

# **Cults, Bielside and Milltimber Community Council (CBMCC)**

## **Criteria for Objecting to Planning Applications**

### **BACKGROUND**

The department of Planning and Sustainable Development in the Aberdeen City Council assesses each planning application on its own merits, based on Policies set out in the Aberdeen Local Development Plan (LDP 2016). Where more than 5 people object to an application or a statutory body objects, the application is referred to the Planning Development Management Committee for review and decision. This committee is made up from elected councillors of the Aberdeen City Council.

The Community Council is a statutory body and an objection by CBMCC will move the decision on an application to the Planning Development Management Committee.

It would therefore be helpful to agree criteria that the Planning Liaison Officer can use to judge planning applications.

### **CHARM & ATTRIBUTES OF THE AREA**

Cults, Bielside and Milltimber (CBM) are attractive settlements on Lower Deeside, fringed by wooded farmland and lying just to the north of the River Dee. Surrounding countryside is extremely picturesque and includes important recreational resources such as Kingshill Wood, Foggieton, Blacktop and Countesswells. These, together with the River Dee and other wooded areas, provide important wildlife habitats for many species.

The area also has important heritage links to the Victorian era, with large, traditional houses in wooded grounds and the old Deeside Railway line still remaining, now the Deeside Way footpath. The railway line operated for over 100 years between Ballater and Aberdeen and is now an important non-motorised access route between city and countryside. It encourages healthy pursuits and promotes social inclusion, being used by pedestrians, cyclists and horse-riders alike. In the longer-term, it could be resurrected to form an important link in an integrated transport strategy for the North East.

The CBM area has a large concentration of horses, with many stables and liveries close by. It also acts as host for the Murtle and Camphill communities and a number of residential homes for the elderly.

The CBM area is a very important asset for the entire North East and therefore has elements which need to be protected.

### **THREATS**

The CBM area lies at the edge of the urban settlement and so is attractive for developers. Local residents continually have to contend with pressure for further housing development. Developers stand to make large profits by gaining access to an unspoilt part of the Green Belt. The recent LDP attracted 45 proposals from developers, more than 4 times the number received for other areas of Aberdeen – thankfully most were rejected as we already have

three major housing developments approved in the LDP (Countesswells, Friarsfield, Oldfold).

Continued development leads to increasing pressure on existing infrastructure, in particular more traffic on the roads and demands on public services e.g. health care. Milltimber suffers from a lack of community facilities but this may well be addressed through the current CALA development of Oldfold Farm (550 homes). A major new development of up to 3000 homes at Countesswells has recently been approved. This will eventually be a new town with its own supporting public services (schools, medical centre, shops) but initially we can expect some demand on local services. The Aberdeen Western Peripheral Route (AWPR) is now under construction and there is a risk that it would form the basis for an eventual development corridor to the west of and separated from Aberdeen.

Traffic into Aberdeen on the North Deeside Road and some of the link roads e.g. Kirk Brae, Baillieswells Road, is congested during morning and evening rush hours. Further incremental housing development could exacerbate this problem.

The Community Council is also concerned about the type of housing being proposed – mostly large detached houses. We believe there should be a greater mix with smaller, semi-detached and terraced houses and single storey houses to cater for the first time buyers and retired couples wishing to downsize. This would enable a more vibrant and thriving community and following our comments on developer plans, we are now seeing more diverse proposals from developers offering a mix of house type.

Another threat is the sub-division of curtilages (a feu or house plot) where house owners seek to split their plot and build a second house adjacent to the existing house. In many cases the application is reasonable as the curtilage is large, a feature of much of the property in our area. In some cases the application would lead to an undesirable density of housing incompatible with the area and a lack of amenity for current residents. The Community Council will form a view on this type of application drawing on planning criteria and the guidance given in the Aberdeen City Council Supplementary Guidance “The sub-division and redevelopment of residential curtilages March 2012”.

One final trend we are seeing is the purchase and demolition of older detached houses with the rebuilding of a larger new house. These applications are generally acceptable, in that the new houses will be more energy efficient and will better suit the needs of the new owner, but scrutiny is needed to ensure the proposed house doesn't impact on the amenity of the area (privacy, daylight, garden space).

## **SUGGESTED CRITERIA FOR JUDGING PLANNING APPLICATIONS**

When deciding whether to object to a Planning Application, the Planning Liaison Officer should consider:

- Will the proposal enhance the distinctive character of the local area?
  - Is it unsuitable or inappropriate for commonsense reasons?
- Will it reduce the amenity or adversely impact the privacy of the current residents?
- Will it be detrimental to the local landscape character e.g. reduce greenbelt space?
- Are there any recreational and environmental impacts?
- Will it adversely affect the amenity of existing roads?
  - Will it cause parking problems?
  - Are there concerns about access or more congestion?
- Does it diminish pedestrian, cyclist or horse-rider choice or access?
- If a new house:
  - Is it replacement on a one-for-one basis? If not, does it involve splitting a curtilage (feu)?
  - Is it carefully sited in relation to adjacent properties and features?
  - Is more than a third of the total site to be built on?
- If a new extension:
  - Does the original building remain dominant?
  - Is the extension sympathetic to the original building, particularly if of a traditional character, e.g. in use of materials?
  - Is more than a third of the total site to be built on?
- Is the development unobtrusive or does it appear out of place?
- In the case of any larger-scale housing development (over 50 houses):
  - How are new recreational and community facilities incorporated into the design? Are these sufficient?
  - Are wildlife habitats preserved or safeguarded?
  - Are existing facilities for pedestrians, cyclists and horse-riders improved e.g. new pathways, links to existing paths?
  - How is the development integrated into the natural landscape? Does it enhance it? How are natural landscape features incorporated into the design? What additional landscaped areas are provided?
  - Is the existing level of public facilities and services maintained?

- Is the proposed vehicle access to the development well designed to avoid increasing congestion.
- Does the development reduce non-motorised access to the countryside?
- Does the development or a potential accumulation of smaller developments tend towards coalescence of the Cults, Bieldside and Milltimber settlements?

Depending on the particular circumstances, any of the above yardsticks could be used as grounds for an objection.

Where an application looks like it may raise concerns, the Planning Liaison Officer should consult other members of the Community Council and prepare a draft response. Residents of the community are always welcome to discuss an application with the Community Council, either to see if their own application is likely to raise concerns or if a submitted application will cause problems for them. The Community Council will consider each application on its merits and form a view on what is best for the community.

### **Material Considerations**

Section 25 of the Town and Country Planning (Scotland) Act 1997 states that a Planning Authority's decision on a planning application must be made in accordance with the Development Plan – unless material consideration indicate otherwise.

Two main tests are used when deciding whether a consideration is material and relevant:

- It should serve or be related to the purpose of planning. This means it should relate to the development and use of land.
- It should fairly and reasonably relate to the particular application.

There is no defined list of what is, and what is not a material consideration. However there is some guidance provided by Planning Aid Scotland on the kind of issues which are generally accepted as being material considerations, and those which are not. An application which is in accordance with the Local Development Plan will generally have a bias for approval but it will be reviewed for potential issues e.g. road safety.

Types of issue which are a material consideration include:

- Scottish Government Policy, and UK Government Policy on reserved matters
- European Policy
- Supplementary Guidance, including proposed Supplementary Guidance
- Scottish Planning Policy, Planning Advice notes (PAN) and Circulars
- National Planning Framework
- Policies in emerging Development Plans, including proposed plans which are not yet adopted (LDP) or approved (Strategic Development Plan)

- National Park plans
- Community plans
- The National Waste Management Plan & Scotland's Zero Waste Plan
- Views of statutory and other consultees
- Suitability of the site for the proposed development and its relationship to its surroundings. This is a complicated area but can include:
  - Building materials
  - Height, scale, massing, design, density and layout of development, particularly in comparison with other buildings in the locality
  - Landscaping proposals
  - Privacy, over-shadowing, over-development and lack of natural light
- Environmental impact – such as pollution and contamination
- Impact on archaeology
- Impact on nature conservation
- Impact on setting of listed buildings or conservation area
- Nuisances caused by the development such as noise, smell, fumes, glare from floodlights or headlights of vehicles
- Adverse safety impact e.g. the siting of a hazardous installation such as a firework factory next to houses
- Compatibility with existing uses e.g. the mix of uses found in town centres such as shops, offices and cafes can be mutually beneficial
- Economic benefits e.g. creation of jobs
- The needs of an area (employment, commercial, social or leisure facilities, affordable housing)
- Provision of suitable access and transportation (including road safety, parking issues, effect on pedestrians and cyclists and amount of traffic generated)
- Adequacy of infrastructure e.g. sewerage, drainage and water
- Creation of an undesirable “precedent”, making it difficult to resist similar proposals elsewhere (but this should not be over-emphasised)
- Planning history of the site (including decisions on previous planning applications on the same site, particularly appeal or court decisions)

Items which are NOT material considerations and are therefore not relevant to planning include:

- Personal circumstances of the respondent e.g. devaluation of property, private property rights including boundary and access disputes
- Private interests e.g. loss of view, competition between businesses

- Moral considerations (e.g. to betting shops) or religious objections (e.g. business working on a Sunday)
- Political considerations or ideological dislikes
- Cost of the development and the financial means of the applicant (these are not likely to be material considerations unless there is clear evidence of wider impacts if the development fails)
- Title restrictions
- Applicant's lack of ownership of the site
- Issues covered by other legislation e.g. health and safety regulations, licensing, building control
- Any factor indicating that there is a lack of any reasonable prospect of the development proceeding

A useful resource for additional information on reviewing and challenging planning applications is Planning Aid Scotland [www.pas.org.uk](http://www.pas.org.uk) and helpline Tel. 0845 603 7602

Planning applications in Aberdeen are listed on the Aberdeen City Council website [www.planning.aberdeencity.gov.uk/PlanningSearch.asp](http://www.planning.aberdeencity.gov.uk/PlanningSearch.asp) Search under Lower Deeside for our area.

Neighbours in adjoining properties should receive a written notification of a planning application relating to the property next to them but sometimes this does not happen; some applications are also published in the local press. Residents generally have 21 days from the date the notification of the application is sent out to submit an objection or comment. The website provides the name and contact details of the Planning Officer who is dealing with the application and they can often be helpful in providing further information on the application.

A challenge for the Community Council is often how to establish that those residents who might be impacted by a planning application are aware of it. It is the Aberdeen City Council's responsibility to ensure adjoining properties are informed but we do occasionally "walk the site" to get a view of the proposal and this sometimes allows the Community Council to talk to neighbours to get their views.

Planning Liaison Officer

Cults, Bieldside and Milltimber Community Council May 2016