

6. **LRB 448** – Notice of Review Against Refusal of Full Planning Permission for Erection of a Dwellinghouse at Plot 43, Melrose Crescent, Macduff, Aberdeenshire – Reference: APP/2018/2170.

- (iii) The applicant's response to the additional information submitted.



# Questions and Comments to LRB 448 - Plot 43 Melrose Crescent Development

03 July 2019  
08:45

Subject	<b>Questions and Comments to LRB 448 - Plot 43 Melrose Crescent Development</b>
From	<a href="#">Julieann Bruce</a>
To	Frances Brown
Sent	02 July 2019 08:47

Good Morning Frances,

Thank you for your email on Friday 28 June 2019 with the attached responses from the Fire Services, Planning Services, and Road Services for LRB 448 - Melrose Crescent Development.

We wish to raise the following questions to the response provided by Road Services as it lacks clarity having read through the documentation you kindly provided. Also, from the Fire Services response it appears they do not suggest a second access is required for Springfield Properties Golf View development, only if it is, it should be built to a specification to enable access to accommodate their fire and rescue vehicles?

Our roads for the Melrose Crescent development have already been adopted. We are not aware there was a condition to provide a third access either as part of adopting our roads nor a condition attached at any time during the planning application and approval. Unless there is documentation, which we do not have we would appreciate if this can be confirmed.

Our outline planning permission (N020220PP) was for 42 dwelling houses. We have built only 41 dwelling houses (45 properties). The whole area including neighbouring fields (farmland) back in 2003 was not developed and the "left space" Road Services now reference was earmarked as a possible path to the neighbouring farmers field or amenity area. The outline plan clearly shows a continuation of footway with only a narrow access to the field next door at that time. We were never requested to produce a development brief for the whole of the Melrose Crescent development, therefore we cannot understand why retrospectively after the Springfield Properties Golf View development has been built we have any responsibility for any conditions imposed on Springfield Properties.

For the record, Bruce Property Development Ltd have only ever held title deeds to our Melrose Crescent development, never the land Springfield Properties have developed. We note there appears to be confusion that we once held title deeds to the site Springfield Properties has now developed. Melrose Crescent was a standalone development.

We now wish to use this final plot to build our final 42 dwelling house.

This whole matter raises a few issues.

1. Can a condition or refusal be placed on a third party for a neighbouring development to which there are no links in terms of ownership or any formal association between Bruce Property Development Ltd and Springfield Properties?

2. Can Road Services overturn a decision of the Area Committee which agreed planning approval without the need for this area of ground to be made an access to the Springfield Properties Golf View development? Our understanding is the matter would have had to be taken back to committee as the original planning application was not delegated to officers, it went to a committee of councillors to determine.
3. If the LRB refuse permission to construct a house, what powers does Aberdeenshire Council have to impose what appears is a retrospective condition on Springfield Properties? Can the council impose that Springfield Properties compulsory purchase the site from Bruce Property Development Ltd, and is there case law to support this?
4. Planning permission was granted by the Area Committee for Springfield Properties Golf View development without a second access over ruling the recommendation of Planning Services. If Road Services and Planning Services were not satisfied with the Area Committee decision we are at a loss how Springfield Properties applied for planning for further phases to develop their site, as Road Services did not make a recommendation for a second access which went through under delegated powers. Is there case law to enable council officers to overturn granted planning permission either on the developer or third party with no relationship between the two developments ?

Could I also take this opportunity to request to speak at the LRB [on 26 July 2019](#). Thank you.

Thanking you for your time and assistance on this matter.

Kind regards, Julieann

Julieann Bruce  
Land Owner  
Bruce Property Development Ltd

Sent from my iPhone