

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

ABERDEEN, 7 July 2014. Minute of Meeting of the LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL. Present:- Councillor Milne, Chairperson; and Councillors Donnelly and Lawrence.

The agenda and reports associated with this minute can be found at:-
<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=284&MI d=3423&Ver=4>

REVIEW

SITE AT PINELANDS, MURTLÉ DEN ROAD - 131419

1. With reference to the Minute of Meeting of the Local Review Body of 4 July, 2014, wherein the Members agreed to defer consideration of the above application and agreed to hold a site visit, the Local Review Body of Aberdeen City Council met this day to review the decision taken by an appointed officer under the Council's Scheme of Delegation to refuse the application (P131419) for planning permission for the erection of a new 3 storey dwelling house at Pinelands, Murtle Den Road, Milltimber, Aberdeen.

The Members visited the site, whereat they were invited to ask the Planning Adviser (Mr Evans) any questions relating to the site. The Chairperson stated that although the Planning Adviser was employed by the planning authority he had not been involved in any way with the consideration or determination of the application under review and was present to provide factual information and guidance to the Body only. He emphasised that the officer would not be asked to express any view on the proposed application.

The Members of the Local Review Body were shown the plans on site and the Planning Adviser was asked questions relating to the sites within the neighbouring Oldfold development which had been approved for development (OP62) in the Aberdeen Local Development Plan.

Members specifically asked questions relating to the area to the north of Murtle Den Road which had been identified as being suitable for further residential development (up to 9 units), which would be distinct from the rest of the Oldfold development and would in essence be an extension of Murtle Den Road.

The Members asked to visit the area to the north of Murtle Den Road. The Members visited the area and Councillor Donnelly asked the Planning Adviser questions relating to how close this area (and the proposed development at Pinelands) was to the Green Belt boundary. The Planning Adviser reminded Members that although there was a need to regenerate areas the Local Plan had primacy over these matters.

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The Members then returned to the Town House to determine the application.

The Chairperson stated that he agreed with the reasons which had been given by the case officer for refusal. He expressed the view that if the application was approved then this could set a precedent for similar applications and would erode the Green Belt, and that therefore the application was contrary to Policy NE2 of the Local Plan.

Councillor Donnelly stated that in his view the precedent had already been set by approval of OP62 (Oldfold) in the Local Development Plan. He was also of the opinion that the additional 9 units at the north of Murtle Den Road were an extension of the road and therefore an additional 1 unit on the proposed site could be absorbed. He stated that he would approve the application subject to suitable conditions.

Councillor Lawrence stated that he agreed with Councillor Donnelly as in his opinion the size of the proposed development was not detrimental to the Green Belt. He explained that in his view the site could easily absorb the proposal and that the application did not constitute a precedent. He stated that he would approve the application subject to suitable conditions.

The Local Review Body noted that the majority of the members wished to approve the application and asked the Planning Adviser if he could advise on suitable conditions to allow the approval.

The Planning Adviser provided details on suitable conditions accordingly.

Members therefore agreed (on a majority/minority basis) that the decision of the appointed officer to refuse the application be reversed and the application be approved subject to the following conditions:

In coming to their decision, the Local Review Body had regard to the provisions of the development plan as required by Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (as amended) and other material considerations in so far as these were pertinent to the determination of the application.

Sewer connection

That prior to occupation connection shall be made to a public sewer, if such a connection is possible at the time when foundations are laid due to implementation of infrastructure works relating to development of the OP62 Oldfold site, in accordance with a written scheme to be submitted and approved in writing by the planning authority - in order to ensure that the most appropriate available option is utilised for waste water drainage.

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Tree survey and protection

That no development shall take place unless a plan showing those trees to be removed and those to be retained and a scheme for the protection of all trees to be retained on the site during construction works (including consideration for sensitive construction methodologies such as 'no-dig' technique in formation of the driveway) has been submitted to, and approved in writing by, the planning authority and any such scheme as may have been approved has been implemented - in order to ensure adequate protection for the trees on site during the construction of the development.

Storage of materials within tree protection areas

That no materials, supplies, plant, machinery, spoil, changes in ground levels or construction activities shall be permitted within the protected areas specified in the aforementioned scheme of tree protection without the written consent of the planning authority and no fire shall be lit in a position where the flames could extend to within 5 metres of foliage, branches or trunks - in order to ensure adequate protection for the trees on site during the construction of the development.

Sustainable Urban Drainage

That no development shall take place unless a scheme of all drainage works designed to meet the requirements of Sustainable Urban Drainage Systems has been submitted to and approved in writing by the planning authority and thereafter no part of the development shall be occupied unless the drainage has been installed in complete accordance with the said scheme - in order to safeguard water qualities in adjacent watercourses and to ensure that the development can be adequately drained.

Boundary enclosures

That no part of the development hereby approved be occupied, unless there has been submitted to and approved in writing by the planning authority, a detailed scheme of site and plot boundary enclosures for the entire development hereby granted planning permission. The dwelling hereby granted planning permission shall not be occupied unless the said scheme has been implemented in its entirety - in order to preserve the amenity of the neighbourhood.

Visibility at site access

Prior to development commencing, a scheme for the provision of appropriate visibility at the site access, achieving 2.4m x 90m or such other specification as may be agreed by the planning authority, must have been submitted to and agreed in writing by the planning authority - in order to ensure safe access to and from the site.

In coming to their decision, the Local Review Body had regard to the provisions of the development plan as required by Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (as amended) and other material considerations in so far as these were pertinent to the determination of the application. More specifically, the reasons on which the Local Review Body based this decision are as follows:-

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That the size of the application was not detrimental to Policy NE2 (Green Belt) in the Aberdeen Local Development Plan as the size of the site available could absorb the proposed development and the proposed development was on the boundary of the Green Belt. A precedent for development in the area had already been set with the approval of additional houses relating to the Oldfold Development, with these additional houses accessing their proposed location via Murtle Den Road.

- **Ramsay Milne, Chairperson**