

Signed (authorised Officer(s)):

PINELANDS, MURTLE DEN ROAD,
MILLTIMBER

ERECTION OF NEW 3 STOREY DWELLING
HOUSE AT PINELANDS

For: Mr & Mrs Ian & Christine Lakin

Application Type : Detailed Planning
Permission

Application Ref. : P131419

Application Date : 26/09/2013

Advert : Dev. Plan Departure

Advertised on : 09/10/2013

Officer : Paul Williamson

Creation Date : 8 January 2014

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

Community Council: No response received

RECOMMENDATION:

Refuse

DESCRIPTION

The application site is to the south of and forms part of the wider 'garden' ground of the residential property 'Pinelands'. It is located on the east side of Murtle Den Road, a private road, situated to the north of North Deeside Road (A93) between Milltimber and Bieldside.

Murtle Den Road is characterised by (thirteen) large detached dwellinghouses set within generous plots in a mature woodland setting. It is a no-through road and can only be accessed from North Deeside Road.

The application site itself extends to approximately 0.72 hectares, while the currently extent of the curtilage associated with Pinelands extends to some 1.53 hectares. The land to which this application relates has in the past been utilised as a small domestic 'pitch and putt' golf practice facility associated with the existing dwelling, although it does not appear to have been significantly maintained for some time and also suffers from poor drainage.

The existing dwelling 'Pinelands' is a two storey modern detached dwellinghouse fronting onto Murtle Den Road, with a conservatory extension on the east (rear) elevation, and lies to the north of the site, with the south and east elevations facing out across relatively open landscaped gardens, towards Murtle Dam. A detached double garage is located close to Murtle Den Road and is accessed off the extensive paved area to the front of the dwelling.

In respect of topography, the site is 70 metres (Above Ordnance Datum) at the north west corner, falling to approximately 50 metres (AOD) at the eastern edge, near the Murtle Dam.

The western, southern and eastern boundaries see a number of coniferous and deciduous trees present with 33 individual specimens. These trees are generally around 13 – 20m in height; however there are larger trees, the highest of which is some 33m high. The remaining boundary to the north is currently undefined as it forms part of the wider garden ground of the existing property.

To the west of the site across Murtle Den Road, which is itself tree lined, are the dwellings known as 'Altmore' and 'Sunhoney'. To the north beyond Pinelands, is 'Murtle Den House' a category 'B' listed building. To the south is an open field/paddock.

RELEVANT HISTORY

- Planning application (Ref 89/0498) for the erection of a detached 3 car garage and games room was lodged in March 1989, and approved unconditionally in May 1989.
- Planning application (Ref 89/0852) for the erection of a conservatory was lodged in June 1989, and approved unconditionally in July 1989.
- Planning application (Ref 92/1591) related to the alterations of the house to incorporate a swimming pool, and approved conditionally in July 1992.
- Planning application (Ref 99/1160) for the provision of a sun deck, Gazebo and Jetty, was approved conditionally in July 1999.
- Planning application (Ref 09/0822) for the erection of a new dwellinghouse at Pinelands was lodged in June 2009. The application was subsequently withdrawn by the applicant in September 2009.
- Planning application (Ref 10/0067) for the erection of a swimming pool was lodged in January 2010, and approved unconditionally in April 1997.

- Planning application (Ref 110525) for the conversion of the existing conservatory to form a dining room (actually included an extension and alteration to the existing conservatory), was approved unconditionally in June 2011.

PROPOSAL

It is proposed to erect a detached dwellinghouse on the site, which would subdivide the existing curtilage relating to the existing dwelling 'Pinelands'. The feu split would see two curtilages of similar size and with similar frontages to Murtle Dem Road.

The dwelling would include accommodation over four levels (each being accessible by either stairs or a lift), and would feature an integral triple garage. To the western (front) elevation, only one storey would be visible, while to the rear (eastern elevation) a full three storeys would be visible due to the change in topography. There would also be an office and storage space within the roof space, with light gained from rooflights.

In terms of levels, presently there is a gradual slope from the road into the site. In order to develop the proposed house a 'cut and fill' exercise would be undertaken, seeing the retention of the front part of the ground on which the house would be situated, with a much lower level to the rear.

This retention would see the proposed house occupy one and a half storeys to the front and three and a half to the rear, thus being of split levels.

The floor plate accessed from the main entrance to the front would flow from the front elevation to the back and contain: a porch, reception hall, lounge, family room, two dining areas, kitchen, utility room, shower room, and the integral triple garage. A balcony is also provided to the eastern elevation looking out towards the Murtle Dam, which would be at second floor level, due to the change of levels from front to back.

Below this level and only having an elevation to the east, as the rear wall would adjoin the retained ground, are: 4 bedrooms, and associated wardrobes, storage and an externally accessed garden equipment store.

Lastly, at rear ground level is: a home cinema, exercise room, guest bedroom, and a small kitchen. A small terrace at this level leads out to an area of decking to the rear, and two linked feature ponds.

Externally the dwelling would be finished in a light coloured smooth render with some areas of timber cladding, and a zinc standing seam roof. The windows and doors would be aluminium framed timber and triple glazed. Balconies would be stainless steel with frameless tinted glass.

The dwellinghouse would have its own driveway accessed off Murtle Den Road, in a position located in between existing gaps in the roadside trees/hedging. No trees would be removed to allow development. Additional planting is shown to the south of the proposed dwelling.

Foul drainage would be discharged to a partial soakaway via a treatment unit. Surface water run-off from the roof and driveway would be treated by SUDS within the site. A supply of fresh water would be taken from the water main located on Murtle Den Road.

A supporting statement, tree report and drainage assessment have been submitted in support of the application.

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=131419>

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

CONSULTATIONS

Roads ProjectsTeam – No objection following the provision of information in respect of the proposed visibility splay.

Environmental Health – No comments received.

Enterprise, Planning & Infrastructure (Flooding) – No objection although require details of the surface water drainage proposals.

Scottish Environment Protection Agency – Removed their objection in light of the submission of additional information relating to the costs associated with connecting to the public sewer on North Deeside Road. Suggest the use of a condition requiring a connection to the public sewer once it has been provided down Murtle Den Road. The outflow to the Murtle Dam shall be covered by the Controlled Activities Regulations, and associated application process.

Community Council – No comments received.

REPRESENTATIONS

One letter of objection has been received. The objection raised relates to the following matters –

- The tree survey lacks any detail to make any proper judgement on the proposals impact, and is therefore below BS standards in respect of Tree Surveys for Development
- There is no information on the safety of trees in respect to the new proposed use

- There is no indication of how long term tree management will be accommodated for
- There is no statement as to tree quality/value in respect of the site and surroundings
- Some of the trees seem very large and close to the house and driveway, and are likely to suffer negatively from the proposals
- Loss of green belt is a concern.
- The site trees are of landscape and wildlife value. If they are lost this will impact on the attractiveness of the open green belt to the public and will negatively affect wildlife through loss of habitat.

PLANNING POLICY

Scottish Planning Policy

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. It further states that the cumulative erosion of a green belt's integrity through the granting of individual planning permissions should be avoided.

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 NE1 – Green Space Network: states that the Council will protect, promote and enhance the wildlife, recreational, landscape and access value of the Green Space Network. Proposals for development that are likely to destroy or erode the character or function of the Green Space network will not be permitted.

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.

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 D2 (Design and Amenity) – Privacy shall be designed into higher density housing, residential development will have a public face to the street and private face to an enclosed garden or court, residents shall have access to sitting out areas, car parking should not dominate, opportunities should be made of views and sunlight, measures should be included to design out crime and external lighting shall take into account amenity and the effects of light spillage.

Policy NE5 (Trees and Woodland) – 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, including ancient and semi-natural woodland which is irreplaceable.

Policy NE6 (Flooding and Drainage) – Surface water drainage associated with development must be the most appropriate available in terms of SUDS and avoid flooding and pollution both during and after construction.

In areas not served by the public sewer, a private sewer treatment system for individual properties will be permitted provided that the developer demonstrates that there will be no adverse effects on the environment, amenity and public health.

Supplementary Guidance

Oldfold Development Framework and Masterplan

The agricultural land predominately to the west is identified in the Local Development Plan as Opportunity Site 62 (OP62) and is known as 'Oldfold' and extends to 48.9 hectares. Oldfold is allocated for the development of 550 residential units and 5 hectares of employment land in the period between 2007 and 2026.

The area to the north of Murtle Den Road is specifically 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 to Murtle Den Road. Housing in this area should be developed to be in keeping with the character of existing properties.

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 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 property, 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".

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. In respect of the Green Space Network (GSN), as the proposed would seek to develop existing garden ground which is synonymous with the character of housing along Murtle Den Road, it is considered that there is potential for further development to erode or destroy the character or function of the GSN in this location and would therefore be contrary to the aims of policy NE1.

Changing Character of the Area

Through the allocation of the Oldfold Masterplan site (which acts as an extension to Milltimber), the provision of 500 homes on land to the western edge of Murtle Den Road, shall undoubtedly have an effect on the wider character of the area. However, it should be noted that the Opportunity Site shall almost in its entirety be accessed from either a new road, or existing roads to the west. Accordingly,

only a further 9 dwellings are to be accessed to the north west off Murtle Den Road. In light of the general topography, and the large presence of trees and woodland, the Oldfold Development would not necessarily be seen in the same context as the Murtle Den valley itself, and would therefore not justify the provision of further development in the Green Belt, as proposed by this application. Accordingly, the provision of development at Oldfold represents planned growth of an existing urban area, and would not act as a precedent for development of this nature.

Layout, Access and Design

The character of Murtle Den, which comprises large homes in sizeable grounds within a high quality woodland setting, 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, the general scale of the contemporary proposal would utilise the landform to accommodate the development and reflect the scale of other large detached dwellings in the vicinity.

Drainage

In terms of foul drainage, the closest Scottish Water sewer is located at the junction of Murtle Den Road with North Deeside Road, some 600m to the south. Advice from SEPA states that 'outwith sewerred areas, the principle of private foul drainage systems are generally acceptable. Therefore the principle of a private soakaway to deal with foul drainage is considered acceptable as the applicant has demonstrated that it is not financially feasible or reasonable to connect to the public system at this time. However, if the principle of planning permission had been established, SEPA recommended the use of a planning condition requiring a connection to the public system, once it is provided down Murtle Den Road, as a part of the associated Oldfold proposals. Surface water drainage could ultimately be adequately addressed through a suspensive planning condition.

Transport

The traffic generated by the proposed dwellinghouse would be very minor and would not justify any improvements to junctions on roads in the area. Ample parking can be provided within the proposed plot for the size of the property and the proposed means of access to each site is acceptable. Accordingly, no concerns have been raised by the Council's roads service in this regard.

Letter of representation

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

- **Trees** - A total of thirty three trees are noted as being present within the application site within the submitted tree survey. The letter of representation considers that the detail contained within the submitted tree survey would not necessarily be sufficient to meet the required British Standards for Tree Surveys relating to Development. However, given that the principle of the development has not been established, it was not considered necessary to require an enhanced submission from the applicant.

A new access is shown for the proposed dwelling, which would pass through the root protection areas of trees being retained alongside Murtle Den Road. In theory, planning conditions could have been utilised to ensure tree protection and retention in the long term, with the driveway ultimately constructed using a no-dig technique.

The dwellinghouse itself could have an impact upon the existing trees particularly alongside Murtle Den Road, in light of the provision of a large area of hardstanding, together with the building footprint itself. However, if the application had been accompanied by a Tree Survey to British Standards, it would have given an indication as to whether the footprint of the dwelling, and potentially the hardstanding would have had to be relocated. However, the principle of development has not been established at this time. Therefore should the Local Development Plan position ever change in this area, it may have to be taken into account for any future application which may be submitted.

- **Protected Species** - A walkover habitat survey was not carried out to examine the potential for protected species to be present on the site. Again, given that the principle of the proposal has not been established, it was not considered necessary to require the provision of additional information.

Summary

In summary, the proposal to sub divide the existing residential curtilage to provide an additional dwellinghouse is considered to be contrary to the principles of Green Belt policy, in that the proposal would 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.

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, and could erode the character or function of the Green Space Network thus conflicting with Policy NE1 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.