

Public Document Pack



To: Councillor Henrickson, Convener; Councillor Bouse, Vice-Convener; and Councillors Alphonse, Blake, Boulton, Cooke, Copland, Cormie, Crockett, Houghton, MacKenzie, McRae and Thomson.

Town House,
ABERDEEN 25 May 2022

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE – PRE DETERMINATION HEARING

The Members of the **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE** are requested to meet on **WEDNESDAY, 1 JUNE 2022 at 9.30 am**. Members please meet at the Town House reception at 9.30am in order to travel to the site visit before returning to the Council Chamber for the Pre Determination Hearing.

This is a hybrid meeting and Members may also attend remotely after the site visit.

The meeting will be webcast and a live stream can be viewed on the Council's website. <https://aberdeen.public-i.tv/core/portal/home>

FRASER BELL
CHIEF OFFICER - GOVERNANCE

B U S I N E S S

MEMBERS PLEASE NOTE THAT ALL LETTERS OF REPRESENTATION ARE NOW AVAILABLE TO VIEW ONLINE. PLEASE CLICK ON THE LINK WITHIN THE RELEVANT COMMITTEE ITEM.

DECLARATION OF INTERESTS AND TRANSPARENCY STATEMENTS

1. Members are requested to intimate any declarations of interest or connections

GENERAL BUSINESS

- 2.1. Timetable for the Pre Determination Hearing (Pages 3 - 4)

- 2.2. Planning Permission in Principle - residential development (circa 250 units) with associated infrastructure, open space, landscaping and community facilities - Land At Tillyoch, Culter House Road, Peterculter - 211699 (Pages 5 - 46)

Members can view all representations in relation to the application by clicking on the link below and entering the planning reference number 211699.

[Simple Search \(aberdeencity.gov.uk\)](http://www.aberdeencity.gov.uk)

Planning Officer – Aoife Murphy

To access the Service Updates for this Committee please click [here](#)

Website Address: [aberdeencity.gov.uk](http://www.aberdeencity.gov.uk)

Should you require any further information about this agenda, please contact Lynsey McBain, Committee Officer, on 01224 522123 or email lymcbain@aberdeencity.gov.uk

Pre Determination Hearing Tillyoch– Timetable for Wednesday 1 June 2022

Hearing Procedure

Convener: Opening remarks, purpose and procedures set out.

Case Officer (Aoife Murphy) (10 mins): Summarises the planning application and material considerations

Roads Officer (Michael Cowie) (10 mins)

(Questions 20 mins in total)

Applicant–

(up to 20 minutes & 20 min questions)

- Elaine Farquharson-Black (lead presenter) - Brodies
- Julie Robertson – Halliday Fraser Munro
- Mark Peters - Fairhurst

For questions

- Steven Kennon – First Endeavour (Tillyoch) LLP
- Andrea Stewart - Halliday Fraser Munro
- Nigel Astell – Astell Associates

Consultees – 10 minutes

1. Culter Community Council – Peter Brawley

Representations – up to 5 minutes each and 5 mins questions – state their case

1. Carl Gerrard
2. Alan Austin
3. Maurice Manning
4. Robert Brew
5. Mark Shields

Elected members: Can ask questions of officers, consultees, applicant, Community Council, objectors and supporters after each presentation. Also, there is an opportunity to ask for additional advice and information from officers.

Convener: Concludes session, following which the Interim Chief Officer – Strategic Place Planning will prepare a report for submission to Planning Development Management Committee for subsequent consideration.

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Planning Development Management Committee

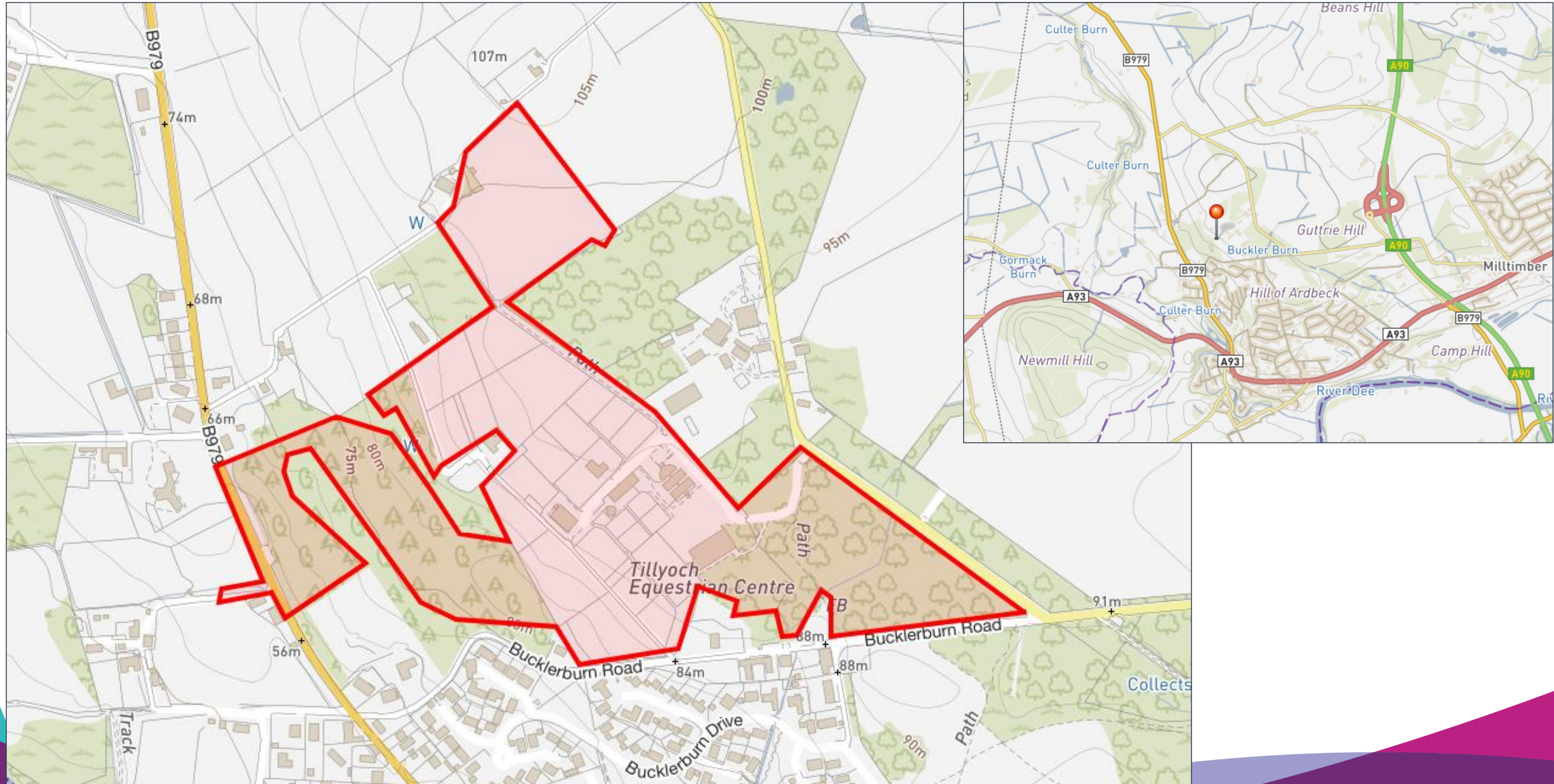
Pre-Determination Hearing

Residential development (circa 250 units) with associated infrastructure, open space, landscaping and community facilities

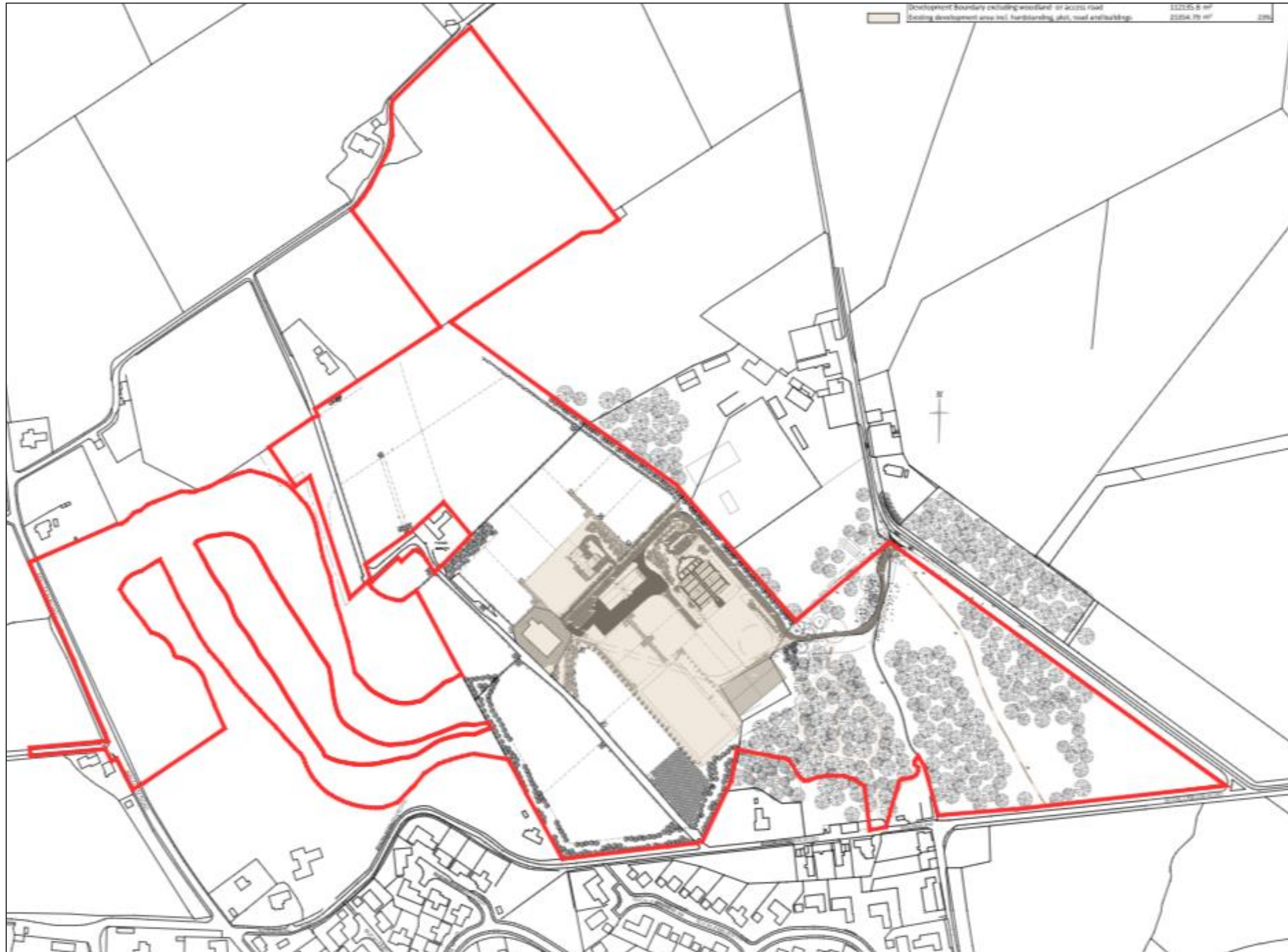
Land at Tillyoch, Peterculter

Planning Permission in Principle – 211699/PPP

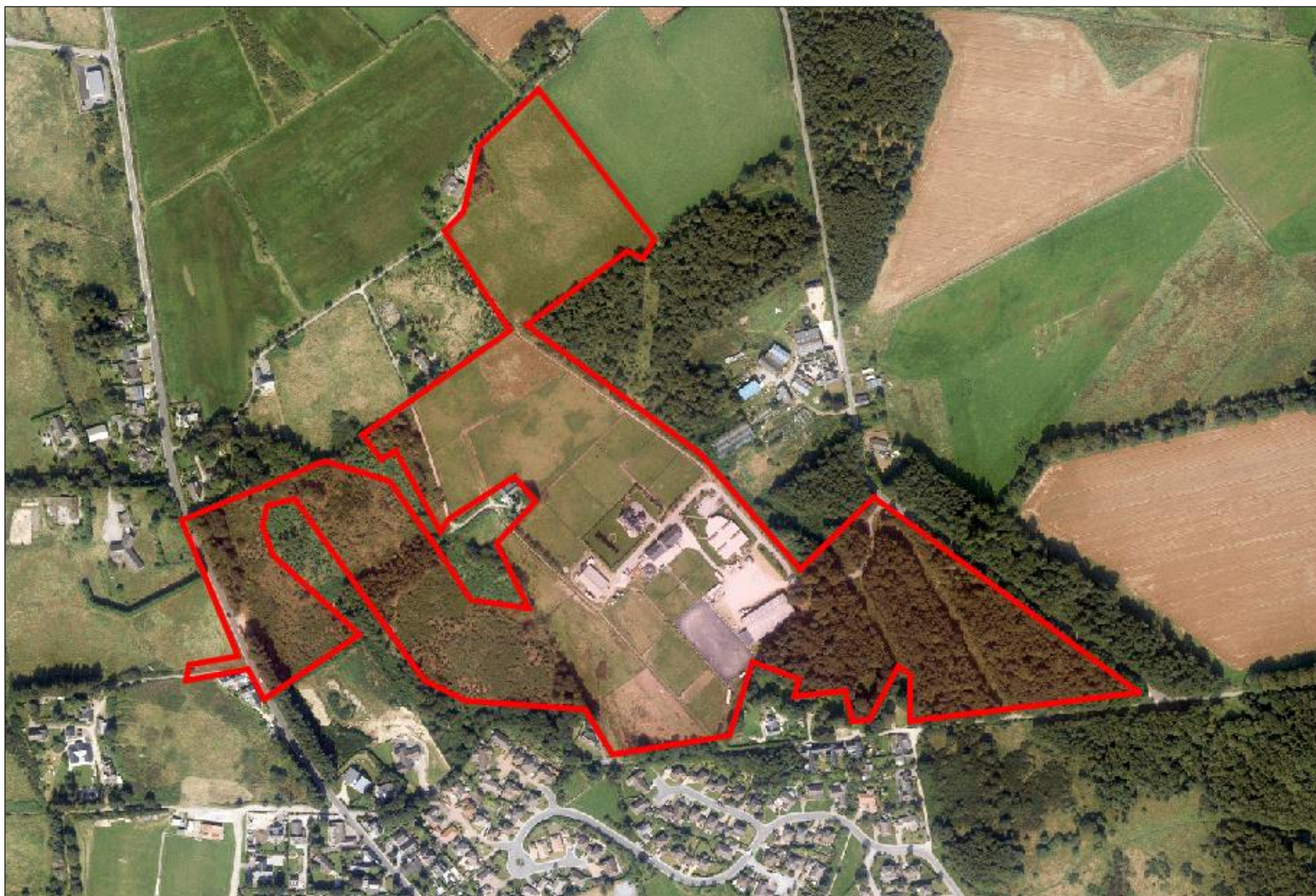
Location –Local & Wider Context (GIS)



Site Location Plan



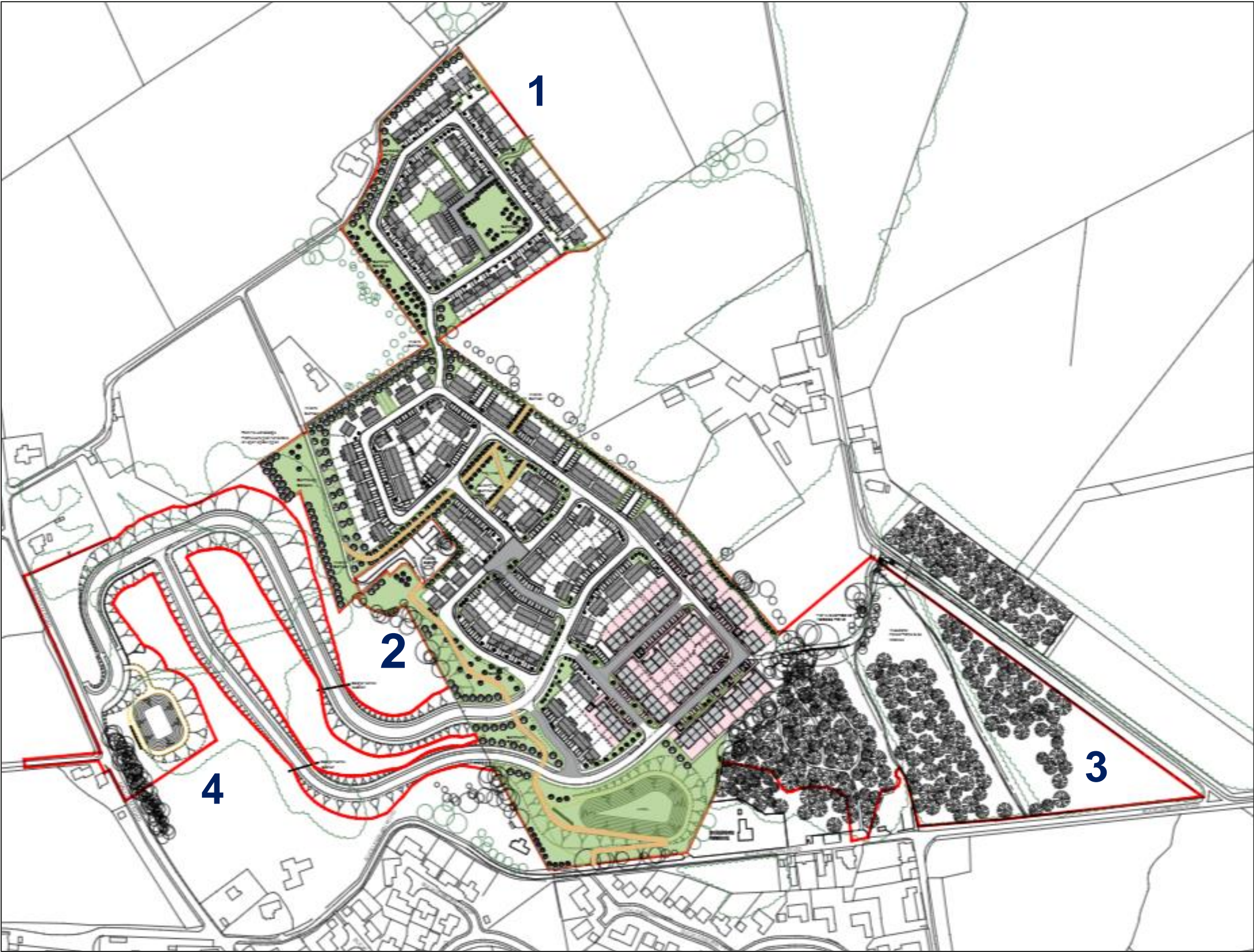
Site Location (GIS) – Aerial



Background

- Application is for Planning Permission in Principle – Detailed matters will be subject to MSC applications which would be required at a future stage.
- Application constitutes a major development and is therefore subject to statutory Pre-Application Consultation. Pre-Application Consultation report forms part of the current submission.
- Application presented at Pre-Application Forum on 30 September 2021.
- Environmental Impact Assessment (EIA) Report required as part of the application, established by an EIA Screening Opinion, with the scope of the EIA established by Scoping Opinion.

Proposed Site Plan



Proposed Site Plan – Area 1



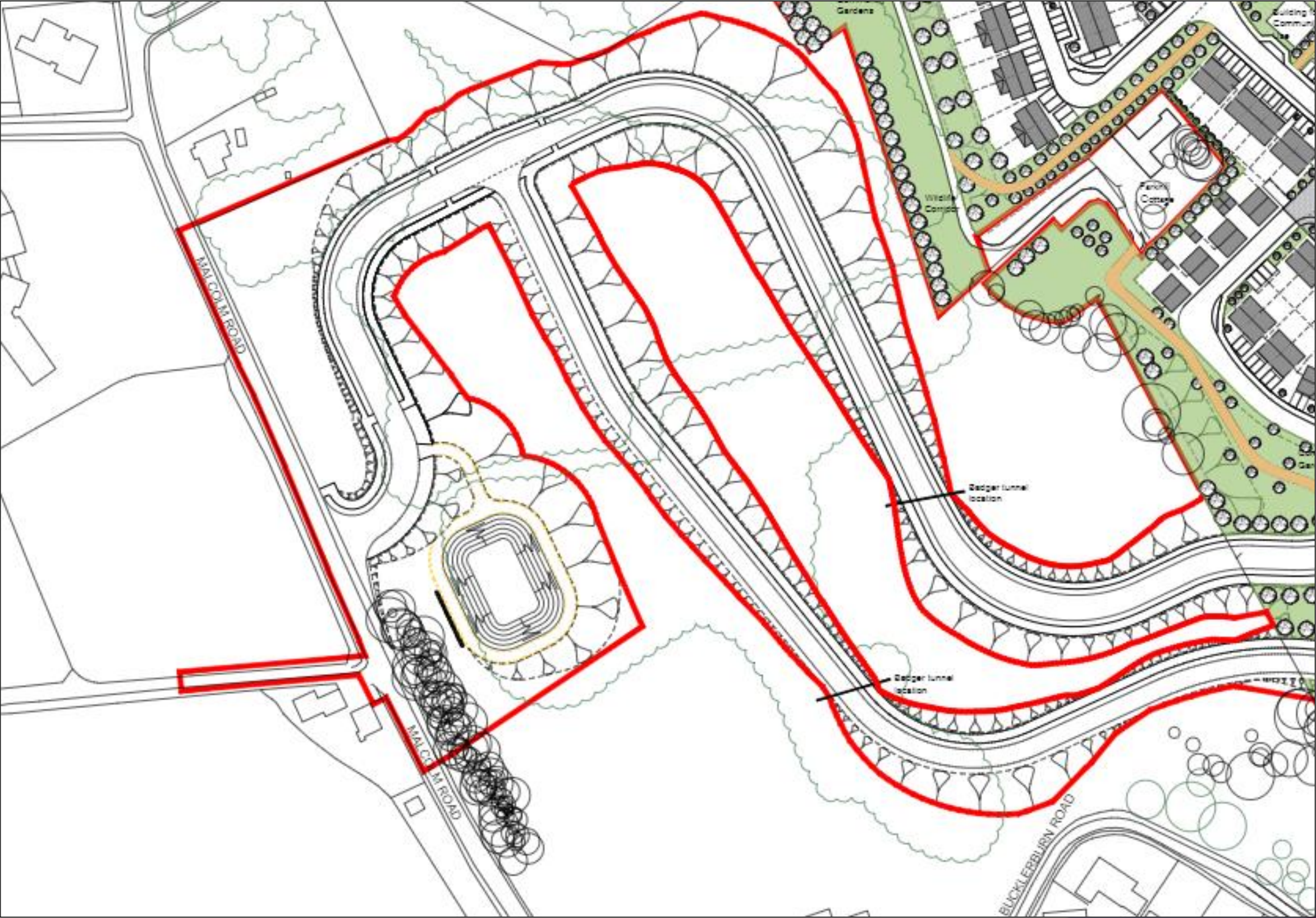
Proposed Site Plan – Area 2



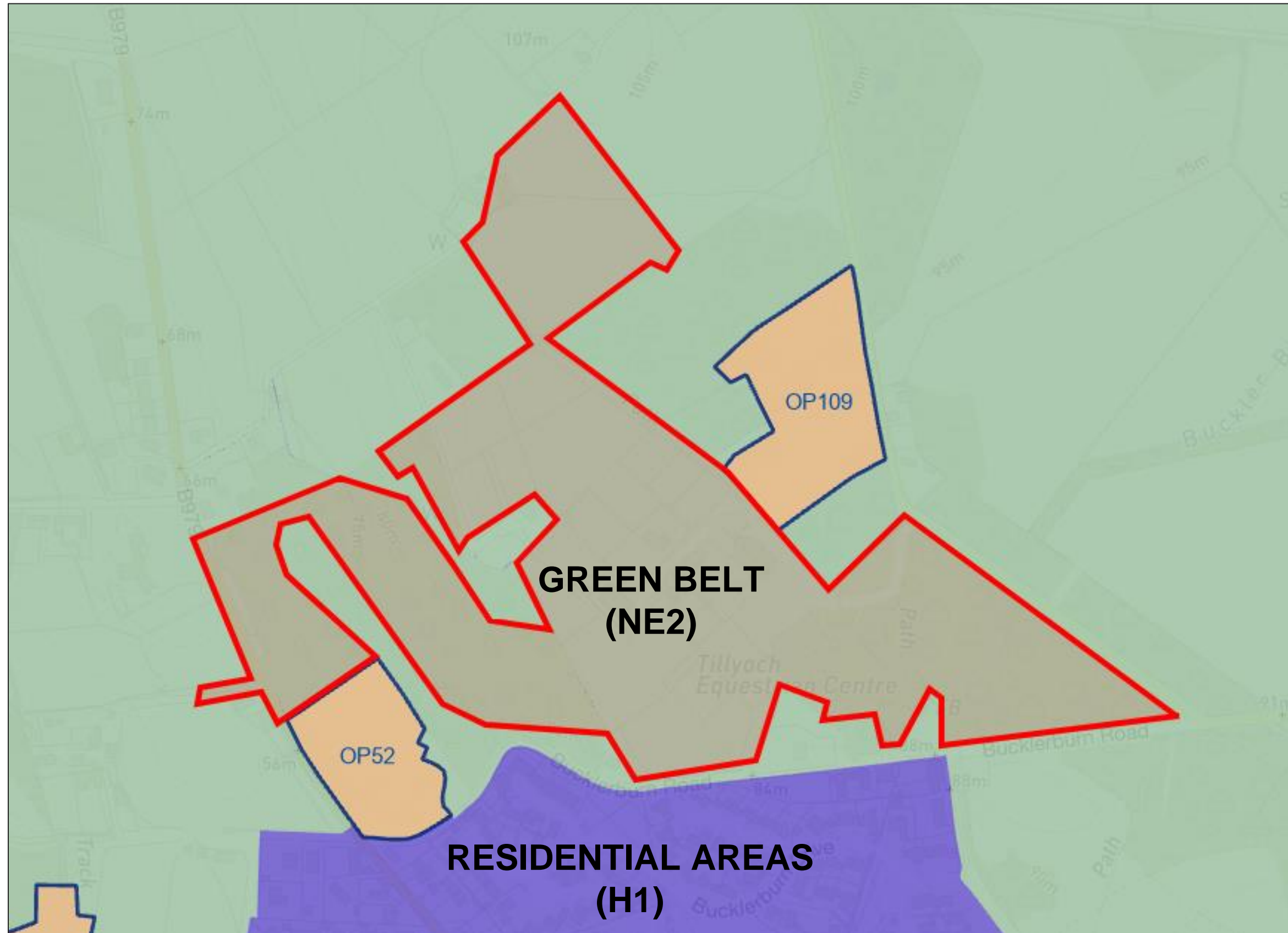
Proposed Site Plan – Area 3



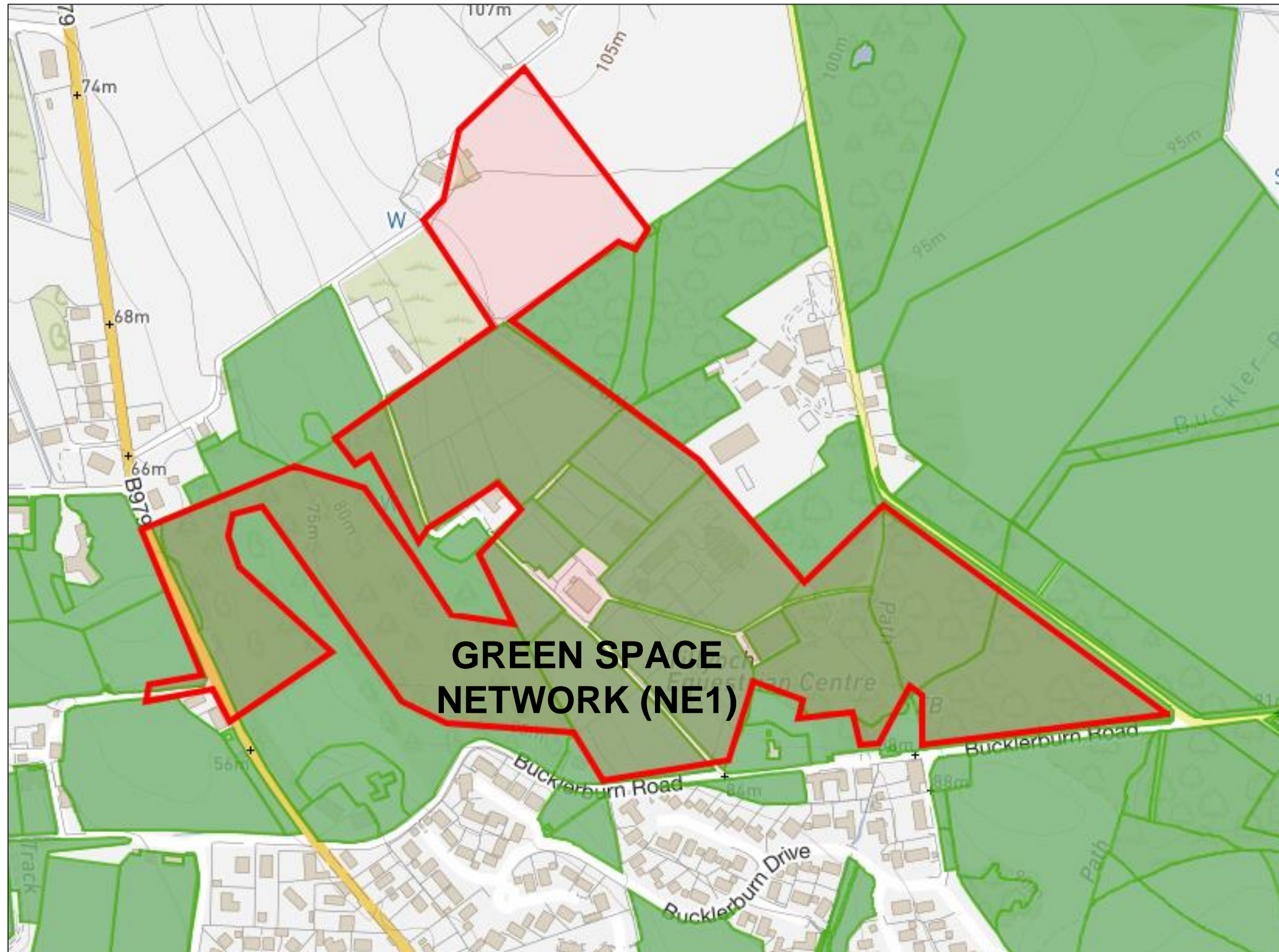
Proposed Site Plan – Area 4



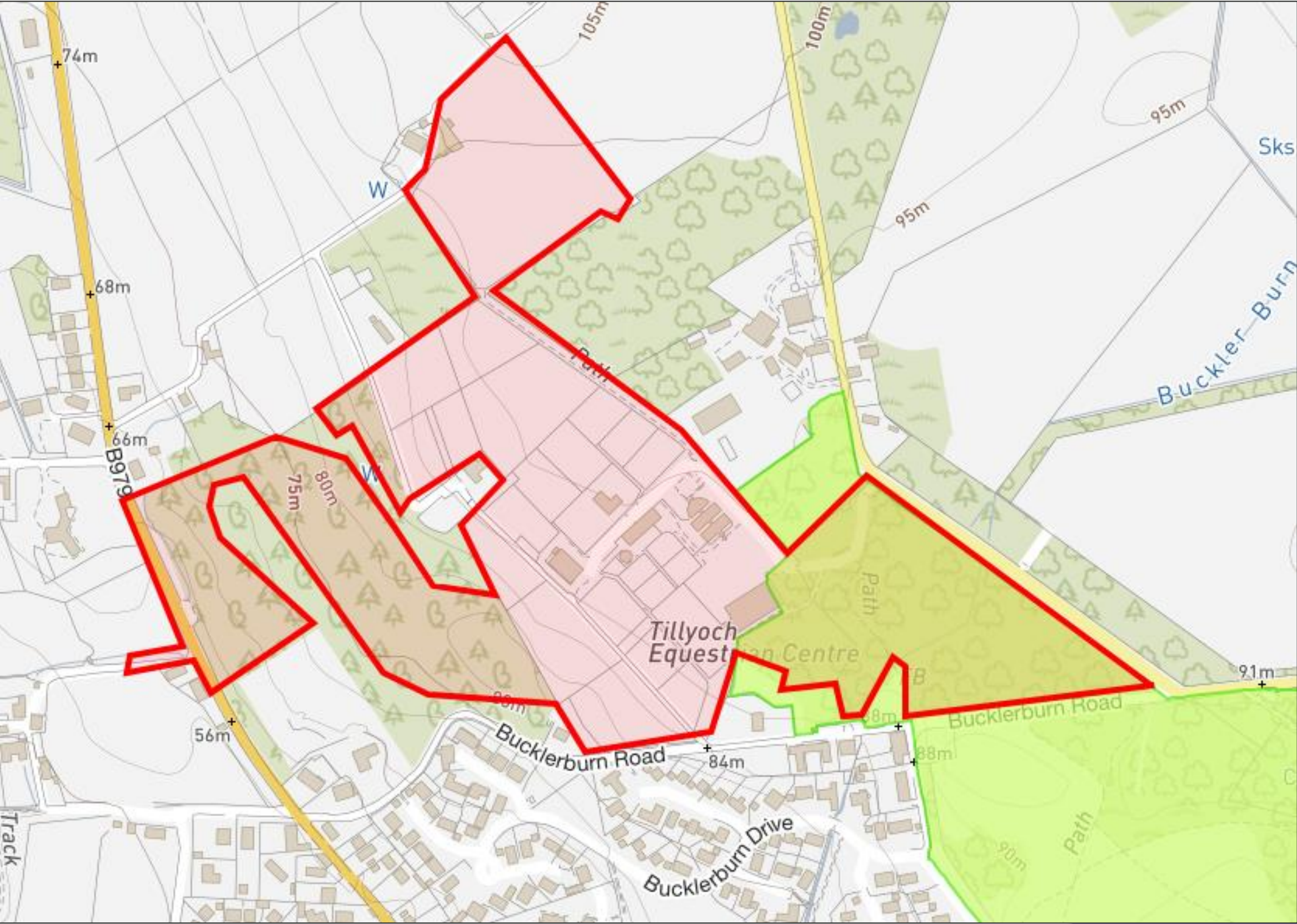
2017 ALDP - Zoning



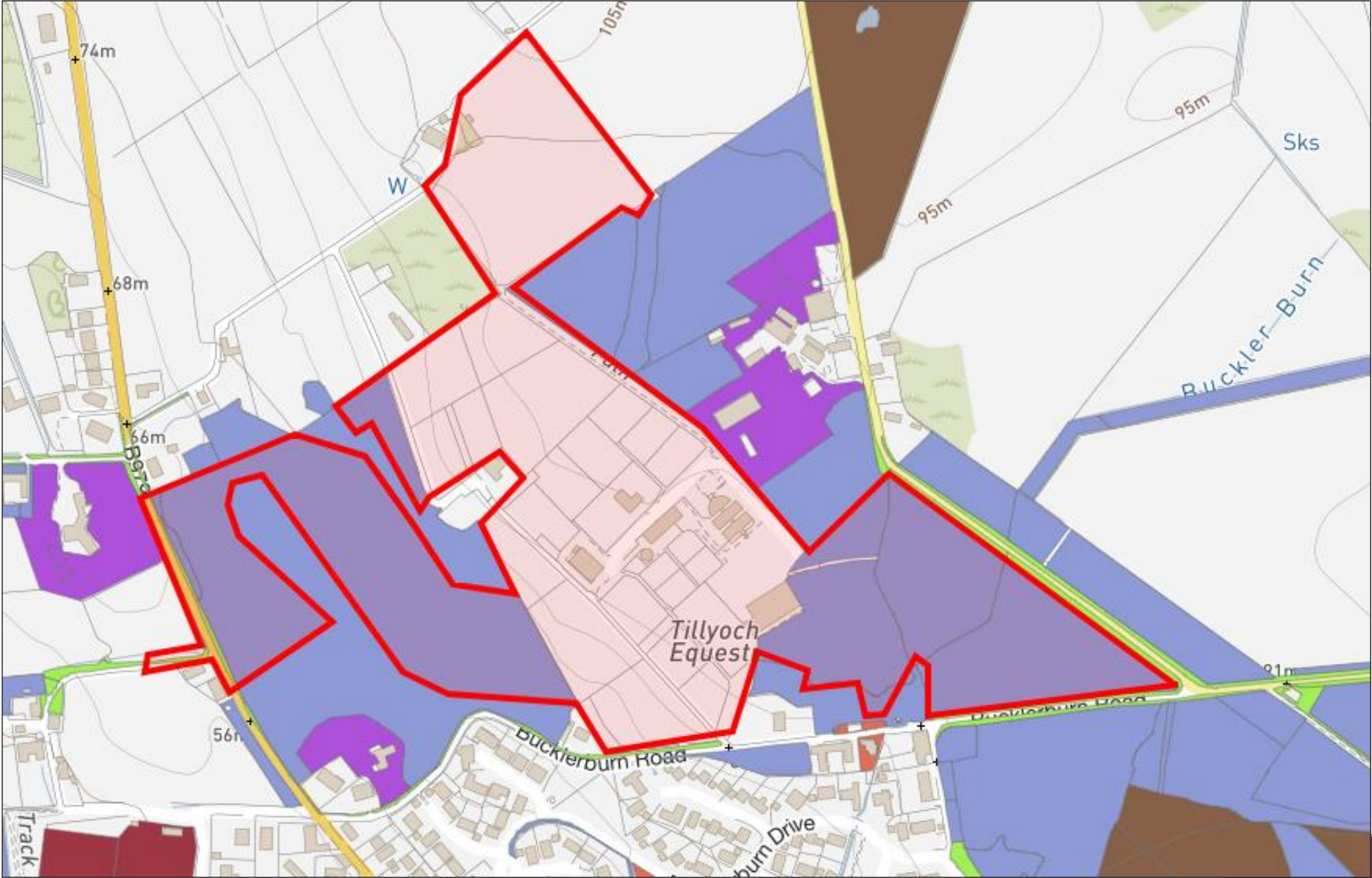
2017 ALDP – Green Space Network



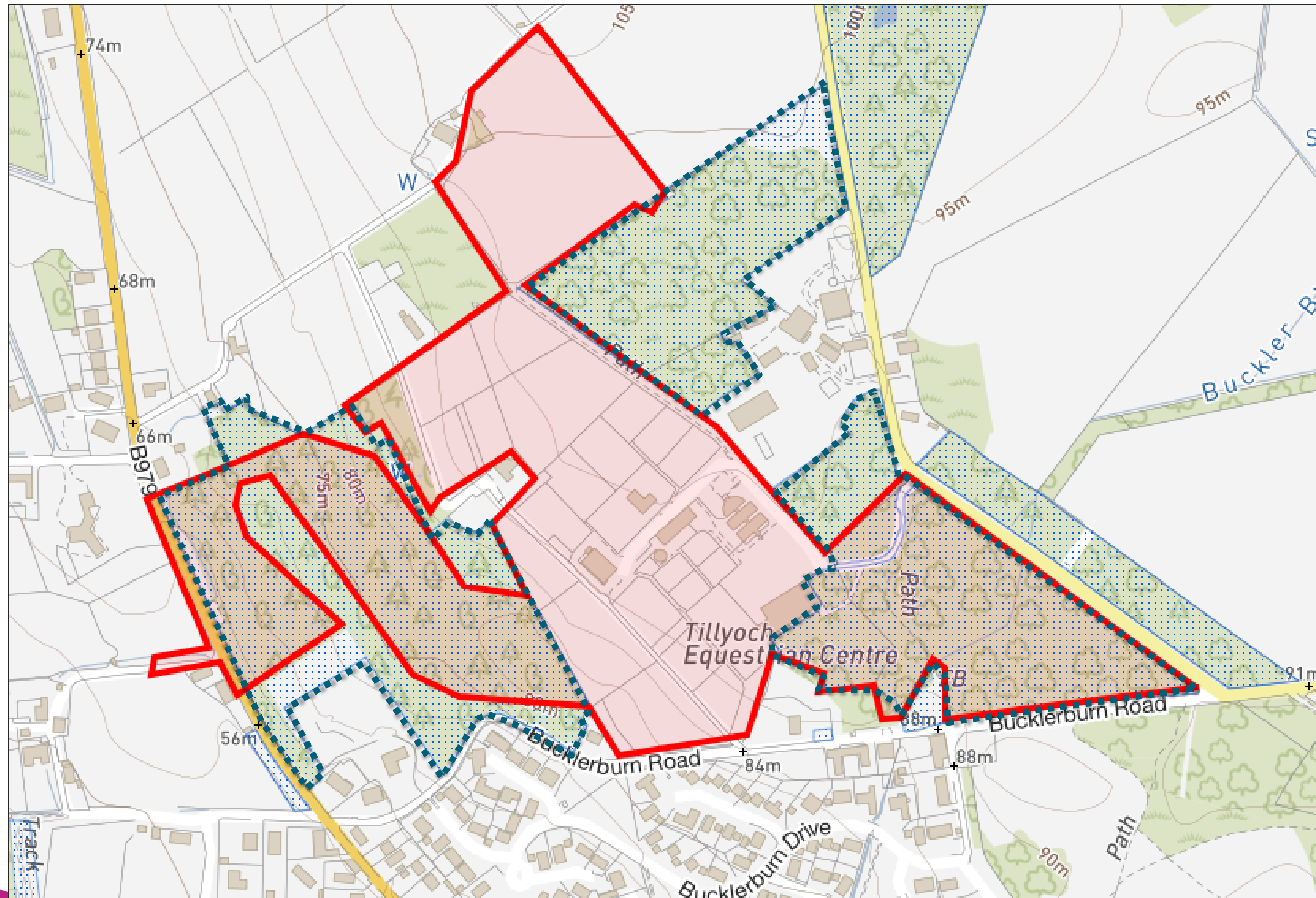
Local Nature Conservation Site



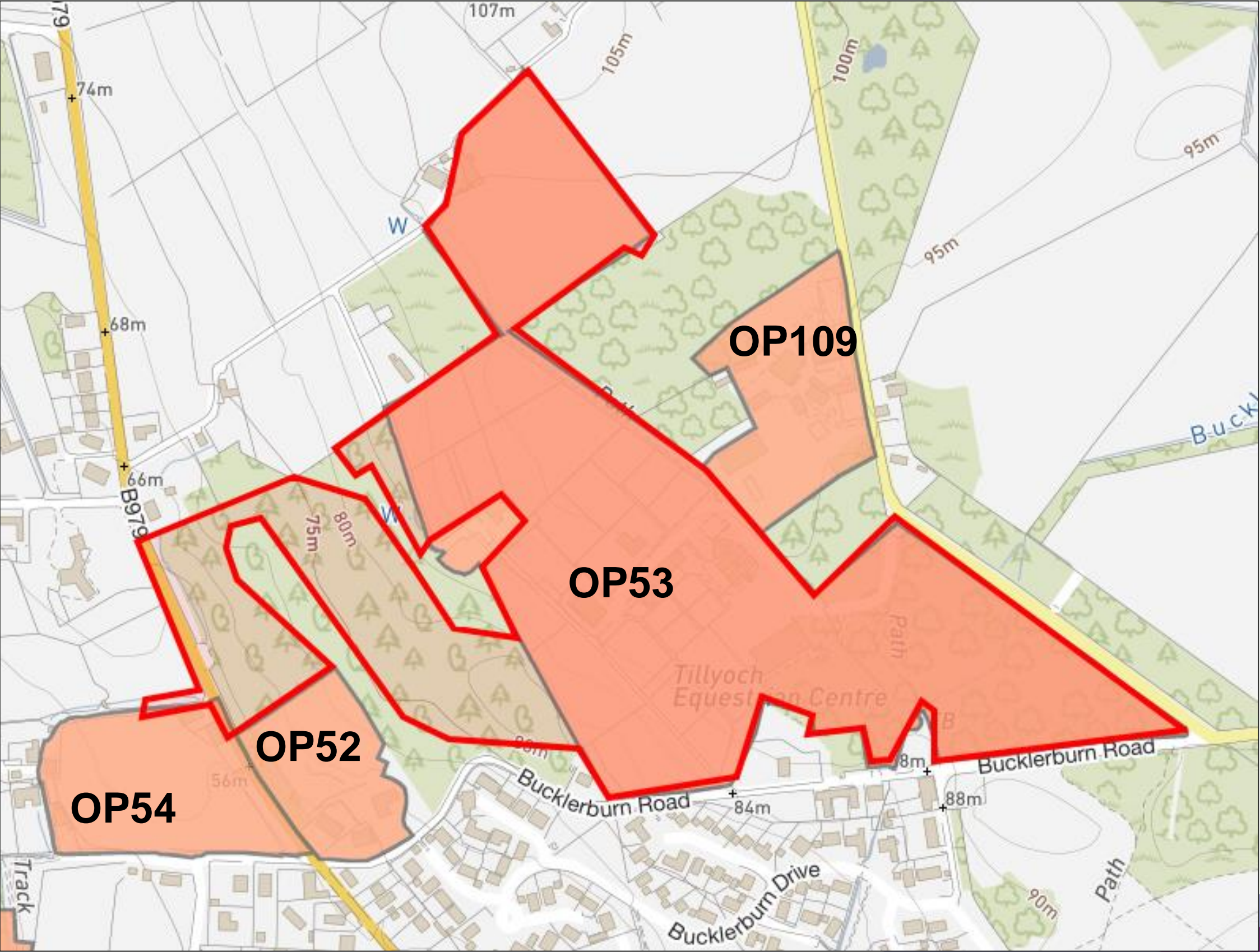
2010 Open Space Audit



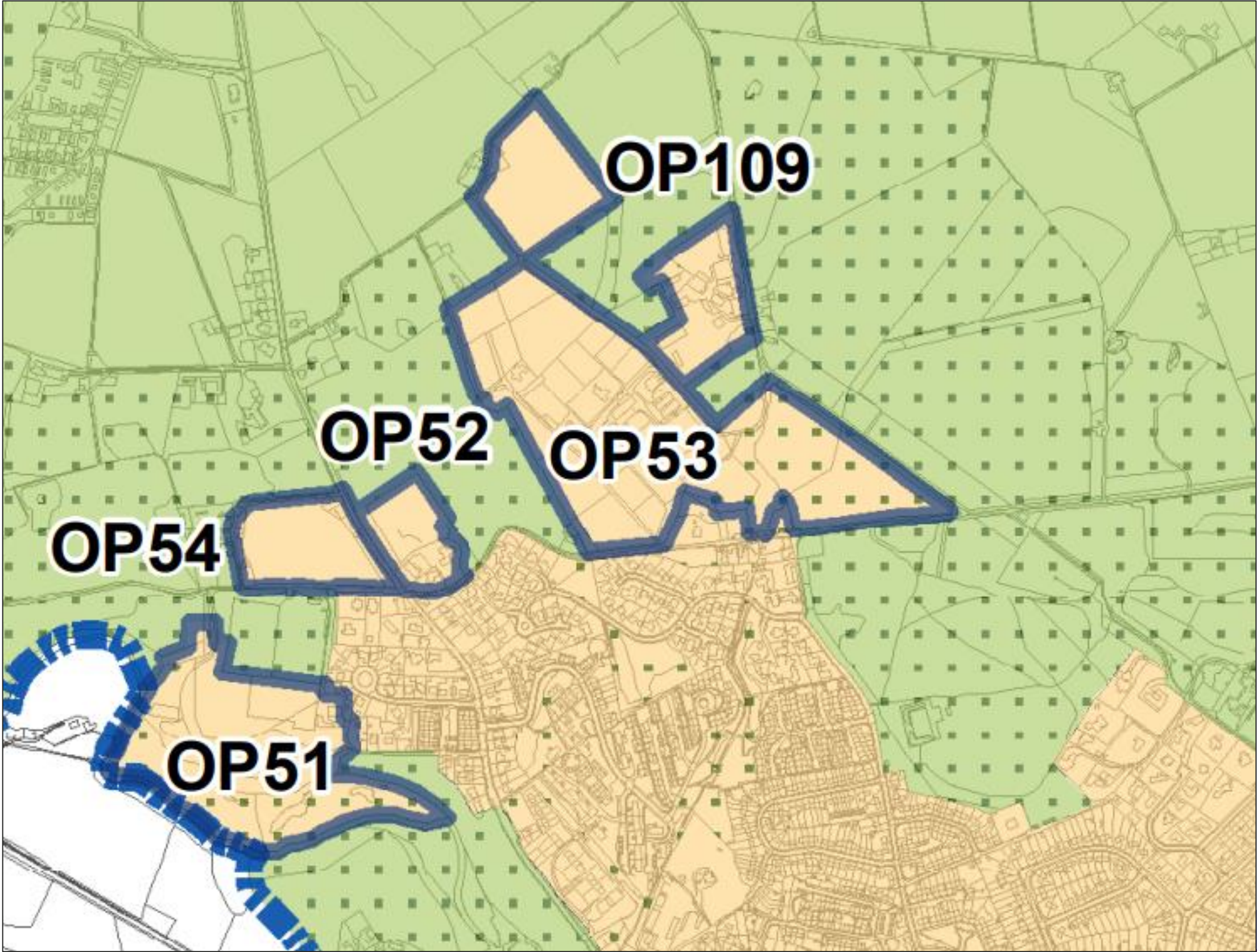
Tree Preservation Orders & Ancient Woodland



Proposed ALDP Allocations



Proposed ALDP – Zoning



Site Photos – Malcolm Road



Looking north



Looking south

Site Photos – from existing path

Looking west from the site towards woodland



Looking east from the site towards existing dwellings



Aerial Image looking northeast - Location of Access Road



Image from Google

Aerial Image looking north - Location of Residential Development



Image from Google

Aerial Image – Peterculter LNCS



Image from Google

Aberdeen Local Development Plan (ALDP)

- Site zoned within the Green Belt (Policy NE2 – Green Belt).
- Policy NE2 states presumption against development unless essential infrastructure. There are some exceptions allowed under this policy, but this related to small-scale development (i.e. house extensions, replacement dwellings etc.).
- Majority of the site is also Green Space Network (Policy NE1 – Green Space Network)
- NE1 states presumption against development that would erode or destroy the character and function of the Green Space Network.
- The area to the south east is a Local Nature Conservation Site (LNCS).
- The proposal represents a ‘significant departure’ from Development Plan and in January 2022, Members of PDMC agreed that the determination of the application would be by Members of PDMC rather than Full Council.
- Significant departure necessitates a Pre-Determination Hearing.

Proposed Aberdeen Local Development Plan (ALDP)

- Proposed ALDP is a material consideration in assessment. This allocates the majority of the site for residential development of approx. 250 units.
- Proposed ALDP is currently with the Reporter and undergoing its examination

Representations and Consultations

- 301 representations
295 objections;
4 support; and
2 neutral.

Consultation responses - overview

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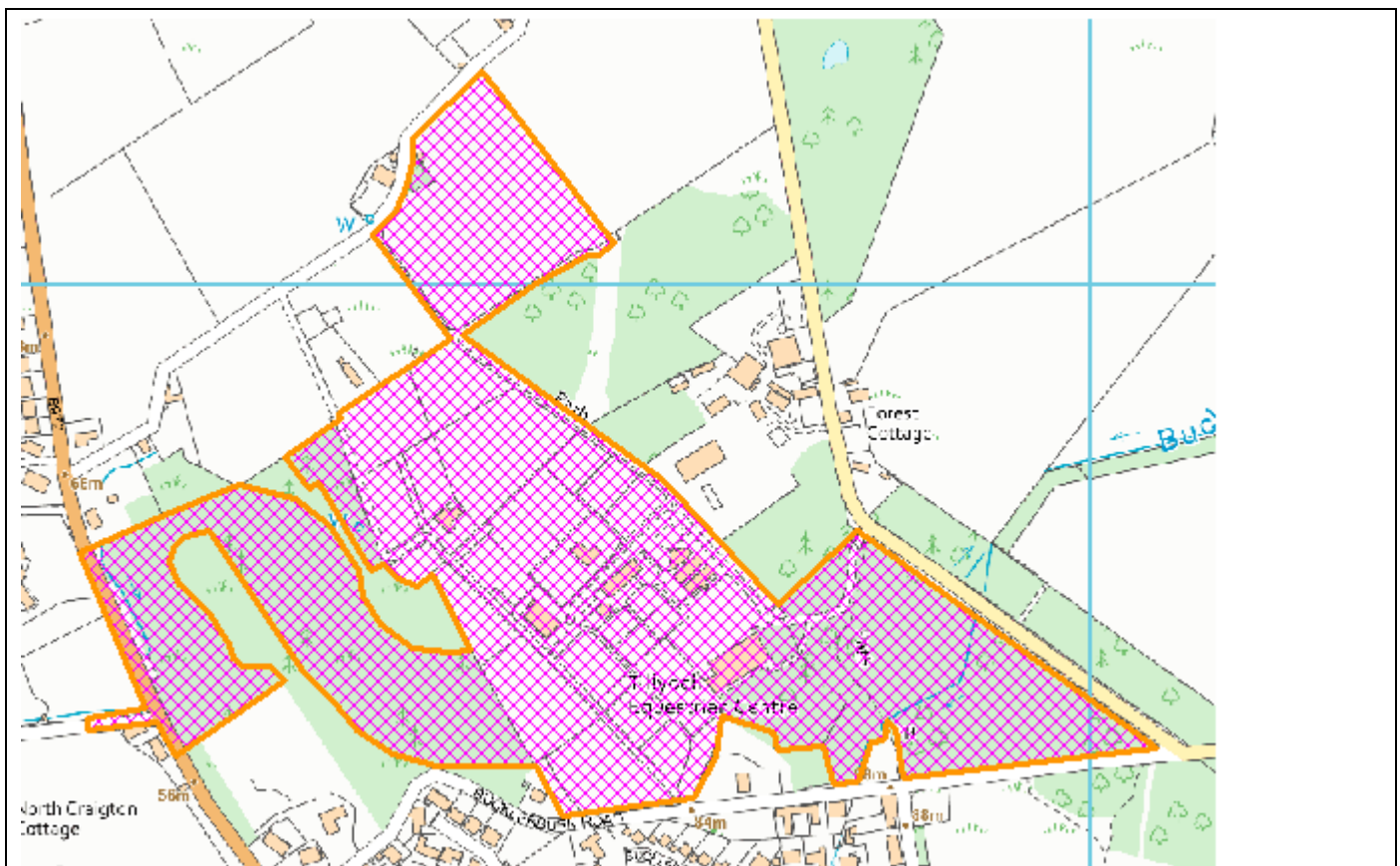


Pre-Determination Hearing (Planning Development Management Committee)

Report by Development Management Manager

Date: 1 June 2022

Site Address:	Land At Tillyoch, Culter House Road, Peterculter, Aberdeen, AB14 0NS
Application Description:	Residential development (circa 250 units) with associated infrastructure, open space, landscaping and community facilities
Application Ref:	211699/PPP
Application Type	Planning Permission in Principle
Application Date:	1 December 2021
Applicant:	First Endeavour (Tillyoch) LLP
Ward:	Lower Deeside
Community Council:	Culter
Case Officer:	Aoife Murphy



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APPLICATION BACKGROUND

Purpose of Report

Under section 38A of the Town and Country Planning (Scotland) Act 1997 ('the Act'), the opportunity to attend pre-determination hearings must be provided in respect of applications for major developments which are considered to be significantly contrary to the vision or wider spatial strategy of the 'development plan'. At the time of writing, the Development Plan comprises the Aberdeen Local Development Plan 2017 and the Aberdeen City and Shire Strategic Development Plan 2020.

This report provides information for the pre-determination hearing required in relation to this planning application for a major development (comprising a residential development of approximately 250 units with associated infrastructure, open space, landscaping and community facilities) which is considered to be significantly contrary to the adopted local development plan (the 2017 Aberdeen Local Development Plan).

No assessment of the merits or failings of the proposal is made in this report. This is because the purpose of the hearing is not to make any evaluation or decision on the application. The aim, rather, is to enable members gain a better understanding of the design, layout, means of access and context of the development and site itself, to gain knowledge of the relevant planning policies and hear directly from, and ask questions of, the applicant, consultees and members of the public who have submitted representations. The decision itself will be taken at a future meeting of the Planning Development Management Committee.

Members will note that a previous report to the Planning Development Management Committee (PDMC) on 20th January 2022 recommended that the necessary Pre-Determination Hearing in this instance be undertaken by the PDMC, rather than being referred to Full Council. That recommendation was agreed by members at the PDMC.

Site Description

The site is located to the west of Aberdeen City, to the north of Peterculter and falling within the City's designated Green Belt. The site extends to an area of approximately 19.96Ha and encompasses a large area of agricultural land, ancient woodland currently protected by various Tree Preservation Orders (TPO's) and the Tillyoch Equestrian Centre, comprising fields, paddocks and associated buildings. The site is also designated as Green Space Network and the south eastern corner of the site falls within the Peterculter Local Nature Conservation Site.

The site is bound by agricultural land, woodland and public roads, including Malcolm Road (B979) to the west, Culter House Road to the east, Bucklerburn Road to the south and a minor road to the north. A number of residential properties are located in close proximity to the site, including Parkhill Cottage. The northern edge of the built up area of Peterculter lies opposite the site to the south of Bucklerburn Road. Two Local Development Plan 2017 opportunity sites can be found directly to the east and south west of the site, OP109: Woodend for 19 homes and OP52: Malcolm Road for 8 homes, respectively.

While the site is not allocated within the current Aberdeen Local Development Plan 2017, part of it has been identified within the Proposed Aberdeen Local Development Plan 2020, as an Opportunity Site, OP53, as a housing opportunity for 250 houses. The Proposed Plan was agreed by Full Council on 2 March 2020 and is currently undergoing Examination by Scottish Ministers. While the majority of the site and the housing development falls within the boundary of OP53, it should be noted that the proposed access road from Malcolm Road falls outwith the boundary and is, therefore, in the Green Belt as defined within the Proposed Local Development Plan.

Relevant Planning History

200009/PAN – Proposal of Application Notice for a mixed use development of affordable, council, elderly and accessible housing, home for heroes, care home and relevant community facilities – 10 February 2020.

210936/PAN – Proposal of Application Notice for a major residential development (approximately 250 units) of affordable and private housing with associated infrastructure, open space, landscaping, community facilities and energy centre – 13 July 2021.

211342/ESC – Request for EIA Screening Opinion in relation to proposed major residential development (approximately 250 units) of affordable and private housing with associated infrastructure, open space, landscaping, community facilities and energy centre – EIA Required, 11 October 2021.

211513/ESP – Request for EIA Scoping Opinion in relation to proposed major residential development (approximately 250 units) of affordable and private housing with associated infrastructure, open space, landscaping, community facilities and energy centre – 17 November 2021.

APPLICATION DESCRIPTION

Description of Proposal

Planning permission in principle is sought for a residential development of 250 units, associated infrastructure, open space, landscaping and community facilities. As the application is for planning permission in principle no finalised details of the proposed buildings, such as elevations and floor plans have been submitted, however, a site plan has been submitted showing an indicative layout of the site. This sets out the anticipated development format and density to be considered through the current application. The site can be divided into four sections as follows:

- The northern portion of the site, which would accommodate 40-50 detached and semi-detached properties as well as community gardens and open space.
- The main section of the site which would accommodate the majority of the housing including detached and semi-detached properties, terraces and some four-in-a-block flats, a community building as well as open space, play area and wildlife corridors. A bus terminus is proposed in this area. This section of the site would also accommodate affordable housing provision, (equating to approximately 62 units) and a SUDS area to the south of the site. Wildlife corridors and buffer planting are proposed around this part of the site
- The south eastern area incorporates part of the existing Peterculter Local Nature Conservation Site. No residential development is proposed in this location although a 3m side emergency access road and some footpath and wildlife corridor connections are.
- The proposed access road, located to the west of the site. A single junction would be located off the B979 Malcom Road, with a road extending north before splitting to provide two access roads in to and out of the proposed housing, site which lies to the east. A SUDS area is also located just east of the proposed access onto the public road.

Amendments

No amendments to the proposal have been made.

Supporting Documents

All drawings and supporting documents listed below can be viewed on the Council's website at:

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=R36PQJBZICW00>

- Planning Statement
- PAC Report
- Design Statement
- Environmental Impact Assessment Report
- Environmental Impact Assessment: Non-Technical Summary
- Transport Assessment
- Tree Survey Report & Arboricultural Assessment
- Environmental Survey Report

Revisions and Further Submissions:

- Design Statement Masterplan
- Drainage Assessment & Flood Risk Statement
- Tree Survey
- Response to Public Comments
- Roads Options Overview
- Response to Planning Service Comments
- Response to Planning Service Comments

Requirement for a Pre-Determination Hearing

The proposed development is classed a 'major development' in terms of The Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009. The proposal is considered to be a Significant Departure from the Development Plan by virtue of it being a major residential development located on land zoned as Green Belt, where Policy NE2 Green Belt of the Aberdeen Local Development Plan 2017 (ALDP) applies. The site is also zoned as Green Space Network, thus Policy NE1 of the ALDP is also applicable.

Policy NE2 does not allow for residential development, other than house extensions and one-for-one replacement dwellings, therefore the proposal for a major residential development of 250 units is significantly contrary to Policy NE2. The proposed development may also erode the character and function of an area of Green Space Network, contrary to Policy NE1, thus the proposals represent a significant departure from the adopted Development Plan.

Under Regulation 27 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 there is a requirement to hold a Pre-determination Hearing before such applications may be determined.

A previous requirement for such applications to be determined by Full Council has been removed by the recently revised legislation under the Planning (Scotland) Act 2019, and in March 2020 the Council delegated authority for these statutory hearings and determinations to Planning Development Management Committee as part of the Scheme of Governance review. It was agreed by Members at PDMC on 20th January 2022 that this application could be considered at a Pre-Determination Hearing and ultimately determined by Planning Development Management Committee.

The purpose of such hearings is to afford both the applicant and those who have made written representation on the proposed development the opportunity to present their views directly to the Members of the Council.

Pre-Application Consultation

This application is accompanied by a Pre-Application Consultation Report, as required for all planning applications concerning developments in the major category.

The applicants held a statutory pre-application consultation event virtually due to the ongoing COVID pandemic. Consultation material was available on a dedicated website from 11 August to 1 September 2021 with feedback accepted until the 8 September 2021. The online interactive event was held on the 18 August 2021 from 2 to 8pm with an additional event held on 25 August 2021. The events were advertised in the local press at least 7 days prior to the event. Posters were also delivered and posted to local business and community facilities and notifications were sent to all properties in close proximity to the site as required by the Planning Service. Formal notification of the consultation was also sent to Culter Community Council and Local Ward Members.

Material was displayed on the website along with details of the site and the proposed development. Consultation boards were also put on display in local community facilities prior to the online event.

The applicant also presented to the Council's Pre-Application Forum on 30 September 2021, in which some the following details were discussed:

- Housing Layout;
- Tree survey;
- What community facilities would be appropriate;
- Issues in relation to traffic issues in the local area;
- Discussions with bus operators for a link into the site and to look at ways to accommodate buses in the development; and
- replanting on the road as part of the design process.

CONSULTATIONS

ACC - Contaminated Land Team – notes that there is unlikely to be significant land contamination, with the greatest potential associated with the existing equestrian centre. Care should be taken to demolish these buildings to ensure land is not contaminated as a result. The Service recommends an informative in the event of any contamination found.

ACC - Developer Obligations – notes that contributions will be required and details the following:

- Core Path Network - £93,000
- Healthcare Facilities - £144,250
- Affordable Housing - 62.5 units (62 units on site and 0.5units by a commuted sum)

ACC - Environmental Health – has provided comments in relation to a Construction Environmental Management Plan, dust management, air quality and noise from construction. Such information would require to be assessed by the Service at the time of a subsequent planning application or Matters Specified in Conditions (MSC) application. The Service therefore has no objection to the development at this time.

ACC - Environmental Policy – concerns have been expressed regarding the impact of the access road on the ancient woodland and the resultant impact on the natural heritage of the site. Further concerns have been expressed regarding the indirect impacts on the natural heritage of the Peterculter Local Nature Conservation Site and insufficient survey information having been provided to assess the impact of the development.

ACC - Housing – advises that social rented accommodation is in greatest need; therefore, the affordable housing provision should be 62 units provided on-site as social rent. The 0.5 should be provided as a commuted sum.

The Service notes that the developer should enter into early discussions with a RSL regarding the purchase of these units as social rent where the exact size and type will be agreed through further discussions with the Planning Service in consultation with Housing. Noting that the proposed affordable housing should proportionally reflect the development, so if the open market units are houses, the affordable units should be the same.

ACC - Roads Development Management Team – has reviewed the submitted Transport Assessment as well as all subsequent information submitted in relation to accessibility and impact on Local Roads Network and has advised that overall, the Service has no objection to the application subject to several conditions that could be resolved at a future MSC application stage.

ACC - Schools Estates Team – the site falls within the catchment areas for Culter Primary School and Cults Academy. There is sufficient capacity at Culter Primary School to accommodate the number of pupils expected to be generated by the proposed development. The team has also advised that no contributions would be required from the developer for Cults Academy as there is sufficient capacity.

ACC - Structures, Flooding and Coastal Engineering – accept the findings of the Drainage Impact Assessment and associated drawings, noting that this is a conceptual design. While the Service has no objection, a detailed assessment and drawing would be required at a MSC or subsequent planning application stage.

ACC - Waste and Recycling – notes the required facilities for each unit as;

- 1 x 180 litre wheeled bin for general waste 1050mmH x 546mmW x 645mmD
- 1 x 240 litre co-mingled recycling bin for recycling 1066mmH x 575mmW x 583mmD
- 1 x 240litre wheeled bin for food and garden waste 1066mmH x 575mmW x583mmD
- 1x kitchen caddy and caddy liners.

The Service notes specifics in relation to the proposal which would need to be considered at the time of a subsequent MSC application:

- Site plans shows cul de sac roads proposed however safety policy requires collection vehicles to be in a forward gear at all times;
- Swept path analysis would be required for plots 125-131;
- Plots 125-131 will require a hardstanding area for bins to be positioned on collection day. Bins are not to be left on the road;
- All bins to be presented at front of properties unless agreed;
- All properties facing onto car parking spaces or with a pavement at front of property will all require a hardstanding area for bins to be positioned on collection day; and
- Further 2 properties north of the development to hardstanding area at end of driveways for bins to be positioned on collection day.

Aberdeen City Shire Strategic Development Planning Authority – no response received.

Aberdeen International Airport – advises that from an aerodrome safeguarding perspective, the proposed development could conflict with safeguarding criteria. As such the Airport has advised attaching a condition regarding further details of any development that exceeds 45m above ground level. An informative regarding the use of cranes would also be required.

Archaeology Service (Aberdeenshire Council) – the proposed development impacts on one site of surviving medieval/post-medieval rig & furrow (HER Ref No NJ80SW0131) and the site of a 2009 evaluation (NJ80SW0373). Given that the 2009 survey of the rig & furrow remains didn't locate any significant finds, it is unlikely that either site places any form of constraint on the proposed development.

Considering the wider landscape evidence however, both for the Bronze Age activity to the East at Beanshill and the closer medieval activity documented around Tillyoch, it is recommended that a "programme of archaeological works" condition is attached to any approval.

Health and Safety Executive (HSE) – the proposed development does not lie within the consultation distance of a major hazard site or major accident hazard pipeline, as such HSE does not need to be consulted on any developments within the site.

Historic Environment Scotland (HES) – has no comments to make on this proposal.

NatureScot (formerly Scottish Natural Heritage) – no comment to make on the proposal and agrees with the Planning Service's stance on the Habitats Regulation Assessment.

Police Scotland – no objection, but encourages the applicant to obtain the 'Secure by Design' award and recommends that the development achieved the Police SBD accreditation.

Scottish Environment Protection Agency (SEPA) – notes that the Buckler Burn flows through a forested area to the east of the site, which can cause flooding. Currently the proposal does not see this area for development and should this remain the case, SEPA has no objection to the development. A condition has been requested to ensure that no development takes place in this area.

Scottish Forestry – has not made comment on this application due to the presence of a Tree Preservation Order.

Scottish Water – has no objection, but at the time of writing cannot advise if there is sufficient capacity at the Invercarnie Water Treatment Works for surface water disposal. In relation to foul waste, there is sufficient capacity at the Nigg PFI Waste Water Treatment Works. The applicant will be required to submit a formal application to Scottish Water to obtain connection.

Culter Community Council – objects to the proposal due to the following:

- Capacity of medical centre;
- Capacity of schools, particularly Culter Academy;
- Destruction of ancient woodland;
- Drainage considering the longstanding issues the existing properties experience; and
- Roads concerns in particular the junction with Malcolm Road and additional traffic on Culter House Road.

The Community Council also notes a number of aspects they would like conditioned or secured should the application be approved, related to:

- Appropriate drainage scheme;
- Appropriate junction with Malcolm Road via a roundabout or traffic lights;
- Compensatory planting;
- Education and medical facilities;
- Provision of buffer zones around woodland; and
- Road Safety Risk Assessment on Culter House Road.

REPRESENTATIONS

Three hundred and one (301) representations have been received in relation to this application, two hundred and ninety-five (295) objecting to the development, four (4) in support and two (2) neutral comments. The issues raised in the representations can be summarised as follows:

Objections

Woodland

- Damage to protected woodland;
- Development destroys ancient woodland and its soil, which is already under threat;
- Loss of ancient woodland noted as 40%;
- Loss of and damage to trees and their roots;
- Existing Tree Preservation Order's in place;
- Woodland is an important feature and would be fragmented as a result of development;
- Woodland should be retained for people to enjoy – local amenity;
- Woodland provides greater benefit than housing;
- Previous illegal felling of woodland to make way for development;
- While felling took place the soil is still intact – which underpins woodland;
- No appropriate mitigation proposed;
- Relocation of ancient woodland soil not justified;
- Replanting unacceptable;
- Replanting would take years to establish;
- Inaccurate redline boundary shown in Arboricultural Assessment;
- Application would set precedent for destroying ancient woodland.

Green Belt / Open Space

- Damage to Green Belt;
- Existing Green Space Network designation;
- Loss of valued and used Green Belt;
- Green belt should be protected;
- Scale of development and its location would undermine character of the Green Belt;
- Loss of valued and fracturing of green space;
- Loss of open space;
- Loss of agricultural land;
- Existing areas used by many as amenity area/for recreation (walking).

Principle of Development

- Inappropriate location;
- Inappropriate density;
- Overwhelming scale;
- Overdevelopment of the site;
- Issue with the term “affordable housing” and how it is applied;
- Site not suitable for affordable housing;
- Insufficient provision of affordable housing;
- Low percentage of low cost housing;
- Not in line with 20 minute neighbourhood principle outlined in draft NFP4;
- Smaller development would lead to more land being left undeveloped;
- Height of development will lead to visibility due to topography;
- Existing topography of the site an issue;
- Not in keeping with landscape character;
- Impact on the character of the area;

- Little open space or landscaping proposed;
- Use of unnatural material;
- No essential need for development;
- Development dissects site and existing links;
- Development of site encourages urban sprawl, Core Path 52 is a clear boundary to north of village;
- Development will be visible in the landscape and will result in a visual impact and severe impact on landscape;
- No mention of screening to hide the development;
- Development does not meet the needs of the whole community;
- Poor quality of houses;
- This development will lead to further development into OP-52, 54 and 109

Local Facilities/Amenities

- Insufficient infrastructure in Peterculter – primary school/academy, medical practice and dentist all at capacity;
- Lack of local amenities;
- Increased stress and pressure on limited local amenities, including shops and community facilities;
- No sufficient provision of infrastructure, e.g. public transport and leisure/sport facilities etc., to facilitate development;
- Poor infrastructure that cannot support proposed development;
- Existing capacity an issue for surface and foul water infrastructure.

Local and Natural Heritage

- Natural habitat needs to be preserved;
- Access road impacts wildlife;
- Destruction of habitats;
- Loss of and impact on habitats including protected species;
- Displacement of wildlife;
- Site within Local Nature Conservation Site;
- Potential irreparable damage to Local Nature Conservation Site;
- Biodiversity at risk;
- Development would be a barrier for wildlife;
- No appropriate mitigation proposed;
- Existing impact in wildlife due to AWPR;
- EIA does not represent full value of wildlife/ecology – question validity of authors assessment;
- Surveys not sufficient nor do they meet guideline requirements.

Environment

- Environment should be protected;
- Existing surface water issues;
- Existing drainage issues;
- Potential flooding issues due to drainage and surface water run off;
- Not a net zero development;
- Conflict and impact on climate change priorities/net zero targets, green areas should be retained and more trees needed;
- Carbon emissions and impact from development;
- Not sustainable development;
- Conflict with decision made at COP26;
- Destruction of carbon sink;

- Impact on air and water quality;
- Noise and light pollution;
- Safety concerns over SUDs provision;
- Impact on existing watercourses;
EIA underplays impact from development;
- No proper environmental assessment undertaken;
- Contamination of underground water systems;
- Mitigation not sufficient;
- Loss of public right of way through site.

Transport/Access

- Access road inappropriate, inadequate, poorly sited, of poor quality and will have a detrimental impact on area;
- Increased traffic and congestion;
- Limited/bad visibility and existing junction on Malcolm Road;
- Existing traffic and parking issues in Peterculter even with AWPR in place;
- Increase in commuter traffic;
- Road safety concerns due to rise in traffic;
- Reliance on vehicles;
- Existing roads/infrastructure insufficient for development and require upgrades;
- Insufficient existing/narrow footpaths and poor lighting;
- Inappropriate transport links;
- No public transport connections;
- Proposed connections do not consider topography of the site;
- Malcolm Road not suitable for pedestrian traffic;
- Intensification of pedestrians through existing housing developments;
- Topography makes access difficult - access would require significant regrading;
- Misleading cycle routes;
- Conflicts with active travel priorities;
- Development will use existing shorter routes, e.g. Culter house Road would be used as a rat run;
- Development would result in increase of traffic on Culter House Road;
- Design Statement does not fully consider the impact of proposed access;
- Culter House Road not included in the Transport Assessment;
- Ideally there is a good route out of site onto Culter House Road;
- Excessive HGV use during construction.

National and Local Policies

- Proposed Aberdeen Local Development Plan with Reporter – previous assessment of site undesirable and was not an allocation – site added late in the process with area to the west not part of the allocation;
- Proposal does not comply with local policies;
- Proposal is contrary to national policies within Scottish Planning Policy;
- Development does not align with draft NPF4.

General

- Not an efficient use of the site;
- Existing undeveloped brownfield sites and allocated opportunity sites;
- High number of unoccupied dwellings – 2,500 units vacant;
- Unoccupied/oversupply of properties across the city;
- Inadequate brownfield capacity study;

- City centre regeneration required;
- No need for another housing development/further housing;
- Housing projections outdated;
- Current market conditions – Countesswells as an example;
- Loss of existing equestrian facility;
- Development increases population by 10% - demand on facilities and infrastructure;
- Proposal does not enhance existing village or area;
- Impact on physical and mental health and wellbeing;
- Increase in population;
- Development would create an isolated community;
- No benefit for residents or future of village;
- No employment provisions/employment sites/industrial sites nearby which encourages car usage;
- Impact on rural area;
- Too far removed from village;
- Encroachment on established homes;
- Historic surroundings;
- Site is used to graze animals;
- Neighbours not notified
- View will be destroyed;
- Not needed due to Oil and gas downturn;
- Public consultation unsatisfactory with unanswered questions;
- Decisions must be consistent e.g. Milltimber South application sets precedent and recent Leggart Brae decision;
- Existing over allocation of housing at Milltimber.

Support

- Mix of housing needed;
- Good for community if development modified;
- While disappointed that it is no longer 100% affordable housing provision – 25% is good;
- Altered bus route would benefit retirement park.

MATERIAL CONSIDERATIONS

Legislative Requirements

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 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.

National Planning Policy and Guidance

- National Planning Framework 3 (NPF3) 2014
- Scottish Planning Policy (SPP) 2020
- Creating Places (architecture and place policy statement)
- Designing Streets (2010)

Development Plan

Aberdeen City and Shire Strategic Development Plan 2020

The current Strategic Development Plan for Aberdeen City and Shire was approved by Scottish Ministers in September 2020 and forms the strategic component of the Development Plan. The purpose of the SDP is to set a spatial strategy for the future development of the Aberdeen City and Shire. The general objectives of the plan are promoting sustainable economic growth, the need

to use resources more efficiently whilst protecting our assets and taking on the urgent challenges of climate change. To achieve those objectives, the SDP aims to:

- make sure the area has enough homes and job opportunities to support the level of services and facilities needed to maintain and improve quality of life;
- protect and, where appropriate, enhance our valued assets and resources, including biodiversity, the historic and natural environment and our cultural heritage;
- help create and support sustainable mixed communities, and the provision of associated infrastructure, which will meet the highest standards of placemaking, urban and rural design, and cater for the needs of the whole population;
- encourage opportunities for greater digital connectivity across the City Region; and,
- make the most efficient use of the transport network, reducing the need for people to travel and making sure that walking, cycling and public transport are available and attractive choices.

Aberdeen Local Development Plan 2017

Section 16 (1)(a)(ii) of the Town and Country Planning (Scotland) Act 1997 requires that, where there is a current local development plan, a proposed local development plan must be submitted to Scottish Ministers within 5 years after the date on which the current plan was approved. From 21 January 2022, the extant local development plan will be beyond this 5-year period. The Proposed Aberdeen Local Development Plan 2020 has been submitted to the Planning & Environmental Appeals Division at the Scottish Government in July 2021. The formal examination in public of the Proposed Local Development Plan 2020 has commenced with reporters appointed. Material consideration will be given to the Proposed Local Development Plan 2020, in the context of the progress of its examination, in the assessment of planning applications.

Given the extant local development plan is beyond its five-year review period consideration, where relevant, weight should be given to paragraph 33 of the Scottish Planning Policy (2014) which states: “Where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration.

The following policies are relevant –

- Policy NE1 - Green Space Network
- Policy NE2 - Green Belt
- Policy NE3 - Urban Green Space
- Policy D1 - Quality Placemaking by Design
- Policy H3 - Density
- Policy H4 - Housing Mix
- Policy D2 - Landscape
- Policy I1 - Infrastructure Delivery and Planning Obligations
- Policy H5 - Affordable Housing
- Policy T2 - Managing the Transport Impact of Development
- Policy T3 - Sustainable and Active Travel
- Policy T4 - Air Quality
- Policy T5 - Noise
- Policy B4 - Aberdeen Airport
- Policy B6 - Pipelines, Major Hazards and Explosives Storage Sites
- Policy CF2 - New Community Facilities
- Policy NE4 - Open Space Provision in New Development
- Policy NE5 - Trees and Woodlands
- Policy NE6 - Flooding, Drainage and Water Quality

- Policy NE8 - Natural Heritage
- Policy NE9 - Access and Informal Recreation
- Policy R2 - Degraded and Contaminated Land
- Policy R6 - Waste Management Requirements for New Development
- Policy R7 - Low and Zero Carbon Buildings, and Water Efficiency
- Policy CI1 - Digital Infrastructure

Supplementary Guidance (SG) and Technical Advice Notes (TAN)

- Affordable Housing SG
- Air Quality SG
- Flooding, Drainage and Water Quality SG
- Green Space Network and Open Space SG
- Landscape SG
- Natural Heritage SG
- Noise SG
- Planning Obligations SG
- Resources for New Development SG
- Transport and Accessibility SG
- Trees and Woodlands SG
- Aberdeen Masterplanning Process TAN
- Materials TAN

Proposed Aberdeen Local Development Plan 2020

The Proposed Aberdeen Local Development Plan (Proposed ALDP) was approved at the Council meeting of 2 March 2020. A period of representation in public was undertaken from May to August 2020 and the Proposed ALDP has since been submitted to the Scottish Government Planning and Environmental Appeals Division for Examination in Public. The Proposed ALDP constitutes the Council's settled view as to what the final content of the next adopted ALDP should be and is now a material consideration in the determination of planning applications. The Aberdeen Local Development Plan 2017 will continue to be the primary document against which applications are considered. 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 –

- such matters have or have not received representations as a result of the period of representations in public for the Proposed ALDP;
- the level of representations received in relation to relevant components of the Proposed ALDP and their relevance of these matters to the application under consideration.

The foregoing can only be assessed on a case-by-case basis.

Within the Proposed Plan, the majority of the application site is allocated as OP53 and zoned as residential and Green Space Network. OP53 Tillyoch, Peterculter, extends to 15.25Ha and is allocated as a housing opportunity for 250 houses. The Proposed Plan also notes the following: *Flood Risk Assessment required. A Habitats Regulations Appraisal is required to accompany development proposals in order to avoid adverse effects on the qualifying interests of the River Dee SAC. As part of this process it is likely a Construction Environmental Management Plan will also be required.*

The Proposed Aberdeen Local Development Plan therefore supports the principle of residential development on part of this site. It should be noted that the area between Malcolm Road and the proposed housing, where the access road infrastructure is proposed, remains zoned as Green Belt in the Proposed LDP.

The allocation of the site was not proposed by officers through the Main Issues Report (MIR), therefore there were no representations received regarding the site as part of the MIR.

The allocation of the site in the Proposed ALDP at the Full Council meeting on 2 March 2020 attracted a significant number of third-party representations (88 in total including 2 in support) during the public consultation period on the Proposed ALDP between May and August 2020.

The following policies are relevant to this proposal:

- Policy WB1 - Health Developments
- Policy WB2 - Air Quality
- Policy WB3 - Noise
- Policy NE1 - Greenbelt
- Policy NE2 - Green and Blue Infrastructure
- Policy NE3 - Our Natural Heritage
- Policy NE4 - Our Water Environment
- Policy NE5 - Trees and Woodland
- Policy D1 - Quality Placemaking
- Policy D2 - Amenity
- Policy D4 - Landscape
- Policy D5 - Landscape Design
- Policy R2 - Degraded and Contaminated Land
- Policy R5 - Waste Management Requirements from New Developments
- Policy R6 - Low and Zero Carbon Buildings and Water Efficiency
- Policy H1 - Residential Areas
- Policy H3 - Density
- Policy H4 - Housing Mix and Need
- Policy H5 - Affordable Housing
- Policy CF2 - New Community Facilities
- Policy I1 - Infrastructure Delivery and Planning Obligations
- Policy T2 - Sustainable Transport
- Policy T3 - Parking
- Policy CI1 - Digital Infrastructure
- Policy B3 - Aberdeen International Airport and Perwinnes Radar
- Policy B6 - Pipelines, Major Hazards and Explosives Storage Sites

Other Material Considerations

Housing Land Audit 2020 – Aberdeen City & Aberdeenshire Councils, December 2020

The Housing Land Audit (HLA) illustrates the scale and characteristics of the housing land supply in Aberdeen City and Aberdeenshire. It is used to determine if there is sufficient land available for housing development and also to inform the planning of future infrastructure such as roads, schools and drainage.

Peterculter Local Nature Conservation Site

Part of the site is designated as a Local Nature Conservation Site.

Environmental Impact Assessment

The proposal was subject to an Environmental Impact Assessment (EIA) prior to the application being submitted. This was established via the EIA screening and confirmed via an EIA Screening Opinion issued by Aberdeen City Council, in which it was identified that the project falls within Schedule 2 Class 10(b) of the EIA Regulations. A further Scoping Opinion was carried out to establish the scope of the EIA report. An Environmental Impact Assessment Report was accordingly submitted with the planning application.

The EIA Report advises on the findings of an EIA carried out on the proposed development. EIA is the process of compiling, evaluating and presenting all of the significant environmental impacts of the proposed development, leading to the identification and incorporation of appropriate mitigation measures. The range of potential impacts considered in the EIA Report fall under the following chapter headings: Introduction covering the proposed development, the site and need for the development and alternative sites; Ecological Impact Assessment; Arboricultural Impact Assessment; Landscape and Visual Impact Assessment; Green Belt and Green Space Network Statement; Construction Environmental Management Plan; and Transportation. Having set out the impacts of the development in each of these areas, the EIA Report seeks to outline appropriate mitigation and residual effects. The EIA Report, dated December 2022, was supplemented by additional information which seeks to provide clarification to the planning authority on the content of the report, this information was requested in February 2022. Further information was requested last week, Monday 23 May 2022, under Regulation 26 of the aforementioned regulations, in which further information, including a detailed description of west woodland parcel and associated species list; woodland National Vegetation Classification survey on the Peterculter LNCS; Woodland Site Assessment for invertebrates; Breeding Birds Survey; and Bat Surveys are required to assess the ecological impact of the development proposal. This information has yet to be submitted and will require to be advertised and made available for public comment when it is received.

NEXT STEPS

A report will be prepared by officers for a forthcoming meeting of the Planning Development Management Committee containing a full assessment of the proposed development and a recommendation to members.

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