

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.
  - (ii) Additional Information Requested from the Planning Service, Roads Service and the Scottish Fire and Rescue Service; and



# FW: LRB 448 - Notice of Review - APP/2018/2170 - Request for Additional Info from Planning Service

28 June 2019

09:23

<b>Subject</b>	<b>FW: LRB 448 - Notice of Review - APP/2018/2170 - Request for Additional Info from Planning Service</b>
<b>From</b>	Stuart Newlands
<b>To</b>	Frances Brown
<b>Sent</b>	28 May 2019 16:31
<b>Attachments</b>	<<Melrose Planning History.docx>>

Hi Frances,

Further to the below I wanted to provide further clarification regarding point 4.

Although there does not appear to be any requirement of a secondary access under the terms of any **planning** conditions or agreements we have queried with colleagues in our Roads Service whether there is anything within the Roads Construction Consent (RCC) for either the Melrose Crescent development or the adjacent Springfield development to provide this secondary access.

Roads colleagues have advised they have recently requested for archived files on these subjects to be taken out of storage and sent to them for review. They will inform us of any further updates in due course.

Regards,

Stuart Newlands

Planner (Development Management) Banff & Buchan / Garioch Areas

**From:** Stuart Newlands

**Sent:** 24 May 2019 16:55

**To:** Frances Brown <frances.brown@aberdeenshire.gov.uk>

**Cc:** James Wheater <James.Wheater@aberdeenshire.gov.uk>

**Subject:** RE: LRB 448 - Notice of Review - APP/2018/2170 - Request for Additional Info from Planning Service

Hi Frances,

Please see below a response to each point contained within the request for further information:

1. **A detailed planning history of the built out area for the Springfield and Melrose developments**

I attach a word document detailing an overview of the site history for both developments.

**2. Clarification on the ownership / maintenance / design of the playpark**

We acknowledge the communication with Bruce Developments Ltd with regards to site ownership and do not contest this matter. I'm afraid we are unable to provide comment on the maintenance of the playpark area however Condition 9 of N020220PP stipulated the submission of further details of the playpark equipment etc to be implemented. Those details were subsequently submitted and accepted thus allowing this condition to be discharged. It would have then been expected for the equipment to be installed and remain in situ in perpetuity as part of the surrounding housing development.

**3. Confirmation if the playpark is protected and are there any planning policy issues which need to be considered**

Although there is no protection offered specifically under the terms of the current local development plan, there is a clause within the legal agreement associated with application N020220PP which stipulates that the play area cannot be used to provide an access road to the east. (There is no other indication however whether or not the site could be used for any other purpose). Under the terms of previous applications the Planning Service would ideally safeguard against the loss of the playpark in place of any other development so that some element of recreational / open space would be retained for the development.

**4. Are these developers (Springfield and Melrose) bound by any legal agreements which would require them to deliver a secondary access**

There is nothing enshrined within any legal agreement that requires the delivery of the secondary access. As noted in point 3 above there was a limitation on **where** such a road could be placed i.e. not on the playpark area in terms of the Melrose Crescent site. The requirement for the secondary access was proposed as a condition by colleagues in Roads Development as part of the Springfield application site, however this requirement was removed by the Banff & Buchan Area committee when the related application was considered and determined by them.

**5. Request Planning Service to consider the title deeds/ information submitted by the applicant and confirm that their understanding of the ownership does match that of the information provided in those documents.**

As per point 2 above the Planning Service do not dispute that the land owners are Bruce Property Development Limited and apologise for any ambiguity in this matter.

I trust the above is satisfactory however please do not hesitate to contact me should you require any further information.

Regards,

Stuart Newlands  
Planner (Development Management) Banff & Buchan / Garioch Areas

**From:** Frances Brown

**Sent:** 08 May 2019 16:31

**To:** Planning Online <[planningonline@aberdeenshire.gov.uk](mailto:planningonline@aberdeenshire.gov.uk)>; B&B Planning Apps <[bb.planapps@aberdeenshire.gov.uk](mailto:bb.planapps@aberdeenshire.gov.uk)>

**Cc:** James Wheater <[James.Wheater@aberdeenshire.gov.uk](mailto:James.Wheater@aberdeenshire.gov.uk)>; Stuart Newlands <[stuart.newlands@aberdeenshire.gov.uk](mailto:stuart.newlands@aberdeenshire.gov.uk)>

**Subject:** LRB 448 - Notice of Review - APP/2018/2170 - Request for Additional Info from Planning Service

Dear Planning,

Please find attached a letter, which seeks additional information from the Planning Service, to provide them with additional information to allow them to determine the Notice of Review. I also attached a copy of an email received from the applicant's solicitor which provides you with details of ownership.

Can you please provide a response by the date intimated in my letter. I realise it is a lot of information and if you require additional time, please just let me know.

If you require further clarification on the information being sought, can you discuss directly with James who presented the review to the LRB.

Kind regards

*Frances*

Frances Brown / Committee Officer  
Business Services / Legal & Governance  
<https://twitter.com/aberdeenshire>

### On Site of Application

N020220PP

Outline Planning Permission for Erection of 42 Dwellinghouses at Land at Old Gamrie Road, Macduff, granted 18/09/2003 (S75 Agreement)

APP/2003/069

Reserved Matters for Formation of Road and Footpaths at Plots 1-42 Melrose Crescent Macduff granted 2/12/2003

APP/2009/1327

Full Planning Permission for Formation of Temporary Access (Retrospective) at Site at Law Hill, Buchan Street, Macduff, granted 28/05/2009

APP/2010/0988

Advertisement Consent for Erection of 4 no. Signs at Site at Law Hill, Buchan Street, Macduff, granted 26/05/2010

APP/2014/1450

Full Planning Permission for Erection of Dwellinghouse at Plot 43, Melrose Crescent, Macduff, refused on 8/01/2015

APP/2015/0087

Full Planning Permission for Erection of Dwellinghouse at Plot 43, Melrose Crescent, Macduff, refused on 1/04/2015

**\*\* Should be noted as a result of subdivision of plots / change of layout etc that there are in fact 45 houses already built within the Melrose Development site.**

### Adjacent Site

APP/2007/4382

Full Planning Permission for Erection of 82 No. Dwellinghouses & 8 No. Flats at Site at Law Hill, Buchan Street, Macduff, granted 16/09/2008

APP/2010/1064

Full Planning Permission for Amendment to Previously Approved Finished Floor Levels for Phase 1, Law Hill, Buchan Street, Macduff, granted 29/06/2010

APP/2010/1285

Full Planning Permission for Variation of Fencing Layout, Law Hill, Buchan Street, Macduff, granted 29/06/2010

APP/2013/2327

Full Planning Permission for Erection of 48 no. Dwellinghouses (Variation to Approved Scheme Reference: APP/2007/4382) (Amended House Types and Road Layout) at Phases 2 & 3 Law Hill, Buchan Street, Macduff, granted 11/02/2011

# 43 Melrose Place Macduff

28 June 2019

09:21

Subject	<b>43 Melrose Place Macduff</b>
From	<a href="#">Laird, Graeme</a>
To	Frances Brown
Cc	Findlay, Ian; Wilson, Derek 2
Sent	03 May 2019 11:23
Attachments	<<Document 2.pdf>>

Good Morning Frances,

Further to our discussions yesterday please find confirmation of our findings with regard the above address. Scottish Fire & Rescue Service are only a consultee in these matters and liaise closely with the local building standards Officers to determine a solution to complex issues. Previously these consultations were dealt with locally by Fire safety officers however since 2018 all applications and consultations are collated and actioned by our designated fire engineering department based in Perth and building standards send applications directly to this team.

I have had a review of the property as requested and discussed with our fire engineering team and any issues regarding access would appear to meet the required standard that is stipulated within the Scottish building standards technical handbook (Domestic section 2:12) Fire and Rescue access as highlighted in the attached plan. The only point for confirmation is that any additional access road that may be provided is a minimum of 3.5mtrs in width to accommodate a fire appliance.

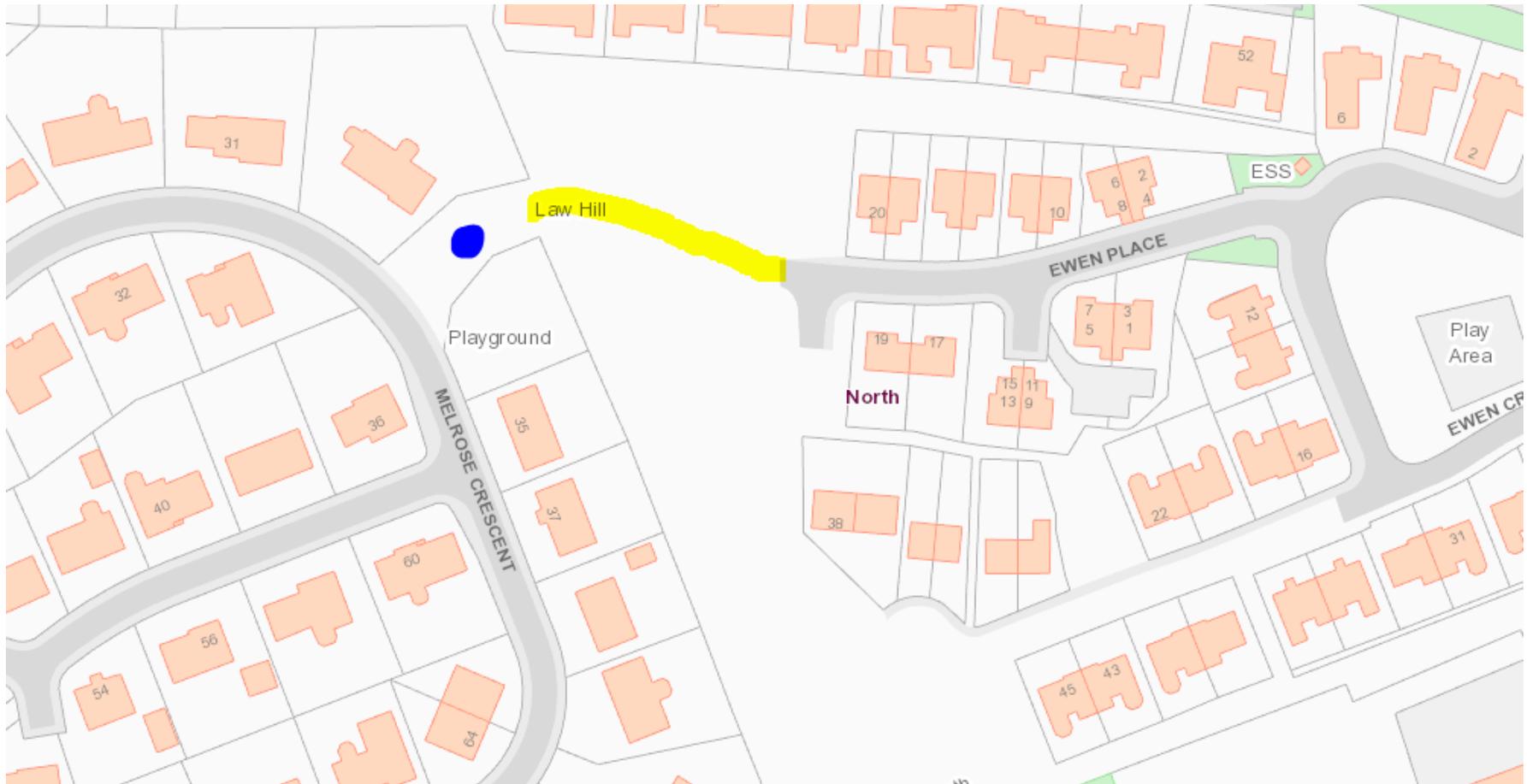
Trust the above answers your concerns and if you wish to discuss further please contact me directly.

Regards  
Graeme

Graeme Laird/Station Manager/Prevention & Protection/Aberdeenshire & Moray/Scottish Fire & Rescue Service

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Graeme, image above of Melrose crescent. Blue dot is plot 43 which has a building warrant for a house since 2016 but no work has started and the site is empty.

There are no issues on Melrose Crescent which is a normal housing estate where the road goes round with no obstructions at either end.

On the map above you will see Ewen Place. Ewen Place has now been extended with houses either side where I have drawn the yellow line. Ewen place stops at the rear of plot 43 and there is a hammer head turning area because Ewen place is a dead end. All fully compliant.

To a lay person it would appear driving down Ewan place that the road may have been intended to carry through into Melrose Crescent but that is not the case.

Hopefully that clears up any issue.

# RE: LRB 448 - Notice of Review - APP/2018/2170 - Request for Comment/Feedback

28 June 2019  
09:12

<b>Subject</b>	<b>RE: LRB 448 - Notice of Review - APP/2018/2170 - Request for Comment/Feedback</b>
<b>From</b>	Rhiannon Johnston
<b>To</b>	Frances Brown
<b>Sent</b>	28 June 2019 08:42

**From:** Rhiannon Johnston

**Sent:** 27 June 2019 15:59

**To:** Frances Brown <[frances.brown@aberdeenshire.gov.uk](mailto:frances.brown@aberdeenshire.gov.uk)>

**Subject:** RE: LRB 448 - Notice of Review - APP/2018/2170 - Request for Comment/Feedback

Hi there Frances,

I have looked through some of the planning files also. I can see that the Melrose Crescent developer left space for a footway/carriageway and landscaping to the edge of their site boundary as per planning app/2003/0697. This said "as built layout" is also stamped approved in the RCC for Melrose (However there is no footway/carriageway here). Looking at the history of the planning applications for Springfield there was a condition to construct the footway/carriageway to the edge of their site boundary and the two developers were to come to an agreement in providing this.

Sorry there is not much more information I have on this, just that a link road is to be provided in terms of road safety/designing streets.

Going on the information I can find in existing planning applications and RCC's, Roads Development would still object.

Regards,  
Rhiannon