

Public Document Pack



To: Councillor Milne, Convener; Councillor Finlayson, Vice Convener; and Councillors Boulton, Crockett, Dickson, Greig, Jaffrey, Lawrence, Malik, Jean Morrison MBE, Stuart, Thomson and Yuill.

Also (as local members):- Councillor Malone

Town House,
ABERDEEN 20 August 2015

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)

The Members of the **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)** are requested to meet in the Town House Reception on **THURSDAY, 27 AUGUST 2015 at 9.30 am.**

FRASER BELL
HEAD OF LEGAL AND DEMOCRATIC SERVICES

B U S I N E S S

WHERE THE RECOMMENDATION IS ONE OF REFUSAL

- 1 West Middlefield, Skene Road - 150819 (Pages 1 - 22)

Note: (One) The Planning Officials in attendance on the visits can be contacted by mobile phone, the number is:- 07802 323986.

(Two) The transport for the visits will depart the Town House from the Broad Street entrance at 9.30 prompt.

Should you require any further information about this agenda, please contact Lynsey McBain on 01224 522123 or email lymcbain@aberdeencity.gov.uk

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Planning Development Management Committee

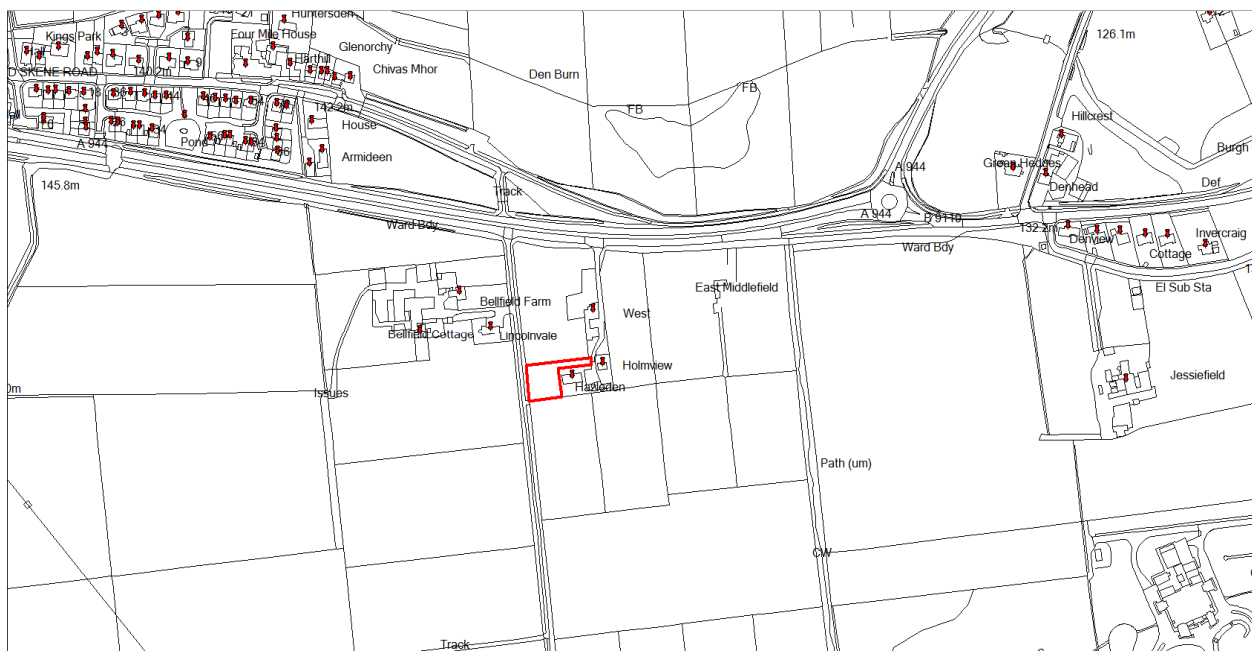
WEST MIDDLEFIELD, SKENE ROAD

ERECT 2 HOUSES AND ASSOCIATED
INFRASTRUCTURE.

For: Mr George Maxwell

Application Type : Planning Permission in
Principle
Application Ref. : P150819
Application Date: 21/05/2015
Officer: Sally Wood
Ward : Lower Deeside (M Boulton/A Malone/M
Malik)

Advert : Dev. Plan Departure
Advertised on: 10/06/2015
Committee Date: 18/08/2015
Community Council : No response
received



RECOMMENDATION:

Refuse

DESCRIPTION

The application site is located 130 metres to the south of the A944, Aberdeen to Kingswells main road. The site comprises rough grass and reeds, and backs on to farmland. The access road to Bellfield Farm lies directly to the west. There is a line of deciduous trees along the farm road and there is a dwelling on the west side of the track adjacent to the farm. There is a house directly to the east of the application site, Hazleden, with Holmview located just further east. At least one other property is located within the eastern 'group', which is a traditional steading which has been converted. These properties are accessed from a minor access road leading to the A944 which is single track width, with at least one blind bend adjacent the steading.

The site extends to some 1168 square metres, excluding access track, and slopes up slightly to the south. There is a field lying between the site and the main A944 road, which appears to not be cultivated. There are stone dykes along the boundary. It is noted that there is a thick tree belt along the eastern boundary with Hazleden and on the south side of the proposed access track.

RELEVANT HISTORY

88/0548 To Erect a Dwellinghouse at West Middlefield, Kingswells. Refused, 18.04.1990.

A7/2315 New dwelling house at Holmfield, Middlefield, Kingswells. Refused, 24.04.2008. Decision appealed to DPEA, appeal dismissed, 15/12/2008.

PROPOSAL

The application seeks planning permission in principle for the siting of two houses, with access served by the creation of a new driveway formed to the front of the neighbouring property Hazleden, which lies directly to the east. The new driveway would be formed from the existing minor access road which serves the properties to the east, and is served at a junction with the A944.

Plans submitted in support of the application include a block plan which show a pair of semi-detached houses on the site; an illustration of what the properties may look like; and floor plans which show accommodation over two floors, with four bedrooms, open plan dining/kitchen, living room and other ancillary rooms. These plans have been submitted in support of the application for illustrative purposes only.

Supporting Documents

All drawings and the supporting documents listed below relating to this application can be viewed on the Council's website at

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=150819>

On accepting the disclaimer enter the application reference quoted on the first page of this report.

A design statement has been submitted to accompany the application.

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee there have been more than 5 letters of representation. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Development Management – object. The building of two properties at this location increases the number of properties using the access off the A944 dual-carriageway from three to five (representing a 40% increase). The resultant increase in traffic movements will cause an increase in conflicting vehicular movements at the junction.

At the junction the A944 dual carriageway features a central reservation, which is an 'agricultural-gap'; however, it may be used by traffic from the lane for eastwards-bound travel. The intensification of the vehicular use of the lane associated with the proposal would increase the use of the existing agricultural-gap if approved, which is a road safety issue, and therefore it is considered grounds to object.

Other points noted are that there is sufficient proposed car parking; that the proposed access from the properties onto the existing lane adjacent Hazelden is acceptable; that bin collection would be the same as for other existing dwellings, i.e. near the road junction with the A944.

Environmental Health – comments, no observations

Communities, Housing & Infrastructure (Flooding) – comments, no observations

Community Council – no response received.

REPRESENTATIONS

7 number of letters of representation have been received objecting to the application. The objections raised relate to the following matters –

1. Removal of/damage to the existing trees;
2. Do not want natural environment disturbed by further development;
3. Do not want further development on any green belt areas;
4. Site has been subject of previous applications all of which have been refused as contrary to policies, including Green Belt;
5. An appeal to the Scottish Government for the last application (ref A7/2315) was dismissed on the basis that a single house was contrary to Green Belt Policy;

6. The proposal is contrary to Local Plan 2008 policies GB28 (Green Belt) and GSN29 (Green Space Network); The proposal is contrary to policy 1 (Design) as two residential units are not in context with the surroundings; and Policy 73a (Vehicular Access to New Development) as the current application presents significant road safety concerns as the proposed site access is on a dual carriageway and in very close proximity to an extremely busy roundabout that includes a full speed bypass lane;
7. Insufficient size of plot to accommodate two dwellings with eight bedrooms;
8. How will drainage and sewage be accommodated;
9. Additional traffic;
10. Parking space appears inadequate;
11. Access for delivery vehicles including lorries and vans;
12. Loss of privacy;
13. Approval of the application would set a precedent.

The application has submitted a Design Statement in support of the application. The main points can be summarised as follows:

1. The site is currently insufficient for agricultural use and is currently unmaintained due to lack of defined use; which causes problems of waste being dumped on the land which is cleaned up at the owner's expense;
2. There are allocations of land for housing development at Countesswells and other opportunity sites on greenfield land and therefore consider that there is just cause for an application on this site;
3. Scottish Planning Policy sets out an aim to facilitate new housing development, particularly in areas within our cities network where there is continuing pressure for growth, and through innovative approaches to rural housing provision. House building makes an important contribution to the economy. Provision for new homes should be made in areas where economic investment is planned or there is a need for regeneration;
4. Consider this proposal meets the criteria for providing a solution to the housing shortage in the area;
5. Considers that there will be no concerns regarding sunlight, daylight or privacy;
6. Considered that the built element of the site will be no more than 33% of the area of the plot, and therefore an appropriate density;
7. That the scale of the proposal would complement the area and surrounding properties;
8. That design would meet the criteria specified in Policy 1 of the Proposed Local Development Plan, Quality Placemaking by Design;
9. That pedestrian and vehicles would be adequately accommodated;
10. The development would have a positive effect on the area, providing a high quality development in an area which is in desperate need for housing;
11. It would improve an unused and unmaintained area of ground, whilst the design would complement the adjacent buildings and enhance the appearance of the area.

PLANNING POLICY

Scottish Planning Policy

Scottish Planning Policy (SPP) outlines the purpose of green belt designation in the development plan is to:

- Direct planned growth to the most appropriate locations and support regeneration;
- Protect and enhance the character, landscape setting and identity of settlements; and
- Protect and give access to open space.

The SPP continues to state that the designation of green belt should be used to direct growth to suitable locations, not to prevent development from happening. That for cities with a distinct identity and character that could be harmed by unplanned growth, the use of green belt designation, and relevant policies, may help to manage that growth more effectively.

It also advises that where a proposal would not normally be consistent with green belt policy, it may still be considered appropriate either as a national priority or to meet an established need if no other suitable site is available. Development in a designated green belt should be of a high design quality and a suitable scale and form.

Aberdeen City and Shire Structure Plan

Provides a spatial strategy for development, to ensure the right development in the right place to achieve sustainable economic growth which is of high quality and protects valued resources and assets, including built and natural environment, which is easily accessible.

Aberdeen Local Development Plan

Policy D1 - Architecture and Placemaking

Seeks to ensure high standards of design, through considerations of context and setting. Sets out a number of factors that will be considered in assessing that contribution

D2 – Design and Amenity

Sets out a number of criteria to ensure the provision of appropriate level of amenity.

Policy NE2 - Green Belt

No development will be permitted in the green belt for purposes other than those essential for agriculture, woodland and forestry, recreational uses compatible

with an agricultural or natural setting, mineral extraction or restoration or landscape renewal.

Buildings in the Green Belt which have a historic or architectural interest or traditional character that contributes to the landscape setting of the city will be permitted to undergo a change of use to private residential use or to a use which makes a worthwhile contribution to the amenity of the Green Belt, providing it has been demonstrated that the building is no longer suitable for the purpose for which it was originally designed.

Proposals for extensions of existing buildings as part of a conversion or rehabilitation scheme will be permitted in the Green Belt provided; a) the original building remains visually dominant, b) the design of the extension is sympathetic to the original building in terms of massing, detailing and materials; and, c) the siting of the extension relates well to the setting of the original building.

NE5 – Trees and Woodlands

Presumption against development which would result in loss or damage of established trees or woodland that contributes significantly to nature conservation, landscape character or local amenity.

Proposed Aberdeen Local Development Plan

The following policies substantively reiterate policies in the adopted local development plan as summarised below;

- Policy D1 – Quality Placemaking by Design
- Policy NE2 – Green Belt

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 the development

Scottish Planning Policy (SPP) is clear that the aim of Green Belt is to direct planned growth to the most appropriate location, and to protect and enhance the quality, character and setting of towns and cities. In this instance, while adjacent to existing residential properties, the site is located within the Green Belt. Allowing residential development in this location is likely to have a significant detrimental impact on the character of the landscape setting of this part of the green belt, which would be contrary to paragraph 49 of SPP which seeks to direct development to the most appropriate location and protect and enhance the character, landscape setting and identity of the settlement.

In terms of the Council's Green Belt Policy, no justification has been received for the proposed residential development. In this instance, the proposal does not meet any of the defined criteria for acceptable development in such an area, and the development is therefore deemed to be contrary to Policy NE2.

The applicant's supporting statement suggests that the zoning of Opportunity Sites close by which were formerly zoned as Green Belt sets the precedent for this proposed development. It should be noted that the opportunity sites were formally allocated as housing sites and adopted through the Aberdeen Local Development Plan (ALDP) in 2012. To help meet the housing needs for Aberdeen sufficient land has been allocated for housing in the ALDP and thus there is no material consideration to allow this site to be developed for residential purposes.

In conclusion, the principle of residential development on this site is not acceptable as approval would undermine the ALDP's strategy for the release of land for new housing development, and there would be detrimental impact on the Green Belt by eroding the open green space.

Design, scale and massing of dwellings

As noted above, the general principle of development on site cannot be established against Scottish Planning Policy or the ALDP Policy as the proposal is located within a Green Belt. Notwithstanding, it is still necessary to assess the design of the proposed houses against the relevant policy.

In support of the planning permission in principle application a block plan and floor plans were submitted for illustration purposes. This means that should planning permission be approved then detailed design proposals would be required to be submitted. However, what the indicative plans do show is how the development could be accommodated on the site.

The purpose built houses in the locality are all detached dwellings; this proposal is therefore unusual as it would be a semi-detached property. However, the plans do show that two houses could be accommodated within the site. One thing to note is that the trees on the east boundary, adjacent to Hazleden, would limit the availability of light within one of the proposed semi-detached houses, which could subsequently affect residential amenity.

Access and servicing

Vehicular access would be adjacent the track that serves Hazleden. It is proposed that the access would be continued along the northern boundary of Hazleden to the application site. The existing vehicular track is accessed from a junction off the A944.

The Roads Development Management Team has objected to the proposal, as outlined earlier in this report. On the basis of the concerns that the Team has it is

advised that the application cannot be supported on the ground of road safety concerns.

Trees

Mature trees are sited along the south boundary of the proposed access road, and along the west, south and eastern boundaries. The application states that no trees will be affected by the proposal. Having visited the site it is noted that there will have to be trimming of trees, certainly along the proposed access track. If planning permission was approved then it is unclear what impact there might be on the trees, if any. However it is possible, particularly as principal windows are located on the lateral boundaries and to the south, that there may be pressure from future occupiers to remove trees due to shadowing.

Proposed Aberdeen Local Development Plan

The Proposed ALDP was approved at the meeting of the Communities, Housing and Infrastructure Committee of 28 October 2014. 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 public consultation through the Main Issues Report; and
- the level of objection raised in relation these matters as part of the Main Issues Report; and
- the relevance of these matters to the application under consideration

The foregoing can only be assessed on a case by case basis. In relation to this particular application, the policies listed below are of relevance;

- Policy NE2 – Green Belt
- Policy NE5 – Trees and Woodlands
- Policy D1 – Quality Placemaking by Design

These policies substantively reiterate policies in the adopted local plan. In addition, for the same reasons that the proposal does not comply with the adopted local development plan, it also does not comply Policies NE2, NE5, and D1 of the Proposed Local Development Plan.

Representations

Seven letters of representation have been received objecting to the application. In response to the points raised the following observations are made:

It is unclear whether trees would be damaged or removed, the application does state that no works to trees are proposed. Nevertheless as viewed on site there will have to be at least some trimming back of trees. There is a concern if

approved that once occupied there may be pressure for tree felling as a result of over-shadowing. It is advised that should planning permission be granted contrary to the recommendation, that a tree survey is sought.

The site does lie within the Green Belt where there is a presumption against residential development. So the comments with regard to not wanting the natural environment disturbed by further development and not wanting further development on any green belt areas are relevant, as it would place pressure on the loss of open green space which provides separation between settlements.

It is also noted that the site has been subject of previous applications all of which have been refused, and an appeal to the Scottish Government dismissed. The concerns regarding precedent is of concern, as there are no over-riding material considerations to support the application against planning policy, though it also has to be borne in mind that each planning application is determined on its own merits. However, granting single and semi-detached dwellings in the Green Belt would be inconsistent with the policy which seeks to direct development to existing settlements and sites identified and allocated through the Local Development Plan process, thereby protecting the identity of settlements and maintaining open spaces.

References made to planning policies whilst relevant, relate to the previous Local Development Plan. It is noted that the site does not lie within a the designated Green Space Network as defined by the current Local Development Plan.

The size of plot to accommodate two dwellings with eight bedrooms is of some concern to objectors. Considering the configuration of the garden, and total area it is considered that this is not something that would warrant refusal.

In terms of drainage, the application states that the houses would be connected to the public drainage network and would connect to the public water supply. On this basis there are no objections. However, details of SUDS for surface water would be required should the application be approved.

It is not considered that there will be a privacy issue, as any concerns could be addressed through appropriate boundary treatment.

In terms of traffic impact the Roads Development Management Team have concerns about the additional traffic at the junction with the A944, however, in relation to the track itself and parking spaces it has not made any objections.

Design Statement in support of application

The application has submitted a Design Statement in support of the application. In response to the points made the following observations are made:

The site was more than likely used in conjunction with the house Hazleden, and was never used as an independent agricultural unit prior to this. The site whilst

overgrown is not an eyesore, and in any case lack of maintenance of an area of ground is not a reason in itself to override planning policy.

The allocated sites for residential development are some distance away from this proposed site, but in any case have been through the Local Development Plan process and have been through examination. These sites have been planned and allocated to ensure that there is an adequate land supply of residential development within the city.

Scottish Planning Policy does set out an aim to facilitate new housing development, particularly in areas within our cities network where there is continuing pressure for growth, and through innovative approaches to rural housing provision. However, within Green Belts this is carefully planned, such as the opportunity sites, and sites within rural locations outwith the designated Green Belt are normally judged on their own merits. This site is within the Green Belt and there has been sufficient land allocated for residential development to meet demand. No windfall housing sites are required to meet demand, particularly within the green belt. To allow unplanned single dwellings in the Green Belt fails to recognise the co-ordinated approach of the ALDP and would serve to erode the countryside, and undermine the identity of existing settlements. The reason for such tight controls within Green Belt areas is to also meet the aims of sustainability. Planned residential sites are carefully considered and often are masterplanned, with a mix of development or located adjacent other sustainable locations such as employment or adjacent a transport hub. This proposal, if approved, would result in a high level of car borne activity due to the lack of alternative modes of travel, and is not located within walking distance to shops, education, employment or other facilities.

Whilst the submitted Design Statement considers that this proposal would meet the criteria for providing a solution to the housing shortage in the area, it is considered in response that there is no housing shortage as there is sufficient land allocated for residential development through the existing ALDP.

In Summary

The proposal represents a departure to the development plan, specifically in relation to Green Belt policy. The principle of development is unacceptable in respect that no justification has been provided which would allow deviation from Green Belt Policy. Further, the proposed right turn movements into the site would lead to a road safety hazard.

Should Members be minded to approve the application, it is recommended that any such approval includes planning conditions relative to; requiring details of house design, external materials, landscaping, internal road layout, surface water drainage, tree survey, and tree protection plan. Consideration of such matters would be via formal applications for the approval of matters specified in conditions. Two informatives would also be considered necessary in respect to construction hours, and to highlight that the plans are illustrative purposes only (floor plans and block plan as stated in correspondence received 28.07.2015).

RECOMMENDATION

Refuse

REASONS FOR RECOMMENDATION

The site lies within the Green Belt, which is defined to protect and enhance the landscape setting and identity of urban areas and in which there is a presumption against most kinds of development with only limited exceptions. The proposed development does not comply with any of the specified exceptions to the presumption against development within the Green Belt and therefore does not comply with Policy NE2 (Green Belt) of the Aberdeen Local Development Plan 2012. If permitted, this application would create a precedent for more, similar developments, to the further detriment of the objectives of Green Belt policy. Sufficient land has been identified for new residential development through the Local Development Plan, and therefore approval would undermine the long-term strategy of the ALDP.

The proposal if approved would result in an increase in traffic using the junction with the A944 which is a road safety hazard due to the intensification of use of the access, in particular for traffic heading eastward bound.

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 12 June 2015 15:50
To: PI
Subject: Planning Comment for 150819

Comment for Planning Application 150819

Name : Rosanna Buchan
Address : 9 Westdyke Terrace
Westhill
Aberdeenshire
AB32 6JA

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : I object to this planning application as I feel there is no consideration being given to the fact it is a green belt area and the destruction of mature trees would be inevitable

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 17 June 2015 08:00
To: PI
Subject: Planning Comment for 150819

Comment for Planning Application 150819

Name : Mr Ronald Edward Leggett

Address : 6 Friarsfield Walk

Cults,

Aberdeen

Ab15 9PW

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : The development does not ensure that the existing boundary trees will be protected and retained.

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 12 June 2015 15:49
To: PI
Subject: Planning Comment for 150819

Comment for Planning Application 150819

Name : Lesley Sleigh
Address : Carn Kitty
Skene
Westhill
Aberdeenshire

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : I object to this planning application as I feel this would once again make further inroads into what is meant to be a green belt area.

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 12 June 2015 13:45
To: PI
Subject: Planning Comment for 150819

Comment for Planning Application 150819

Name : Raymond Craigie
Address : 32 Buchan Drive
Newmacher
Aberdeenshire
AB21 0NR

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : I do not want any further development on any green belt areas.

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 12 June 2015 13:49
To: PI
Subject: Planning Comment for 150819

Comment for Planning Application 150819

Name : Jacqueline Craigie
Address : 43 Springhill Road
Aberdeen
AB 16 6SA

Telephone :

Email : [REDACTED]

type :
Comment : As a lover of trees etc i no longer want to see our natural enviroment upset by any further development

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PI

From: Eric Brown [REDACTED]
Sent: 05 July 2015 19:58
To: PI
Subject: Application 150819 West Middlefield

Dear Sir,

With respect to the application for 2 dwellings by George Maxwell:

We have concerns about 2 dwellings with a total of 8 bedrooms on a plot that is not oversized for a single dwelling.

These concerns include:

- How the drainage and sewage will be accommodated.
- The extra domestic traffic caused by up to 10 or more people.
- Available parking space seems inadequate
- Access for service / fuel / moving lorries and vans.

All of these also apply for a single dwelling as well.

We accept that these issues are more to do with detailed planning rather than the change of use but feel they are key items at his point.

Regards,

Jean and Eric Brown
West Middlefield

19 June 2015

STRICTLY PRIVATE & CONFIDENTIAL

Aberdeen City Council
Planning Department
Marischal College
Broad Street
Aberdeen AB10 1AB

150819

Dear Sirs

**LOCAL AUTHORITY REFERENCE 000120789-001
PROPOSED DEVELOPMENT OF 2 HOUSES AT WEST MIDDLEFIELD
PLANNING OBJECTION**

I am writing to object to the planning application which has been submitted (local authority reference 000120789-001) in connection with the proposed development of 2 houses at West Middlefield, Skene Rd, Aberdeen.

The proposed site has been the subject of previous planning applications for residential housing development, all of which have been refused for being contrary to Aberdeen City Council Development and Green Belt Policy. The latest planning application on the site (local authority reference A7/2315) was appealed to the Scottish Office (planning appeal reference P/PPA/100/411) but was again rejected on the basis of being contrary to Green Belt Policy. A copy of the appeal decision notice dated 15 December 2008 is attached to this letter.

Green Belt Policy

The West Middlefield site is zoned as Green Belt (GB28) and Green Space Network (GSN29) in the adopted Local Plan 2008.

The Aberdeen and Aberdeenshire Structure Plan (NEST) and adopted Local Plan Policy 28: Green Belt state that no development will be permitted in the Green Belt for purposes other than those essential for agriculture, forestry, recreation, mineral extraction or restoration or landscape renewal. All development in the Green Belt should be of the highest quality in terms of siting, scale, design and materials. The current application is contrary to the Structure and Local Development Plans and there are no material considerations that would justify granting planning permission.

Policy 29: Green Space Network (GSN29) states that the council will protect and enhance the wildlife, recreational, landscape and access values of the GSN which have been identified as of particular importance in the GSN. Any proposals that would be likely to destroy or erode these values will not be permitted. The current application is contrary to the values of the GSN. The site has birdlife, deer, hare, rabbit etc all active on the site.

Policy 1: Design states that new development must be designed with due consideration for its context and make a positive contribution to its setting taking into account *inter alia* scale, massing, proportions and landscaping. The current application involves the construction of 2 residential units which are not in context with the surroundings.

Policy 73a: Vehicular Access to New Development. Applicants will be required to mitigate traffic impacts of new development and demonstrate that they would not compromise road safety or unduly disrupt the flow of traffic particularly on primary distributor roads. The current application presents significant road safety concerns as the proposed site access is on a dual carriageway and in very close proximity to a extremely busy roundabout that includes a full speed bypass lane.

Impact on Amenity

The current application will cause a significant loss of privacy for surrounding residents.

Precedent

The current application would set a precedent for development on green belt land which is completely contrary to the stated government and local policies. Where to next? "West Middlefield has been developed, why not some additional development on the surrounding fields". The current application would set a precedent for development on green belt land which is completely contrary to the stated government and local policies and I strongly object to the proposed residential development at West Middlefield on this basis.

Yours faithfully

JEAN MARTIN

Jean Martin
Hazleden
West Middlefield
Kingswells
Aberdeen
AB15 8PX

Enc. Copy of Scottish Office appeal decision notice dated 15 December 2008

P&SD Letters of Representation		
Application Number: 150819		
RECEIVED 22 JUN 2015		
Nor	So: <input checked="" type="checkbox"/>	Map
Case Officer Initials: SWO		
Date Acknowledged: 22/06/2015		

Appeal Decision Notice

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Decision by Gerry Farrington, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: P/PPA/100/411
- Site address: Holm View, Middlefield, Kingswells AB15 8XP
- Appeal by Mr and Mrs G Maxwell against the decision by Aberdeen City Council
- Application for planning permission A7/2315 dated 21 November 2007 refused by notice dated 24 April 2008
- The development proposed: new dwelling house
- Application drawings: 1987/01 site plan; 1987/02 proposals; and 1987/03 location plan
- Date of site visit by Reporter: 20 November 2008

Date of appeal decision: 15 December 2008

Decision

I dismiss the appeal and refuse planning permission.

Reasoning

1. The determining issues are (1) whether the proposal accords with the development plan and (2) whether approval or refusal is justified by other material considerations.
2. The Development Plan is comprised of the 'North East Scotland Together' Aberdeen and Aberdeenshire Structure Plan 2016 (NEST) and the adopted Aberdeen Local Plan 2008 (ALP). The site lies within the Green Belt and the Green Space Network (GSN) delineated in the ALP. There has been no demonstration that the proposed house is essential for the specific rural activities identified in NEST policy 28: Development in the Green Belt and ALP policy 28: Green Belt. Therefore, it would add unnecessarily to the build-up of development contrary to the strategy outlined in NEST policy 27: Green Belt aimed at protecting and enhancing the landscape setting and identity of urban areas and the prevention of coalescence. Likewise, it would not accord with ALP policy 29: Green Space Network aimed at the protection and enhancement of the wildlife and landscape value of the GSN.
3. **Other considerations:** The support claimed for the application with reference to SPP15: Planning for Rural Development fails to take adequate account of the specific guidance in SPP21 that there should continue to be a strong presumption against



inappropriate development in the Green Belt. Since scrutiny of the ALP by Scottish Ministers is complete and the plan has been adopted, I agree with the council that hypothetical discussion based on adjustment of ALP policies is unhelpful. It is unclear whether or not some twenty years ago the house adjacent to Bellfield Farm was permitted contrary to Green Belt policy but, in any case, this of itself would not justify further erosive breaches of that policy. The appellants' submissions that the proposed house is of traditional appearance and would form part of a cohesive group or cluster of buildings carry minimal weight when balanced against Green Belt policy and do not persuade me that the crucial policy objections identified in paragraph 2 can be set aside.

4. **Conclusion:** Taking into account the considerations set out above and that legislation requires that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise, I conclude that the appeal should fail and that planning permission should be refused.



GERRY FARRINGTON
Reporter