

# Planning Development Management Committee

MIDDLETON LODGE (SITE ADJ. TO, STATION ROAD, PITFODELS)

ERECTION OF 3 NEW DETACHED DWELLING HOUSES

For: Mr Eric Yule

Application Type : Planning Permission in Principle

Application Ref. : P131279

Application Date: 30/08/2013

Officer: Paul Williamson

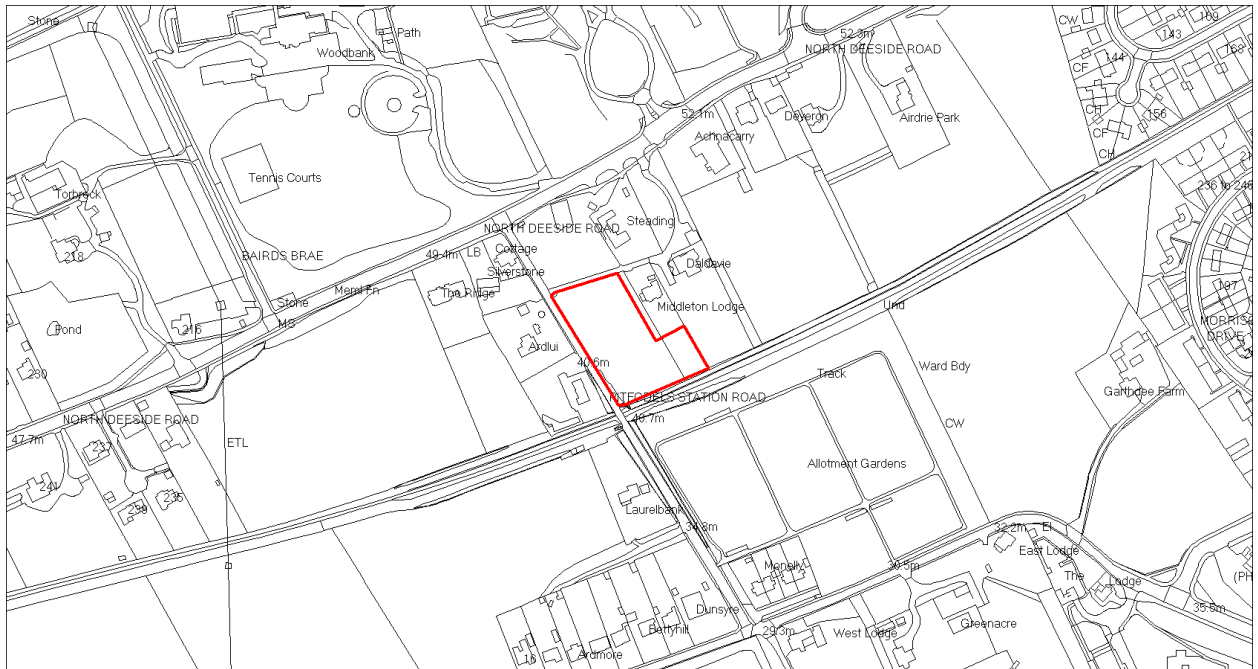
Ward : Lower Deeside (M Boulton/A Malone/M Malik)

Advert : Dev. Plan Departure

Advertised on: 11/09/2013

Committee Date: 20 March 2014

Community Council : No Community Council



## RECOMMENDATION:

Refuse

## **DESCRIPTION**

The site to which this application relates was previously garden ground associated with a nearby residential dwelling, Daldavie. The land was regularly maintained and laid out as a 'pitch and putt' golf practice area for the owners own use. The site extends to 5262 square metres, and is located within the boundary of the Lower Deeside/Pitfodells Conservation Area.

A number of dwelling houses surround the application site to the north, west, east, while on the opposite side of the former Deeside Line to the south are a number of allotment gardens.

A number of trees are located within the site, although predominantly along the western boundary of the site, with two particularly notable trees towards the south east corner of the site.

A 1.8 metre high granite rubble wall forms the boundary to the west of the site, adjacent to Pitfodells Station Road. The northern boundary is formed by a low 0.4 metre high granite rubble wall, with a private access serving Middleton Lodge and Daldavie beyond. The eastern boundary is formed by a 2 metre high mature hedge, while the southern boundary is formed by 4 metre high leylandii hedging.

## **RELEVANT HISTORY**

**July 1986** – A proposal (Ref: 842676) for the erection of two dwelling houses was refused on the same site on 8 July 1986 for the following reasons:

- (1) that the site lies within an area of Green Belt where there is an embargo on all new development except such as may be required in connection with agriculture, horticulture or other recognised countryside activities;
- (2) that the applicant is unable to adduce an local need for the dwellinghouses;
- (3) that the proposal would be contrary to the provisions of the Lower Deeside Local Plan as adopted by the Council;
- (4) that the proposal would be prejudicial to public safety by reason of the increase in traffic on the roads in the immediate vicinity of the site which are neither designed for nor capable of carrying any additional traffic; and
- (5) that approval of the application would create an undesirable precedent for application of a similar nature.

## **PROPOSAL**

Planning Permission in Principle is sought for the erection of three dwelling houses on site. The indicative layout shows the three dwellings on a north/south alignment, with a shared access drive serving the site, from close to the junction of the private access to the north, and Pitfodells Station Road immediately to the west. The plan also indicates that there would be 1 no. 5 bedroomed dwelling over 1 ½ storeys, with an integral double garage. The remaining 2 no. dwellings would also have 5 bedrooms, albeit over two full storeys, each with a detached double garage.

## 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?131279>

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

## REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee because the application has been the subject of six or more timeous letters of representation that express objection or concern about the proposal thus representing a significant level of opposition to a local development proposal. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

## CONSULTATIONS

**Roads ProjectsTeam** – The proposal could result in serious road safety concerns as the development would intensify the use of a junction with limited visibility. In addition, there are concerns at the lack of adequate pedestrian access facilities, and for the circulations of refuse vehicles.

**Environmental Health** – No observations.

**Enterprise, Planning & Infrastructure (Flooding)** – The culverted Auchenyell Burn is located in the development area. Full surface water drainage proposals detailing the proposed method of the discharge of surface water are also required.

**Archaeology** - A condition requiring the implementation of a full programme of archaeological work would be required should planning permission be granted.

**Community Council** – No comments received.

## REPRESENTATIONS

9 letters of objection have been received. The objections raised relate to the following matters:

- 1) the application site is within an established area of Green Belt;
- 2) impact on the Lower Deeside/Pitfodels Conservation Area;
- 3) impact of design through the use of kit houses;
- 4) road safety concerns;
- 5) potential impact on privacy on loss of sublight;
- 6) over-development of the site would be out of keeping with the character of the area;
- 7) proposal is contrary to development plan policy and Scottish Planning Policy (SPP);
- 8) potential loss of original features such as boundary walling;
- 9) loss of mature trees;
- 10) previous refusal of planning permission for the same type of the development on this site;

- 11) potential impacts on wildlife including protected species; and,
- 12) impact on Pitfodels Special Character Area.

In addition, an objection was also received from the neighbouring Cults Bieldside and Milltimber Community Council. After initial comments, the Community Council subsequently revised their position to strongly object to the proposal on the grounds of: the location within established Green Belt; the designation as a Conservation Area; the planning history of the site, and potential road safety concerns. However, the application site actually falls outwith the boundary of Cults Bieldside and Milltimber Community Council, hence why their submission is being treated as a representation.

## **PLANNING POLICY**

### **National Policy and Guidance**

SPP is clear in identifying that the purpose of green belt designation in the development plan as part of the settlement strategy for an area is to:

- direct planned growth to the most appropriate locations and support regeneration,
- protect and enhance the quality, character, landscape setting and identity of towns and cities, and
- protect and give access to open space within and around towns and cities.

It further 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**

The extant Structure Plan contains objectives in respect of encouraging economic growth, and ensuring that new development maintains and improves the region's important built, natural and cultural assets. There is also a further objective for development to be accessible.

### **Aberdeen Local Development Plan**

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.

The following exceptions apply to this policy:

1. Proposals for development associated with existing activities in the green belt will be permitted but only if all of the following criteria are met:

- a) the development is within the boundary of the existing activity;
- b) the development is small scale;
- c) the intensity of activity is not significantly increased; and,
- d) any proposed built construction is ancillary to what exists.

Policy NE5 – Trees and Woodlands: There is a presumption against all activities and development that will result in the loss of or damage to established trees and woodlands that contribute significantly to nature conservation, landscape character or local amenity.

Policy D1 – Architecture and Placemaking: To ensure high standards of design, new development must be designed with due consideration for its context and make a positive contribution to its setting. Factors such as siting, scale, massing, colour, materials, orientation, details, the proportions of building elements, together with the spaces around buildings, including streets, squares, open space, landscaping and boundary treatments, will be considered in assessing that contribution.

Policy D5 – Built Heritage: Proposals affecting Conservations Areas or Listed Buildings will only be permitted if they comply with Scottish Planning Policy.

### **Supplementary Guidance**

Transport and Accessibility: states that the document examines a number of transport and accessibility issues that may have to be considered as part of a planning application. Specific guidance is provided for standards for accessibility and public transport services; access and permeability; parking standards; and, parking in Conservation Areas.

### **Other Relevant Material Considerations**

None

### **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.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities to preserve and enhance the character or appearance of conservation areas

## **Principle of Residential Development**

Scottish Planning Policy (SPP) is clear in identifying 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 wider Green Belt. As such, the allowance of further residential development in this location may have a detrimental impact on the character of the landscape setting of this part of the green belt, which would be contrary to the advice within paragraph 163 of SPP which states: “the cumulative erosion of a green belt’s integrity through the granting of individual planning permissions should be avoided”. In any case, it is considered that sufficient land for housing has been allocated through the Aberdeen Local Development Plan, thus negating the need to cater for further greenfield releases. This includes just shy of 12,000 new greenfield dwellings in the period up to 2016, and any additional releases could undermine the delivery of those sites.

On a related consideration are the principles of policies NE2 - Green Belt and NE1 - Green Space Network. The wider aim of the green belt has already been addressed, although the Local Development Plan does provide specific criteria for acceptable development in the Green Belt. In this instance, the proposal does not meet any of the defined criteria for acceptable development in such an area, and is therefore deemed to be contrary to Policy NE2.

## **Layout, Access and Design**

The character of this part of Pitfodels, which comprises large homes in sizeable grounds, is acknowledged. However as noted above, the general principle of development on site cannot be established against Scottish Planning Policy nor the Local Development Plan Policy as it relates to Green Belt locations. Therefore even though the general character of the area would be reflected through the scale and density of development proposed, as the principle cannot be accepted, there is little merit in considering the design elements of the proposal further. Notwithstanding, for applications within Conservation Areas, there is a requirement to submit a Design Statement with planning application. As this application is for Planning Permission in Principle, such a statement would merely have set out some general design principles for the development against the local context. However, given the lack of such a submission, it has not been possible to fully assess the proposals against Policy D1 of the Local Development Plan.

## **Drainage**

In terms of foul drainage, the application form notes that the development would connect into the public drainage network. This would generally be acceptable, and surface water drainage proposals could ultimately be adequately addressed through a suspensive planning condition.

## **Roads and Access**

In this instance, the existing means of access at this location has very poor visibility. As such the intensification of its use led the Roads Engineer to advise that it would likely result in serious road safety issues, hence their objection to this application. Further concerns were also raised by the Roads Engineer in respect of the provision of adequate pedestrian access facilities, and the ability of refuse vehicles to service the site. While a suggestion has been made to relocate the access further south in order to create adequate visibility, this would necessitate the partial demolition of the boundary wall, which adds to the character of the Lower Deeside/Pitfodels Conservation Area, which would raise separate planning concerns. Ample car parking could in theory be provided, within each of the proposed plots.

## **Impact on the Lower Deeside/Pitfodels Conservation Area**

As noted above, the site is located within the Lower Deeside/Pitfodels Conservation Area. As such, it is necessary to assess the impact of the proposed development upon whether to proposals preserve and enhance the character or appearance of the Conservation Area. In this instance, given the long established character of large dwellings, set within sizeable grounds, it is not considered that the resultant development would neither preserve or enhance the surrounding area. The sub-division of this space which was associated with an adjacent dwelling, could set a precedent for development which would incrementally erode the character of the area and the reasons for which it was made a Conservation Area. As such the proposal is considered to be contrary to Policy D5 of the Adopted Local Development Plan.

## **Trees**

A number of mature trees are present within the application site. Unfortunately, no tree survey has accompanied this application. However, given that the principle of the development has not been established, it was not considered necessary to press the applicant for a submission.

Notwithstanding, the dwelling house itself could have an impact upon the existing trees particularly alongside Pitfodels Station Road, and to the South East of the site where one large specimen is present. Had the application been accompanied by a Tree Survey to British Standards, it would have given an indication as to whether the footprint of the proposed dwellings, and any associated areas of hardstanding would have had any detriment to the existing protected trees. However, the principle of development has not been established at this time. Therefore at this time, it has not been proven that there would be no detriment to the existing trees, and would therefore be contrary to Policy NE5 of the Adopted Local Development Plan.

## **Letters of representation**

The following matters were raised within the letter of representation, which have not already been addressed above:

### **5) Potential impact on privacy on loss of sunlight**

As this application is for planning permission in principle, the plans submitted are indicative. Notwithstanding, the detail provided shows one of the dwellings being sited a mere 5 metres from the boundary with the adjacent property Middleton Lodge. Such close proximity would not accord with the Supplementary Guidance on the Subdivision and Redevelopment of Residential Curtilages, and could in theory have an impact on privacy and sunlight. There is in theory, scope to site the respective dwellings further to the west within each plot, which could reduce such concerns. Such detailed consideration would normally be made at the time of an application for Matters Specified in Conditions, or a Detailed Planning Application. However, as highlighted above, the principle of development has not been established in this location.

### **10) Previous refusal of planning permission for the same type of the development on this site**

While the previous site history is noted, it relates to a proposal from 28 years ago, and a Local Plan long since superseded. As such, detailed consideration must be given in this instance to the policies of the extant development plan, its associated supplementary guidance, and any other material planning considerations.

### **11) Potential impacts on wildlife including protected species**

In this instance, while concerns have been raised over the potential impacts on wildlife and protected species, the site is not covered by any specific designations or habitat, which would necessitate a walkover survey to have been undertaken.

## **Summary**

In summary, the proposal to create three additional dwelling houses is considered to be contrary to the principles of Green Belt policy, in that the proposal could result in the loss of character, or landscape setting of the area, and could lead to a precedent for similar development proposals which cumulatively would be to the detriment of the wider Green Belt of Aberdeen City. Furthermore, the proposal would neither preserve or enhance the character of the Lower Deeside/Pitfodells Conservation Area, and would also result in a road safety hazard.

## **RECOMMENDATION**

### **Refuse**



## **REASONS FOR RECOMMENDATION**

1) That 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 the Green Belt policy, when sufficient land has been identified for greenfield housing through the development plan.

2) The application is deficient in information in respect of a design statement and tree survey. It is therefore not possible to make a full assessment of the implications of the development on the Lower Deeside/Pitfodells Conservation Area, and the potential loss of existing trees on site. As such it has not been possible to ascertain whether the proposal complies with Policies D1 Architecture and Placemaking, D5 Built Heritage, and NE5 Trees and Woodlands of the Aberdeen Local Development Plan 2012.

3) The application as currently submitted could result in a road safety hazard due to the intensification of use of a sub-standard access point which also has poor pedestrian linkages to the surrounding area.

**Dr Margaret Bochel**

Head of Planning and Sustainable Development.