

CRAIGIEBUCKLER AND SEAFIELD COMMUNITY COUNCIL

Planning Officer's Report

03 May 2016

Planning Matters

Planning Development Management (VISITS) - Thursday, 28 APRIL 2016

After a site visit to the site of 22 Kinaldie Crescent the Planning Committee voted to refuse planning permission for the building of a new house next to Walker Dam.

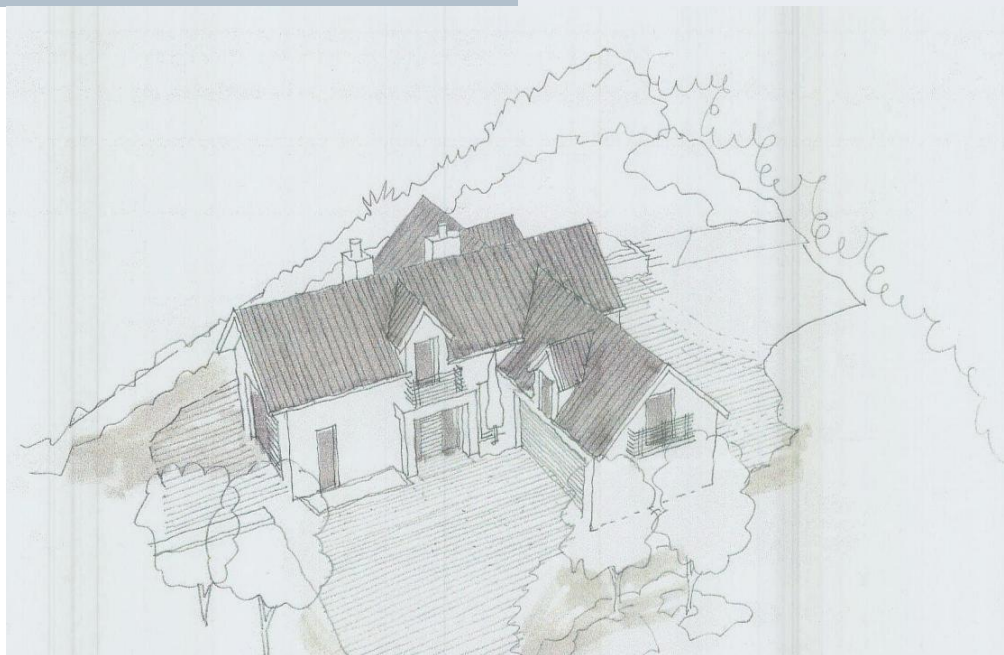
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| Application Reference: | 150311 |
| Local Authority Reference: | |
| Proposal Description: | Sub-division of residential curtilage and erection of new dwellinghouse and associated works |
| Application type: | Detailed Planning Permission |
| Address: | 22 Kinaldie Crescent Craigiebuckler Aberdeen, Aberdeen City |
| Post code: | AB15 8HX |



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| Application Status: | Pending |
| Date application received: | 27/02/2015 |
| Date application Validated: | 27/02/2015 |
| Date of expiry of period allowed for representations: | 25/03/2015 |

Applicant, Agent and Case Officer Details

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|----------------------------------|---|
| Applicant: | Mr & Mrs N Greig c/o agent |
| Agent: | Halliday Fraser Munro Carden Church 6 Carden Place Aberdeen AB10 1UR |
| Officer: | Gavin Evans |
| Officer Telephone Number: | 01224 522871 |
| Officer Email: | gevans@aberdeencity.gov.uk |



RECOMMENDATION: Refuse

REASONS FOR RECOMMENDATION

1. Whilst the general principle of residential development within a residentially zoned area is accepted, and the architectural form of the proposed dwelling is considered acceptable, its inappropriate siting relative to existing trees demonstrates a lack of due regard for context, and results in a situation where the proposed dwelling would not make a positive contribution to its setting, as required by policy D1 (Architecture and Placemaking) of the Aberdeen Local Development Plan (ALDP).
2. The impact of the proposal on existing trees, both directly in the formation of the new driveway and in the longer term due to the inappropriate proximity of the new dwelling to retained mature trees, is not considered to be in accordance with policy NE5 (Trees and Woodlands) of the ALDP or the associated 'Trees and Woodlands' supplementary guidance.
3. The increased threat posed to mature retained trees has potential to result in adverse impact on the Walker Dam Local Nature Conservation Site (LNCS), and represents an area of tension with policy NE8 (Natural Heritage).
4. The development would result in encroachment onto an existing area of open space which, though of limited size, makes a positive contribution to local landscape character and visual amenity in this residential area. On that basis, it is considered that the proposal demonstrates a significant degree of tension with policies D6 (Landscape) and H1 (Residential Areas) of the ALDP.

DESCRIPTION

The application site, which extends to approximately 1400sqm, lies to the southwest of the Walker Dam and incorporates part of the rear garden to 22 Kinaldie Crescent, along with an area of open space between Nos. 30 and 32 Kemnay Place. These are currently two separate and distinct parcels of land, which would be combined to facilitate the proposed development.

The grounds to the rear of 22 Kinaldie Crescent slopes moderately down towards Walker Dam, with the land immediately to the east of the site characterised by mature trees. The generous plot of No. 22 is largely laid to grass, with evidence of some recent landscape clearance towards its south-eastern corner at the time of an earlier application, detailed below. The eastern boundary, to the adjacent Walker Dam, is enclosed by a wooden stake fencing in a state of collapse.

An area of open space between 30 and 32 Kemnay Place lies to the south-east of 22 Kinaldie Crescent. It falls gently to the north, towards Walker Dam, and is largely laid to grass, with planted borders. Its eastern and western edges are enclosed by standard timber fencing, however its northern edge is defined by post-and-wire fencing and a row of existing trees, predominantly Alder and Rowan.

RELEVANT HISTORY

Residential development comprising 15 homes on the site of the former Walker Dam Primary School was granted Planning Permission in 1999, with the approval of application ref 99/0316. As part of the approved scheme, three areas of open space were laid out. One of those areas of open space, between 30 and 32 Kemnay Place, lies within the current application site and would be used to form a new access point/driveway.

More recently, application P140029, sought permission for the construction of a single detached dwellinghouse to the rear of 22 Kinaldie Crescent. That proposal was due to be referred to the Planning Development Management Committee, but was withdrawn by the applicants prior to inclusion on an agenda.

PROPOSAL

This application proposes the construction of a new 1 ½ storey detached dwellinghouse within a new plot, to be formed via the sub-division of the existing plot at 22 Kinaldie Crescent. Access to the site would be obtained via a new driveway, taken from an existing dead-end/turning head on Kemnay Place and crossing an area of open space between Nos. 30 and 32 Kemnay Place. The new dwelling would be finished with a mix of wetdash render and granite, with timber lined windows and a slated roof.

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee because more than 5 representations expressing objection were submitted to the planning authority. Accordingly, the application lies outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Development Management – No objection is stated, however the following points are noted:

The driveway must be internally drained with no surface water discharging onto the public road;

Loose material (e.g. stone chippings) must not be used to surface any of the first 2 metres length adjacent to the footway; The gradient should not generally exceed 1:20;

Details of proposed drainage for the site is required;

Notes that Core Path 60 runs along the east and north of the site boundary and states that no works should impinge on continued use of the core path.

Environmental Health – No observations.

Communities, Housing and Infrastructure (Flooding) - Seek clarification of proposed drainage design. State that any proposal should take into account some sort of Sustainable Urban Drainage Systems (SuDS) measures in order to reduce the surface runoff water flow (e.g. porous pavement, infiltration measures, attenuation volume).

Community Council – The local Craigiebuckler and Seafield Community

Council raise the following concerns:

Loss of green space – both to form driveway and through incorporation of remaining landscaped area as a part of the garden serving the new property;

Impact on wildlife as a result of traffic, lighting and general garden use; Concern that the site would not be appropriately enclosed from the Walker Dam.

REPRESENTATIONS

19 letters of representation have been received. The objections raised relate to the following matters –

Impact on Green Space Network and Local Nature Conservation Site – resultant impact on amenity and conflict with policies NE1 (Green Space Network), NE5 (Trees and Woodlands), D6 (Landscape) and NE8 (Natural Heritage);

Highlights that the site is well-used for recreation and education purposes;

New dwelling would be intrusive on character and attractiveness of the dam;

Precedent set for the loss of amenity spaces to facilitate development;

Conflict with condition from an earlier consent (ref 99/0316) relating to the retention of open space areas;

Earlier refusal of permission to build in gardens of 20/22 Kinaldie Crescent;

Disruption to residents during construction;

Potential for flooding – run-off could damage the environment within the LNCS;

Note that residents currently maintain this area of open space; Potential for damage to existing lock-block surfaces from heavy construction vehicles;

Dwelling is uncharacteristically large and access arrangements are not representative of surrounding area;

Wall is too large and would be intrusive when seen from Walker Dam;

Part of the building would be for commercial purposes;

Impact from new lighting on wildlife value of the LNCS;

Concern regarding potential impact on bats;

Loss of privacy to 20 Kinaldie Crescent from upper floor windows;

Contradiction within submitted information – Planning Statement refers to lock block surfacing; Site layout plan refers to gravel driveway;

Lack of information on necessary excavations and changes to ground levels. Also several trees are not included within the scope of the submitted tree survey.

Change of use to from open space to garden ground has not been obtained.

PLANNING POLICY

National Policy and Guidance

Scottish Planning Policy (SPP)

Aberdeen City and Shire Strategic Development Plan (SDP)

Paragraph 3.9 recognises Aberdeen City as a strategic growth area and states a preference for development on brownfield sites.

Paragraph 3.20 emphasises the need for improvement of environmental quality and high quality design.

Aberdeen Local Development Plan (ALDP)

Policy T2: Managing the Transport Impact of Development

Policy D1: Architecture and Placemaking

Policy D2: Design and Amenity

Policy D6: Landscape

Policy H1: Residential Areas

Policy H3: Density

Policy NE1: Green Space Network

Policy NE5: Trees and Woodlands

Policy NE8: Natural Heritage

Policy R7: Low and Zero Carbon Buildings

Supplementary Guidance

The Subdivision and Redevelopment of Residential Curtilages

Transport and Accessibility

Low and Zero Carbon Buildings

Trees and Woodlands

Proposed Aberdeen Local Development Plan

Policy D1 – Quality Placemaking by Design

Policy T2 – Managing the Transport Impact of Development

Policy H1 – Residential Areas

Policy H3 - Density

Policy R6 - Waste Management Requirements for New Development

Policy R7 - Low and Zero Carbon Buildings, and Water Efficiency

Other Relevant Material Considerations

The matters raised in representations are material to the assessment of this application, so far as they relate to legitimate planning considerations.

EVALUATION

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

Principle of development & Zoning The application lies within a predominantly residential area, which has been zoned as such in the Local Development Plan, with policy H1 applicable. Policy H1 allows for residential development, provided a series of criteria can be satisfied. There is significant overlap between these criteria and the principles set out in the 'Sub-division and Redevelopment of Residential Curtilages'

Supplementary Guidance, so it is appropriate for later sections of this report to consider these matters in parallel.

Encroachment on Open Space In order to access the main body of the site, to the rear of Kinaldie Crescent, the proposal involves a new access being formed off Kemnay Place, on an area of Open Space situated between Nos. 30 and 32. That area of Open Space is understood to have been laid out as part of the Stewart Milne development on the site of the former Walker Dam Primary School site. In considering the proposal's relationship with policy H1, it is necessary to consider whether the existing area of Open Space is 'valuable and valued', and indeed to what extent it would be lost or eroded as a result of the development.

It is acknowledged that this area of Open Space, in the context of the three laid out as part of the Stewart Milne development, makes the least significant contribution to the character and amenity of the area. This view is reached on the basis that this area of open space is peripherally sited, with no through route, whereas one of the others provides the pedestrian path link from Kemnay Place to the Core Path route around the Walker Dam, and the other is prominently sited at the heart of the development, overlooked by adjacent properties, and as a result its soft landscaping could be considered to make a greater contribution to the character of the area. It is noted also that the area of Open Space affected by the development proposal is less than half the size of the other two, at approximately 200sqm compared to 440sqm and 590sqm respectively.

These are relevant factors, however it does not follow that the area of Open Space in question is not itself of value. This smaller area of soft landscaping, which incorporates a row of Alder and Rowan trees along its northern edge, provides a pleasant green backdrop on entry to Kemnay Place via Kildrummy

Road, contributing positively to the character and amenity of the area. Whilst its scope for active enjoyment is arguably less than the other areas of open space within the development, it still serves a valuable purpose in providing an area of soft landscaping. Taking these points into account, it is concluded that the

existing area of open space, notwithstanding its limited size, is 'valuable' for the purposes of assessment against policy H1. Consideration of whether this area is valued by the local community is difficult, however it is notable that many of the representations received make reference to the loss of this area of open space.

On that basis, it appears that this area is very much valued by people in the area.

These points highlight a material conflict with policy H1 (Residential Areas) of the ALDP.

Due to its encroachment onto an existing area of open space, which is of some local landscape value, the proposal fails to accord also with policy D6 (Landscape) of the ALDP.

Roads & access

As noted in the earlier description of the proposal, access to the site would be obtained via a new driveway being laid out from Kemnay Place to the main body of the site, to the rear of 22 Kinaldie Crescent. Provided any such driveway is of an appropriate gradient and is suitably surfaced and drained, the Council's

Roads Development Management Team has no objection to the means of access proposed.

Density, Pattern and Scale of Development.

The residential plots at Nos. 20 and 22 Kinaldie Crescent are among the largest in the local area. This proposal would result in the sub-division of the existing plot at No. 22, however the retained plot would still compare favourably (at 785sqm) to many of those in the surrounding area – as a comparison, Nos. 18 and 24 Kinaldie Crescent measure circa 570 and 520 sqm respectively, and 32 Kemnay Place is estimated at circa 650sqm. So far as plot size is concerned, it is considered that the density of development is broadly consistent with that seen in the surrounding area.

Over and above simple plot size, proposals must demonstrate due regard for any established pattern of development in the surrounding area. The site is located in an area characterised by dwellings arranged with relatively formal building lines, fronting onto a public road and benefiting from private garden grounds to the rear. The Council's adopted Supplementary Guidance explicitly states that "in these areas the construction of dwellings in the rear gardens of existing dwellings, or the redevelopment of a site that results in dwellings that do not front onto a public road, constitutes a form of development that is alien to the

established density, character and pattern of development". This guidance further notes that this form of development can also erode the privacy of private amenity space available to existing residents. It concludes by stating that, "in all suburban areas characterised by a formal or semi-formal building line fronting onto a public road and having back gardens which provide private amenity space, there will be a presumption against the construction of new dwellings in rear garden ground behind existing or proposed dwellings in circumstances where the new dwellings do not front onto a public road".

Whilst the house itself would not present a strong frontage onto Kemnay Place, neither would it give the impression of 'backland' development, where a second building line is formed via the construction of dwellings to the rear of an existing building line. The site would benefit from its own street frontage, albeit with the house located some distance back from the road via a driveway. It is noted also that there is an absence of comparably sized plots which could be sub-divided in a similar manner, and there is no scope for a second building line to be formed as a result of this proposal.

The absence of any formal frontage to the public road represents an area of conflict with the stated terms of the Council's adopted Supplementary Guidance, which explicitly sets out a presumption against this type of development, and therefore also demonstrates inconsistency with policy H1 (Residential Areas) of

the ALDP, which required compliance with this Supplementary Guidance document. Nevertheless, it is not considered that this somewhat uncharacteristic arrangement would be to the detriment of residential amenity or of the character of this area generally, notwithstanding the impact resulting from the driveway's encroachment on the existing open space, noted above. Similarly, the density of the proposed development, with regard to building footprint and plot coverage, is appropriate in this setting, subject to consideration of the impacts arising from the proposal. In this regard, there is considered to be no material conflict with policy

H3 (Density). Privacy, Amenity, Daylight, Sunlight

It is considered that residents of the proposed new dwelling would be afforded adequate privacy, that the new house would present an appropriate frontage to the street, and that a private face would open onto an area of private garden ground, as required by policy D2 (Design and Amenity) of the ALDP. The arrangement of internal floor plans is such that the windows of habitable rooms at upper level are generally directed away from adjoining properties or otherwise benefit from a degree of screening which avoids undue overlooking or loss of privacy.

Design & Materials

As noted previously, the siting of the proposed dwelling is not entirely consistent with existing properties on Kemnay Place, in that it would be set back from the street, however this serves to limit any impact on the surrounding streetscape, and is not considered to be inappropriate in terms of its relationships with

neighbouring dwellings. The scale, height and general form of the 1 ½ storey detached dwelling are considered to be appropriate for its context, as are the proposed materials. Its orientation is such that the

building would address Kemnay Place, with its L-shaped form creating an obvious 'front', whilst its rear elevation would benefit from views towards the adjacent Walker Dam. Taking these matters into account, it is considered that the proposed dwelling is appropriate as a piece of architecture, however its means of access would result in the erosion of an area of existing open space and its relationship with existing trees, which will be addressed in detail in the following section of this report, fails to either demonstrate due regard for its setting or make a positive contribution to its setting. In this respect, the proposal is not considered to accord with the provisions of policy D1 (Architecture and Placemaking) of the ALDP.

Impact on Trees & Landscape

This proposal's relationship to existing trees and green spaces is central to this assessment. Whilst the dwelling itself would lie outwith identified Root Protection Areas (RPAs), the formation of a new driveway would involve the direct removal of 4 trees and encroachment within the RPAs of several more, within the Walker Dam, the existing open space on Kemnay Place and those within the garden of 32 Kemnay Place. It is acknowledged that the degree of encroachment is relatively modest relative to the full area of root systems, and also that there has been a degree of impact recently as a result of another existing tree being uprooted, however that does not justify further encroachment and best practice in relation to trees indicates that buildings works should be kept outwith RPAs unless there is an overriding justification otherwise. In this instance there is no obvious wider public benefit which would warrant setting aside the likely adverse

impact on existing trees. It is recognised that a 'no-dig' construction method is proposed in order to minimise impact arising from excavations, however it has been noted that a degree of infilling would be necessary due to the uneven site levels, which would itself serve to adversely affect root systems. It is noted also

that the trees in question form part of the Walker Dam Local Nature Conservation Site (LNCS), which is a popular recreational green space, and therefore there is a public interest in their safeguarding and retention.

In addition to the removal of trees and direct impact resulting from encroachment within RPAs, the proximity of the proposed dwelling relative to large mature trees is of concern. The Council's relevant 'Trees and Woodlands' supplementary guidance highlights that large old/veteran trees are less resilient to the likely impacts of construction activity within close proximity to them, and are therefore more likely to die or become unsafe. It also states that new developments must 'include measures to ensure the long term retention of existing trees' and also that 'consideration should also take into account the final height and spread of

new tree planting and how this may impact on new built structures'. Whilst this latter statement mentions new planting, it is reasonable to apply the same principle to ensuring that the siting of new buildings does not prejudice long-term retention of established existing trees, and in this instance it is considered that

the proposed dwelling would not be sufficiently separated from large existing trees. This proximity has, in similar circumstances, led to a situation where homeowners are concerned about potential for damage from falling trees or branches, and the Council may be unable to reasonably resist requests for their removal. On this basis, the precautionary principle should apply to the siting of new structures, in order that the scope for conflict between buildings and retained mature trees is avoided where practicable. Cumulatively, it is considered that these matters would result in undue damage to established trees that contribute significantly to local landscape character and amenity, both in the immediate and long term. Specifically, the proposal fails to site buildings appropriately to minimise adverse impacts on existing trees, contrary to policy NE5 (Trees and Woodlands) and the associated supplementary guidance. It is noted also that trees within the grounds of 32 Kemnay Place have not been included in the submitted survey, precluding assessment of impact on those specimens.

A small area of land designated as part of the Green Space Network would be encroached upon as a result of the new driveway being formed, however the degree of encroachment is relatively minimal and is not considered to fundamentally destroy or erode the wildlife or landscape value of the Green Space Network. On that basis, no material conflict with policy NE1 (Green Space Network) is identified.

Walker Dam LNCS

The Walker Dam is identified as a Local Nature Conservation Site (LNCS), which is a non-statutory local designation relating to areas of local importance for nature conservation. This is described as 'a charming mixture of landscaped areas and semi-natural habitats', the main feature of which is the large pond with a small burn and areas of wet woodland. It is also recognised as being one of Aberdeen's more accessible areas of open water which, due to its location within a residential area of the City, is 'an important recreational and educational resource'. Earlier sections of this report have addressed the potential impact on existing trees, both as a direct result of the proposed works and the increased likelihood of pressure for their removal in future to the undue proximity of the new dwelling. Those same impacts have potential to adversely affect the value of this locally designated nature conservation site, therefore there is a degree of conflict with policy NE8 (Natural Heritage).

Low and Zero Carbon Buildings

The Council's supplementary planning guidance 'Low and Zero Carbon Buildings' is a relevant material consideration. No details of the incorporation of Low and Zero Carbon generating technologies have been provided in support of the application, and it will therefore be necessary to attach a condition to any consent in order to obtain such details and to ensure installation of equipment prior to occupation, should members resolve to approve the application.

Matters raised in representations

Matters relating to impact on the existing Green Space Network and LNCS designations are addressed in earlier sections of this report, as are impacts on trees, landscape and natural heritage. The value of the LNCS as a recreational and educational resource is recognised. Comments relating to precedent are noted, however it is a well-established principle of the planning system that all proposals will be assessed on their particular merits.

Comments relating to an earlier grant of consent and the conditions attached to it are noted, however it is highlighted that any subsequent grant of planning permission would serve to supersede the effect of conditions relating to the land in question. Similarly, any earlier refusal to grant planning permission is limited in its materiality, and certainly would not preclude the granting of consent. It remains the planning authority's duty to assess any application against the provisions of the development plan and any other material considerations.

Change of use from open space to garden ground generally relates to the incorporation of all or part of an existing amenity space into an existing residential garden. In this instance, the change of use is a component part of this application, which involves the formation of a new domestic dwelling and associated curtilage. Disruption to local residents would generally be for a limited period, and any disturbances would be subject to control under the applicable environmental health legislation.

The potential implications of surface water run-off for the environment within the adjacent LNCS are noted, however if Members were minded to grant planning permission it would be reasonable to attach conditions requiring details of surface water drainage arrangements and details of a site-specific Construction

Environment Management Plan, aimed at avoiding or mitigating the environmental impact of the development during the construction phase.

That residents are responsible for the maintenance of the existing open space through their title deeds is noted, however that would not preclude planning permission being granted for any development. Any potential damage to existing road surfaces would be subject to existing Roads legislation which is understood to include provision for necessary cleaning and repair.

The use of part of a domestic dwelling as a home office does not necessarily involve a material change in use, depending on the fact and degree of the particular case. In this instance a small home office above the garage would not be considered to represent an independent commercial use or a separate planning unit, based on the information provided.

Matters relating to the requirement for a bat survey were also raised by the Community Council, and are addressed in the following section. Matters relating to design have been addressed previously in this report.

It is understood that the proposed driveway would be formed in lock-block, however the proposed no-dig sub surface would include granular fill. The contradiction in submitted information could be readily addressed through use of a condition in the event that members are minded to grant planning permission.

It is noted that trees within the grounds of 32 Kemnay Place have not been included in the submitted survey.

Matters raised by Community Council Issues relating to encroachment onto an area of existing open space and impact on the adjoining Walker Dam LNCS have been addressed in the body of this report. It is recognised that a Bat Survey was not provided in support of this proposal, however this is accepted as no existing buildings would be removed and those trees to be removed have limited roosting potential when compared to those present in the area, particularly those more mature trees which form part of the LNCS. It should be noted that licensing arrangements relating to protected species remain applicable independently of the planning process. Proposed Aberdeen Local Development Plan The Proposed ALDP was approved for submission for Examination by Scottish Ministers at the meeting of the Communities, Housing and Infrastructure Committee of 27 October 2015. It constitutes the Council's settled view as to what should be the content of the final adopted ALDP and is now a material consideration in the determination of planning applications, along with the adopted ALDP. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether:

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

Policies and proposals which have not been subject to objection will not be considered at Examination. In such instances, they are likely to be carried forward for adoption. Such cases can be regarded as having greater material weight than those issues subject to Examination.

The foregoing can only be assessed on a case by case basis. In relation to this particular application, policies relating to design, residential areas and others of relevance to the proposal have not been subject to fundamental change, however there remain unresolved issues which may lead to further change in

applicable policies, with the weight that those policies can be afforded diminished as a result. The site remains allocated within a residential area, where residential development is supported in principle, and it is not considered that the Proposed Plan raises any material considerations warranting determination other than in accordance with the provisions of the extant Aberdeen Local Development Plan.

Summary

It is concluded that the proposed development involves a number of areas of tension with the applicable policies, most significantly in relation to encroachment on existing green spaces and impact on trees and woodlands. Whilst the level of amenity afforded to residents would be satisfactory, with access to an enclosed private garden of a size consistent with its suburban setting, the erosion of an existing open space, which makes a contribution to local amenity and landscape character, and the impact on existing trees are considered to have an unacceptable cumulative impact. In this regard, it is considered that the proposal fails to demonstrate due regard for its context or make a positive contribution to its setting. For the reasons stated in full below, it is recommended that this application be refused.

RECOMMENDATION

Refuse

REASONS FOR RECOMMENDATION

1. Whilst the general principle of residential development within a residentially zoned area is accepted, and the architectural form of the proposed dwelling is considered acceptable, its inappropriate siting relative to existing trees demonstrates a lack of due regard for context, and results in a situation where the proposed dwelling would not make a positive contribution to its setting, as required by policy D1 (Architecture and Placemaking) of the Aberdeen Local Development Plan (ALDP).
2. The impact of the proposal on existing trees, both directly in the formation of the new driveway and in the longer term due to the inappropriate proximity of the new dwelling to retained mature trees, is not considered to be in accordance with policy NE5 (Trees and Woodlands) of the ALDP or the associated 'Trees and Woodlands' supplementary guidance.
3. The increased threat posed to mature retained trees has potential to result in adverse impact on the Walker Dam Local Nature Conservation Site (LNCS), and represents an area of tension with policy NE8 (Natural Heritage).
4. The development would result in encroachment onto an existing area of open space which, though of limited size, makes a positive contribution to local landscape character and visual amenity in this residential area. On that basis, it is considered that the proposal demonstrates a significant degree of tension with policies D6 (Landscape) and H1 (Residential Areas) of the ALDP.

Planning Development Management Committee

Kepplestone Mansion

At the Planning Committee Meeting on Thursday 21st April the Kepplestone Mansion planning application was refused.

Application details

| | |
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| Application Reference: | 151057 |
| Local Authority Reference: | 000124721-002 |
| Proposal Description: | Demolition of part of fire damaged building and alteration and extension to remaining structure to form 4 No. flats. |

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| Application type: | Listed Building Consent |
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Location

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|---------------------------|--|
| Ward: | Hazlehead/Ashley/Queen's Cross(M Greig/J Stewart/R Thomson/J Corall) |
| Community Council: | Craigiebuckler and Seafield |
| Address: | Kepplestone Mansion Viewfield Road Aberdeen |
| Post code: | AB15 7AW |

Application Status and Key Dates

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| Application Status: | Pending |
| Date application received: | 30/06/2015 |
| Date application Validated: | 14/07/2015 |
| Date of expiry of period allowed for representations: | 25/08/2015 |

Applicant, Agent and Case Officer Details

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|----------------------------------|--|
| Applicant: | David Murray Associates The Radar Station 38 Donmouth Road Bridge Of Don Aberdeen AB23 8DR |
| Agent: | |
| Officer: | Jennifer Chalmers |
| Officer Telephone Number: | 01224 522175 |
| Officer Email: | jechalmers@aberdeencity.gov.uk |
| Alternative contacts: | Development Management contacts |



Plan L(0-)001 (below) shows a red hatched area, annotated "Fire damaged section proposed to be demolished". Compare this drawing with the next illustration which shows the demolition proposal for both the ground and first floors.



KEPPLESTONE MANSION, VIEWFIELD ROAD, ABERDEEN

CHANGE OF USE AND PART DEMOLITION OF MANSION HOUSE WITH ALTERATIONS AND EXTENSION TO FORM FOUR APARTMENTS AND ERECTION OF NEW BUILDING CONSISTING SEVEN APARTMENTS WITH ASSOCIATED CAR PARKING AND LANDSCAPING.

For: Stewart Milne Homes Ltd.

Application Type : Detailed Planning Permission

Application Ref. : P151056

Application Date: 01/07/2015

Officer: Jennifer Chalmers

RECOMMENDATION:

Refuse

DESCRIPTION

The site covers an area of approximately 0.22ha and is located alongside the western boundary of what was formerly the RGU Kepplestone Campus and which is now a residential development of townhouses and flats. The site contains the fire damaged remains of the category 'C' listed Kepplestone Mansion and is accessed from the north through the remainder of the Kepplestone development. The existing two storey buildings are all located within the north western corner of the site with the remainder of the site being predominantly soft landscaping.

RELEVANT HISTORY

P151057 – Listed building consent pending for 'Demolition of part of fire damaged building and the construction of a wall to enclose the east elevation of the remaining building'.

PROPOSAL

Detailed planning permission is sought for a change of use and part demolition of the mansion house with alterations and extension to form four apartments and for the erection of a new 3 storey building of contemporary design and consisting of seven apartments. Car parking and landscaping are also proposed as part of the development.

RECOMMENDATION

Refuse

REASONS FOR RECOMMENDATION

Notwithstanding that the principle of the change of use to residential use is acceptable, the proposal is not acceptable for the following reasons.

The proposals to alter and extend the remaining 'farmhouse' and for the erection of the new building and associated car parking are not acceptable due to the scale and position of the proposed extensions to the 'farmhouse' as they would engulf the majority of the eastern and southern elevations, covering more than 50% of the building thereby greatly reducing the visible amount of the original structure of the listed building thereby losing its identity and character.

The replacement building does not respect the surrounding context and fails to achieve adequate siting, form and height and does not align itself so that it terminates appropriately the existing arrangement of buildings and the townscape. The proposal would also have a detrimental impact on the mature trees within the site due to the proximity of the new building to the trees. The proposed car park would dominate the setting of the development to the detriment of its appearance and amenity and result in insufficient amenity space contrary to the requirements of Policy D2 (Design and Amenity) of the Local Development Plan.

Overall, the proposal does not comply with Scottish Planning Policy (SPP), Scottish Historic Environment Policy (SHEP) or Policies D1 (Architecture and Placemaking), D2 (Design and Amenity), D5 (Built Heritage), D6 (Landscape) and NE5 (Trees and Woodlands) of the Aberdeen Local Development Plan.

Your Ref.
Our Ref. JCH/P151056[ZID]/41
Contact Jennifer Chalmers
Email pl@aberdeencity.gov.uk
Direct Dial 01224 522175
Direct Fax 01224523180

29/04/2016

William Sell
craigden10@live.com
10 Craigiebuckler Drive
Aberdeen
AB15 8ND



Planning & Sustainable
Development
**Communities, Housing and
Infrastructure**
Aberdeen City Council
Business Hub 4
Ground Floor North
Marischal College
Broad Street
Aberdeen AB10 1AB

Tel 03000 200 292
Fax 01224523180
Minicom 01224 522381
DX 529452, Aberdeen 9
www.aberdeencity.gov.uk

Dear Sir/Madam

The Town and Country Planning (Scotland) Act 1997
Kepplestone Mansion, Viewfield Road, Aberdeen
Change of use and part demolition of mansion house with alterations and
extension to form four apartments and erection of new building consisting
seven apartments with associated car parking and landscaping.
Application Ref: P151056

I refer to the above application and your letter of representation. The application was refused by the Planning Authority on 21 April 2016.

In reaching their decision, the Planning Authority took into account relevant Council policies, all the material considerations and the points raised in your letter of representation.

In accordance with current legislation, where an application is refused, the applicant has the right of appeal to the Scottish Ministers provided any such appeal is made within three months of the date of this decision. If the applicant appeals you will be notified directly and afforded the opportunity of making further representations at that time.

Yours faithfully

Daniel Lewis

Application details

| | |
|-----------------------------------|---|
| Application Reference: | 151057 |
| Local Authority Reference: | 000124721-002 |
| Proposal Description: | Demolition of part of fire damaged building and the construction of wall to enclose the east elevation of the remaining building. |
| Application type: | Listed Building Consent |

Location

| | |
|---------------------------|---|
| Ward: | Hazlehead/Ashley/Queens Cross(M Greig/J Stewart/R Thomson/J Corall) |
| Community Council: | Craigiebuckler and Seafield |
| Address: | Kepplestone Mansion Viewfield Road Aberdeen |
| Post code: | AB15 7AW |

This planning application was approved, to Demolition of part of fire damaged building and the construction of wall to enclose the east elevation of the remaining building.

Your Ref.
Our Ref. JCHP151057(218)/45
Contact Jennifer Chalmers
Email pc@aberdeencity.gov.uk
Direct Dial 01224 522175
Direct Fax 01224 636181

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Dear Sir/Madam

The Town And Country Planning (Scotland) Act 1997
Kepplestone Mansion, Viewfield Road, Aberdeen
Demolition of part of fire damaged building and the construction of wall to
enclose the east elevation of the remaining building.
Application Ref: P151057

I refer to the above application and to your representation. The application was granted by the Planning Authority on 28 April 2016.

In reaching their decision, the Planning Authority took into account relevant Council policies, all the material considerations and the points raised by your representation.

The reason(s) on which the Council has based this decision are as follows:-
That it has been demonstrated through the Structural Survey that the main section of building damaged by fire is structurally unstable and therefore unsafe and it is therefore considered necessary to demolish. The further construction of a wall to enclose the east elevation of the remaining building would not have a detrimental impact on the remaining section of listed building or on the surrounding area. The proposal therefore complies with the Scottish Historic Environment Policy (SHEP) tests and complies with Policies D1 (Architecture and Placemaking) and D5 (Built Heritage) of the Aberdeen Local Development Plan.

PETE LEONARD
DIRECTOR

A copy of the approved plans, planning case officer's report and the decision notice is available for inspection during working hours at the address above or online at:

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=151057>

Yours faithfully

Daniel Lewis
Development Management Manager

Countesswells Development

Planning Permission granted 1st April 2016

| | |
|-----------------------------------|---|
| Application Reference: | 140438 |
| Local Authority Reference: | |
| Proposal Description: | Residential-led mixed use development including approximately 3000 homes, employment, education, retail, leisure and community uses and associated new and upgraded access roads, landscaping and ancillary engineering works |
| Application type: | Planning Permission in Principle |
| Address: | Aberdeen Local Dev' Plan Site OP58 Countesswells Lying West of Hazlehead Park between Cults & Kingswells |



Your Ref.
Our Ref. PAU/P140438[ZIB]/80
Contact Paul Williamson
Email pi@aberdeencity.gov.uk
Direct Dial 01224 522231
Direct Fax 01224 636181



ABERDEEN
CITY COUNCIL

04/04/2016

DC Craigiebuckler/Seafield Community Council
10 Craigiebuckler Drive
Craigiebuckler
Aberdeen, Aberdeen City
AB15 8ND

Planning & Sustainable
Development
**Communities, Housing and
Infrastructure**
Aberdeen City Council
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Ground Floor North
Marischal College
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Dear Sir/Madam

The Town And Country Planning (Scotland) Act 1997
Aberdeen Local Dev' Plan Site OP58, Countesswells, Lying West of Hazlehead
Park
Residential-led mixed use development including approximately 3000 homes,
employment, education, retail, leisure and community uses and associated
new and upgraded access roads, landscaping and ancillary engineering works
Application Ref: P140438

I refer to the above application and to your representation. The application was granted by the Planning Authority on 1 April 2016.

In reaching their decision, the Planning Authority took into account relevant Council policies, all the material considerations and the points raised by your representation.

The reason(s) on which the Council has based this decision are as follows:-
The proposal complies with Policy LR1 Land Release Policy, in that the development proposed including 3000 residential units and up to 10 hectares of employment land is in accordance with the direction for growth set within the Adopted Local Development Plan. The matters raised by objectors have been fully considered, and the various conditions proposed, including limiting the level of occupation of the development prior to the completion of the AWPR, as well as the payment and agreement on Developer Contributions to ensure the provision of schools and affordable housing, would satisfactorily

PETE LEONARD
DIRECTOR

mitigate the impact of the development. The details of each phase of the development will be dealt with by separate applications for Matters Specified in Conditions, with further opportunities for stakeholders comment on the full details. The proposal also complies with policies I1 Infrastructure Delivery and Developer Contributions; T2 Managing the Transport Impact of Development; D1 Architecture and Placemaking; D3 Sustainable and Active Travel; D6 Landscape, B11 Business and Industrial Land, H4 Housing Mix, H5 Affordable Housing, H7 Gypsy and Traveller Requirements for New Residential Developments, NE1 Green Space Network, NE2 Green Belt, NE4 Open Space Provision in New Development, NE5 Trees and Woodlands; NE6 Flooding and Drainage, and NE9 Access and Informal Recreation within of the Aberdeen Local Development Plan.

A copy of the approved plans, planning case officer's report and the decision notice is available for inspection during working hours at the address above or online at:

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref.=140438>

Yours faithfully

Daniel Lewis

Daniel Lewis
Development Management Manager

Dandara Development

Zone A with large houses has now been opened up. The core path running between the 2 retention ponds will be further tidied up and resurfaced. Work on Zone G at the back of Zone H is progressing well and the access road will be further opened up in the next few weeks but it won't be fully opened up as a circular through road just yet.





The north retention pond has now been lined with maintenance path under construction. (viewed from core path that connects to the south retention pond and sales pod)

The core path will run alongside the retention pond and will join the access road to the Zone A houses off Hazledene Road.

North Retention pond viewed from Hazledene Road



Railings on Burnieboozle Crescent starting to corrode, Chris Graham had promised to get them painted and recently the new site manager has promised to paint the railings.

Dandara Temporary Sales Pod



Erection of temporary sales pod for associated proposed residential development

Work on site started on 7th August 2013, construction of the steelwork for the sales pod started on 28th August, a very substantial building considering it is a temporary building and will be up for less than 2 years.

The temporary sales pod is to be removed by 13th June 2015 unless an extension is applied for.

The City Council received a planning application from Dandara on 18th June 2015 for the siting of temporary sales pod. Neighbours notifications were sent out on 21st July 2015 and representations must be made within 21 days from this date.

William and Councillor Ross Thomson also met with Gavin Evans, Senior Planning Officer in early September to discuss the issue regarding the planning permission for a temporary sales pod. The planning permission expired on 13th June 2015 so currently there is no planning permission for this temporary sales pod. Gavin Evans informed the meeting that his department relies on members of the public to report breaches in the terms of planning consents.

The temporary sales pod currently has no planning permission and it was thought likely to be brought to the Planning Development Management Committee in early 2016, but no date has been set yet.

The Dandara Planning Applications were considered at the Planning Development Management Committee meeting on Thursday 28 November 2013.

All the zones were approved with additional conditions imposed for Zone A, with access off Hazledene Road

Zone A planning application 130994

Conditions imposed:

No development shall be undertaken within Zone A until a finalised scheme of works necessary to bring Hazledene Road up to adoptable standard has been submitted to, and approved in writing by, the planning authority.

No building in zone A shall be occupied until works for the upgrading of Hazledene Road have been implemented in full.

Zone B & C planning application number 131044

Zone H, planning application number 130820

Zone D,E,F & G planning application 130155

Summary of Dandara Development Planning Applications

31055 Zones D,E, F & G registered 23/07/13

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=131055>

Zone D 44 houses

Zone E 35 houses

Zone F 50 houses

Zone G 45 houses Total of 174 houses

131044 Zones B&C registered 23/07/13

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=131044>

Zone B 39 houses

Zone C 39 houses Total of 78 houses

130994 Zone A with access to Hazledene Road registered 08/07/13 <http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=130994>

130820 Zone H with access to Countesswells Avenue registered 05/07/13

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=130820>

Zone A 50 houses, Zone B 39 houses, Zone C 39 houses, Zone D 44 houses

Zone E 35 houses, Zone F 50 houses, Zone G 45 houses and Zone H 48 houses

Total number of houses = 350 houses

131027 Pinewood Residential Development Approval of Conditions 2, 3, 6, 7, 9 and 10 of Planning Application Ref A7/2178

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=131027>

Landscape, Walling, Connectivity – Pinewood – Countesswells Road

131037 Traffic calming and speed limits etc. registered 22/07/2013 and representations to be in by 14/08/2013

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=131037>

Planning Applications as per weekly planning list April 2016: none to report