

Signed (authorised Officer(s)):

BROOKFIELD, LAND AT, MURTLE DEN ROAD, MILLTIMBER

DEMOLITION OF EXISTING DWELLINGHOUSE AND ERECTION OF 3 NO.DWELLINGHOUSES

For: Mr Richard McDonald

Application Type : Planning Permission in Principle

Application Ref. : P151376

Application Date : 31/08/2015

Advert : Dev. Plan Departure

Advertised on : 09/09/2015

Officer : Paul Williamson

Creation Date : 7 January 2016

Ward: Lower Deeside (M Boulton/A

Malone/M Malik)

Community Council: No response received

RECOMMENDATION:

Refuse

DESCRIPTION

The application site of 1.01 hectares forms the domestic curtilage of the residential property known as 'Brookfield'. 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 existing dwelling 'Brookfield' is a one and a half storey modern detached dwellinghouse facing south with a garage extension on the north (rear) elevation. A block driveway leads down into the site, from the gated entrance. The existing dwelling lies to the north of the site, within relatively open yet in some places landscaped gardens, towards North Deeside Road.

In respect of topography, the site slopes down from Murtle Den Road from west to east, while also falling from north to south.

The boundaries of the site are defined by a number of coniferous and deciduous trees, with a total of 10 groupings identified, in addition to 14 individual specimens. They can be summarised as follows:

- G1 – G5: Dense Hedges along the southern and eastern boundary comprising Lawson Cypress, estimated at around 30 to 40 years old. Height of up to 20 metres. Some interspersed species including sycamore, Norway maple, holly and rhododendron;
- G2: Group comprises 17 mature mixed broadleaves (including sycamore, Norway maple, small leafed lime, and horse chestnut) up to 24 metres in height. Located to the western boundary at Murtle Den Road;
- G7: This group overhangs the northern boundary of the site to 'Birkdale' and includes a row of 45 Douglas Fir of approximately 50 to 60 years old;
- G9: Overhang the stream to the south west, and comprise Sitka Spruce and Larch, together with some younger Leyland Cypress. Up to a height of 24 metres.

It should be noted that the Arboricultural report indicated the majority of the trees as Category C, with a limited value, and perceived lifespan.

A small water course runs along the south western boundary of the site.

To the west of the site across Murtle Den Road, which is itself tree lined, are open fields associated with Oldfold Farm. To the north beyond Brookfield, is the house known as 'Birkdale'. To the south, beyond the existing line of trees, are open fields which are also in the ownership of the applicant. To the east are open fields.

RELEVANT HISTORY

P141858 – Identical proposal to the current submission, with the demolition of the existing dwelling, and erection of three dwellings. That application was refused at Planning Committee on 23 April 2014 for the reason that the proposal was contrary to Green Belt Policy (NE2) and could erode the character or function of the Green Space Network covered under Policy NE1.

Nearby:

P131419 – Erection of New Three Storey Dwellinghouse (Feu Split) at 'Pinelands', Murtle Den Road – Initially refused under Delegated Powers on 7 February 2014. Subsequent appeal to the Local Review Body was sustained on 4 July 2014.

PROPOSAL

Planning permission in principle is sought to demolish the existing property 'Brookfield' and erect three detached dwellinghouses on the site. The feu split would see three curtilages of similar size (The indicative layout illustrates broad curtilages of 4000 sq.m for one plot, with the remaining two plots being in the region of 3000 sq.m), within this broadly triangular site.

At this time, with the application being for planning permission in principle, the submitted plans are only indicative. As such, there are no details of the dwelling design (or scale), nor any external finishing materials. The Design Statement does however state that the dwellings would be west facing to provide an active frontage to Murtle Den Road

The dwellinghouses would share the existing driveway accessed off Murtle Den Road. Minimal tree removal of some recently planted species would be required to allow development. Tree management is recommended by the applicant's arboriculturalist, with some additional/replacement planting in its place.

The applicant acknowledges that SEPA do not allow for private drainage systems in areas covered by a public sewer. As such, the proposed development is indicated as being connected to new public sewers which shall run down Murtle Den Road, and connect into the existing main sewer. Surface water drainage would be dealt with via SUDS, with some infiltration, and some discharge to the local watercourse.

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=151376>

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

- Bat Survey Report
- Protected Species Scoping Report
- Tree Survey Report
- Supporting Planning Justification
- Design Statement
- Drainage Assessment

CONSULTATIONS

Roads Development Management – No objection. Would support this development subject to conditions relating to: the provision of adequate car parking spaces for each property; the provision of a visibility splay onto Murtle

Den Road; the upgrade of Murtle Den Road to an adoptable standard between North Deeside Road and the site access; and, the first 5m of the site access being surfaced.

Environmental Health – No observations.

Communities, Housing and Infrastructure (Flooding) – No observations.

Waste/Recycling – No objection. Indicate the requirements for waste bins and recycling provision/kerbside arrangements.

Community Council – No comments received.

REPRESENTATIONS

One letter of objection has been received. The objections raised relate to the following matters:

- The site lies within the Green Belt and there is a presumption against development with only limited exceptions which the development does not fall within;
- The proposal is out of keeping with the character of Murtle Den Road;
- The proposal is not capable of implementation; and
- The proposed development will challenge the capacity of Murtle Den Road.

In addition, two letters of support were also received in respect of these proposals. They raised the following aspects;

- The precedent for development has already been set on Murtle Den Road for the erection of 9 new houses, a new feu split, and the erection of a further two dwellings.
- The development of 2 additional houses can only be beneficial to the area;
- Any land within the boundary of the AWPR/Bypass should have the opportunity to be developed;
- The proposals won't been seen from North Deeside Road;
- Development has already started on Oldfold Farm.

PLANNING POLICY

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.

Policy NE8 (Natural Heritage) – Development that, taking into account any proposed mitigation measures, has an adverse effect on a protected species or an area designated because of its natural heritage value will only be permitted where it satisfies the relevant criteria in Scottish Planning Policy.

Proposed Aberdeen Local Development Plan

Policy D1 – Quality Placemaking by Design

Policy D2 – Landscape

Policy I1 – Infrastructure Delivery and Planning Obligations

Policy T2 – Managing the Transport Impact of Development

Policy T3 – Sustainable and Active Travel

Policy NE1 – Green Space Network

Policy NE2 – Green Belt

Policy NE5 – Trees and Woodlands

Policy NE6 – Flooding, Drainage and Water Quality

Policy NE8 – Natural Heritage

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

Supplementary Guidance

Subdivision and Redevelopment of Residential Curtilages

Adjacent Site:

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.

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 replacing an existing dwelling, and providing an additional two properties, the site is located within the wider Green Belt. As such, the allowance of additional 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, contrary to the claims of the applicant’s agent, and is therefore deemed to be contrary to Policy NE2. In respect of the Green Space Network (GSN), as the

proposal 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

It is not considered that there have been any change in circumstances following the previous refusal of April 2015 (Ref: P141858) which was for an identical proposal. The applicant's agent outlines that they consider that the site no longer warrants a green belt designation given the commencement of the a major residential development at Oldfold, immediately adjacent to the application site. However, the commencement of a site allocated for development through the extant and proposed Local Development Plans, is not considered to have a bearing on this site, which remains within the Green Belt. The Proposed Local Development Plan was recently considered by the Communities, Housing and Infrastructure Committee on 27 October 2015, where it was agreed as the settled view of the Council for submission to the Examination by Scottish Ministers. As such, as the Planning System is plan led, it is not considered that sufficient justification has been provided in this instance to warrant a departure from the Development Plan.

Through the allocation of the Oldfold Masterplan site (which acts as an extension to Milltimber), the provision of 550 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 12 dwellings (with 9 as part of the Masterplan area, 2 separate permissions, and 1 additional dwelling obtained through the Local Review Body) are to be accessed to the north 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. It must also be noted that the Oldfold development meets the housing needs for Lower Deeside, with no further sites identified for the release of housing land in this area. Therefore there is no need for a further release of development land, especially so close to the existing allocation, or within a Green Belt location.

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 the site cannot be established against Scottish Planning Policy nor the Local Development Plan Policy as it relates to Green Belt locations. The general character of the area would not be reflected through the scale and density of development proposed. The general size of individual curtilages does vary along Murtle Den Road, with the likes of Brookfield being in the region of 1 ha, and Birkdale at 0.8 ha. The development proposal would introduce three plots varying around 0.3 ha to 0.4ha, and while it is comparable to the likes of 'Tree Tops' at 0.32 ha, it is not synonymous with the predominant scale and character of dwelling curtilages.

While the principle has not been established, there is some merit in outlining the difficulty in complying with the more detailed aspects of Council policy relating to design and amenity. Policy D2 is clear in outlining that residential development shall have a public face to a street, and a private face to an enclosed garden or court. In this instance, the layout which is indicative, indicates that one dwelling would front (westwards) towards Murtle Den Road, with the remaining two dwelling effectively being 'backland' development beyond to the east. In addition, none of the dwellings are currently indicated as maximising views to the south, or to be orientated to maximise from passive solar gain. This would result in these aspects of the proposal being contrary to Policy D2 of the Adopted Local Development Plan. However, as the proposed layout is indicative, it would not in itself be a reason for refusal given that the principle of the dwellings has not been established.

In addition, it is also considered that the proposals are contrary to the Supplementary Guidance (SG) relating to the Sub-division and Redevelopment of Residential Curtilages. It states within paragraph 3.6 that in respect of amenity space "Residential development should have a public face to the street, and a private face to an enclosed garden or court". This also reflects policy D2 considered above. In this instance, the proposal would see one property orientated towards Murtle Den Road, within a further two properties in a backland position with no street frontage. As such, the proposal fails to meet with the necessary criteria. Furthermore, within Section 5.0 issues relating to the density, pattern and scale of development are also raised. The general pattern of development along Murtle Den Road is for large detached properties within generous feus. While there are a few exceptions in terms of feu size, the provision of tandem or backland development has not been established, nor would it be recommended positively. As such, the proposal, while indicative, would also be contrary to the SG in this regard, as it could create a second building line which would fundamentally erode the character and residential amenity of such areas.

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 250m to the south

of the site access. Advice from SEPA states that within sewered areas, there is a principle against the use of private foul drainage systems. As such, unless unviable, a connection should be made to the public system. However, if the principle of planning permission had been established, it is recommended that 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 proposal. Surface water drainage could ultimately be adequately addressed through a suspensive planning condition.

Transport

The traffic generated by the three proposed dwellinghouses would be relatively minor. However, Roads Officers have indicated that in addition to the provision of the necessary visibility splays and surfacing requirements, the applicant would also have to upgrade the initial stretch of Murtle Den Road to an adoptable standard, from North Deeside Road to the site entrance. If the principle of the development had been established, this would be dealt with by means of a suspensive condition which would have prevented development prior to such works being undertaken. However, it appears from one of the submitted representations that the applicant may not have the necessary legal right to undertake such works. That, however, is not a material consideration in the determination of this planning application. Ample parking can be provided within the proposed plots for the size of the properties 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.

Notwithstanding, the requirements of the Roads Officer could however, have a distinct impact upon the character of the area. Murtle Den Road is recognisable by its tree lined, narrow form with passing places. The requirement to widen the initial section of the road could result in a more suburban appearance as opposed to the existing quaint rural character. Furthermore, it could also require the felling of a number of existing trees alongside the road, which would also detract from the existing character of the immediate area.

Wildlife, Habitat and Protected Species

In light of the proposal including the demolition of the existing dwellinghouse, and the general landform and environment being a suitable habitat for foraging bats, it was requested that a Protected Species Survey be undertaken. This included a Scoping Report for all protected species, and a specific Bat Inspection Survey.

The latter survey indicated that the presence of the following evidence was recorded: potential bat droppings. However, the licenced bat surveyor did highlight that the emergence surveys (sunrise and sunset) indicated no signs of bats, was undertaken at a time outwith the main active season for bats in the UK. As such, it concludes that there was no evidence of bats roosting in this building

and recommends that a further summer survey including bat emergence and re-entry surveys would be necessary. Policy NE8 of the Adopted Local Development Plan makes it clear that proposals which may have an impact upon protected species, should ensure that there can be appropriate mitigation in place in line with the requirements of Scottish Planning Policy. In this instance, the Bat Survey has indicated that the presence of bats is unlikely, and the applicant is therefore considered to have demonstrated that no harm would arise to a protected species through these proposals.

In addition, the Protected Species Scoping Report did highlight the potential for breeding birds on site. However, in light of the development being for planning permission in principle, and the potential to implement the development without disturbing or resulting in the loss of the existing trees, breeding birds are not of a particular concern at this time, as with the previous planning application.

The submitted Tree Survey also noted that some of the younger planting on sites did have significant grazing damage from rabbits and roe deer. However, as noted above the principle of development cannot be accepted at this time. Notwithstanding, the development in theory could proceed without damaging the wildlife habitat for roe deer, whom are transient in the area.

In respect of trees, while there are a substantial number of trees particularly to the site boundaries, development could in theory take place with minimal impact on the existing trees, apart from the removal of some more recent planting additions within the garden ground, and the provision of a visibility splay on Murtle Den Road. However, the principle of the development has not been established due to the over-riding conflicts with Green Belt policy.

Letters of representation

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

- **The proposal development will challenge the capacity of Murtle Den Road** - No objection has been raised by Roads Officers. As such, the technical requirements would have to be met should planning permission ever be approved for the site. However as noted above, the principle of the development has not been established.
- **No Negative Visual Impact** – while the application site is relatively secluded by the presence of substantial treed boundary features, it does not in itself outweigh the over-riding policy context. As noted above, the purpose of the Green Belt is to protect the landscape setting of the City, and prevent coalescence of built up areas. As such, the allowance of such a development could cumulatively lead to the erosion of the Green Belt,

which is not in accordance with Scottish Planning Policy or Policy NE2 of the Adopted Local Development Plan.

Summary

In summary, the proposal to demolish the existing residential dwelling and to provide three dwellinghouses remains to be considered 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. There are not considered to be any change in circumstances in comparison to the identical application which was refused in April 2015, which would warrant the approval of this application.

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 the policies of the Proposed LDP largely reflect those contained within the extant LDP, and therefore there are no material considerations which would outweigh those existing policies.

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. If approved, the necessary road improvements could also result in a significant impact on the character of the area, through the provision of a widened access road, with the potential loss of a number of trees. Furthermore, the proposal is also considered to be contrary to the Supplementary Guidelines relating to the Sub-division and Redevelopment of Residential Curtilages, in that it would result in the creation of a secondary building line in a backland location which would erode the character and residential amenity of the area.