involves the loss of approximately 17 mature trees, which does not accord with the objective of policy NE5: Trees and Woodland, many of these trees are poor specimens or are dead. It is considered that the impact of this loss can be substantively mitigated by the extensive replacement planting proposed within the grounds and this can be secured by condition, in the interest of compliance with ALDP policies NE5: Trees and Woodland and D2: Landscape.

Overall, the works would have a neutral effect on the character of the conservation area, the setting of the listed building and satisfy the objectives of Historic Environment Policy for Scotland, ADLP policies D1: Quality Placemaking by Design, D4: Historic Environment and D5: Our Granite Heritage.

CONDITIONS

01. Badger Protection Plan - No development shall take place pursuant to this permission unless a scheme for the protection of badgers has been submitted to and approved in writing by the planning authority. The submitted plan shall include details of measures required during construction works in order to prevent injury to foraging badgers. The agreed measures shall be implemented in full for the duration of construction work on site. **Reason** – In order to avoid potential adverse impact on protected species during construction works.
02. Tree protection measures - No development shall take place pursuant to this permission unless a scheme for the protection of all trees to be retained on the site during construction works, including temporary protective fencing, has been submitted to, and approved in writing by, the Planning Authority and any such scheme as may have been approved has been implemented. **Reason** - In order to ensure adequate protection for the trees on site during the construction of the development.
03. Tree planting / landscape scheme - All soft landscaping / tree planting proposals shall be carried out in accordance with the approved scheme (drawing 437-12-10e, -11, -12, -13) and shall be completed during the planting season immediately following the commencement of the development or as otherwise agreed in writing with the Planning Authority. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted. **Reason** - To ensure the implementation of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area and to ensure that the character of the conservation area and setting of the listed building is preserved / enhanced.
04. SUDS / permeable surfacing - No development shall take place pursuant to this permission 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 the driveway shall not remain on site unless the required drainage

measures / permeable surfacing has been installed in complete accordance with the said scheme. **Reason** - in order to safeguard water qualities in nearby watercourses and to ensure that the development can be adequately drained.

05. Drive width / construction / surface details – Notwithstanding the site layout plan hereby approved (drawing 603 rev C), the section of the driveway located to the south of the proposed entrance gates shall be restricted to a maximum width of 3m overall (i.e. including the granite sett edging) for a continuous distance of 55m, unless otherwise agreed in writing with the planning authority. No development shall take place unless details of the precise surfacing material / finish of the driveway have been submitted to and agreed in writing by the planning authority. Development shall be undertaken in complete accordance with such details as may be so approved. **Reason** – In order to preserve the character and setting of the listed building and the character of the conservation area.

06. Detail of Gates / Pillars - No development shall take place pursuant to this permission unless construction details of the proposed gate piers / granite pillars including 1:10 detail elevations and coping stones have been submitted to and agreed in writing by the planning authority. Development shall be undertaken in complete accordance with such details as may be so approved.

Reason – In order to preserve the character and setting of the listed building and the character of the conservation area.

07. Stopping up Existing Access – The proposed access hereby approved shall not be used unless the existing vehicle access has been stopped off to vehicle traffic in accordance with a scheme which shall have been submitted to and approved in writing by the planning authority.

Reason – In order to preserve the character and appearance of the listed building and in the interest of road / traffic safety.

ADVISORY NOTES FOR APPLICANT

The applicant / developer is advised to have regard to SEPA standing advice regarding surface water drainage in formulating SUDS proposals for the development :-

<https://www.sepa.org.uk/environment/land/planning/advice-for-developers/#guidance>

Due to the potential risk of diffuse urban water pollution resulting from the works, the applicant is advised to visit the following weblink and contact SEPA regarding the potential need for consent from SEPA under the Water Environment (Controlled Activities) (Scotland) (Regulations 2011):-

<https://www.sepa.org.uk/regulations/water/diffuse-pollution/>

<https://www.sepa.org.uk/regulations/water/diffuse-pollution/diffuse-pollution-in-the-urban-environment/>