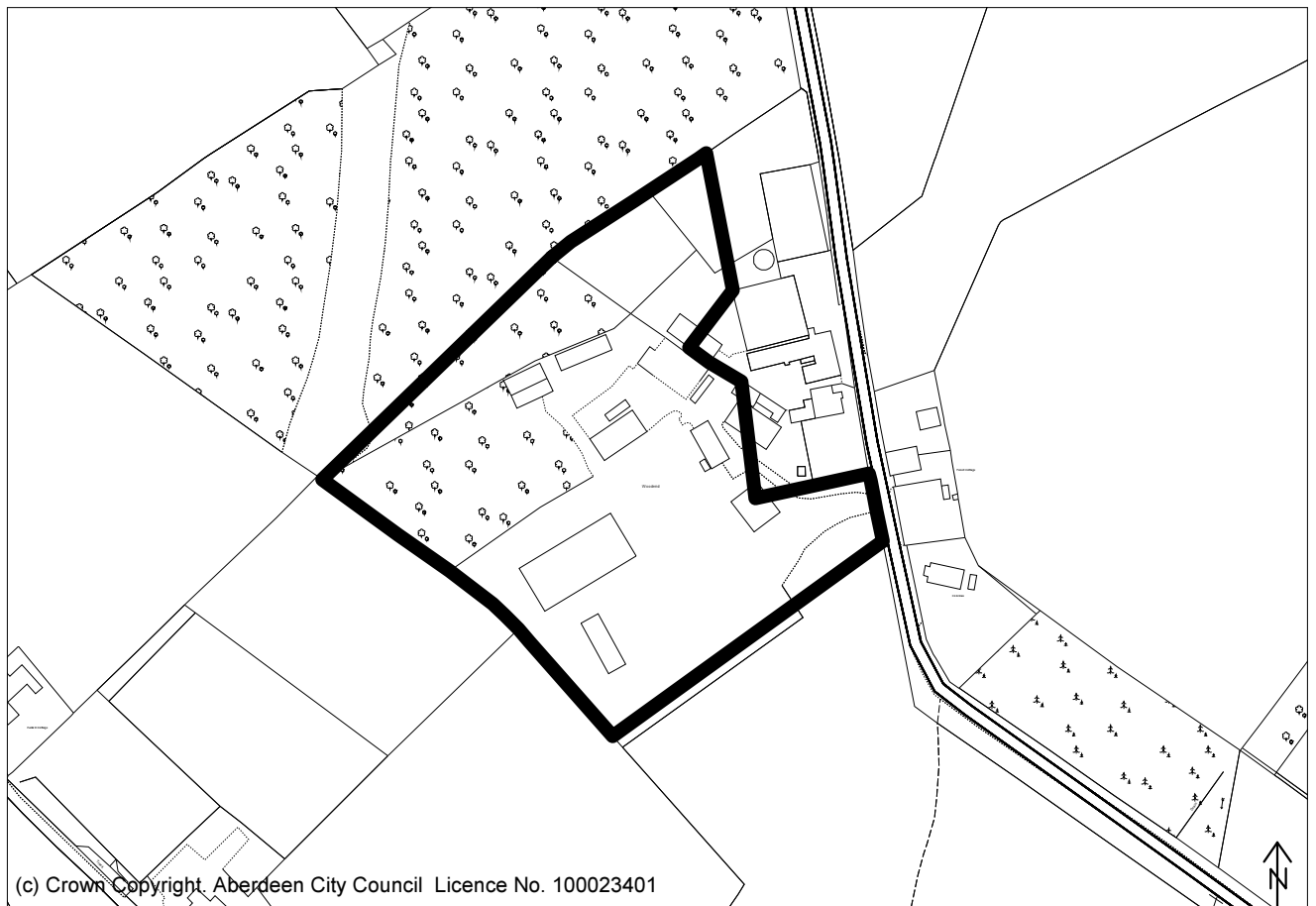


LAND AT WOODEND, CULTER HOUSE
ROAD, PETERCULTER

PROPOSED RESIDENTIAL
DEVELOPMENT COMPRISING 14
DWELLINGHOUSES AND ASSOCIATED
LANDSCAPING AND OPEN SPACE

For: John Adam & Son

Application Ref.	: P111144	Advert	: Dev. Plan Departure
Application Date	: 02/08/2011	Advertised on	: 17/08/2011
Officer	: Garfield Prentice	Committee Date	: 22 March 2012
Ward: Lower Deeside (M Boulton/A Malone/A Milne)		Community Council	: Comments



RECOMMENDATION: Refuse

DESCRIPTION

The site located to the north of Peterculter on the west side of Culter House Road some 2.3 km from the junction with North Deeside Road and 1.2 km from Malcolm Road and comprises the farmyard known as Woodend Farm. The site, which extends to 1.8 hectares, contains numerous dilapidated glasshouse and poly-tunnels for growing fruit and several dilapidated farm buildings. The structures are scattered in a random pattern across the site. There are numerous trees in the west corner of the site. There is an existing access into the site directly off Culter House Road. Immediately to the east and between the site and Culter House Road are the farmhouse and a disused steading. To the north west and south east are areas of woodland, the latter being a Local Nature Conservation Site (LNCS) - No.54 Peterculter. A small part of the application site falls within LNCS area. To the south west is the recently constructed cattery and equestrian business at Tillyoch, while on the opposite side of Culter House Road are agricultural fields, a small woodland and a house known as Forest Cottage.

HISTORY

Planning permission for the conversion of the disused steading to form two dwellings was granted planning permission on 28th January 2011. The planning permission has not been implemented.

Planning permission for a replacement house was granted on 19th May 2011. The planning permission has not been implemented.

PROPOSAL

Planning permission in principle is sought for a residential development comprising 14 houses and associated landscaping and open space. An indicative development layout has been submitted with the application. No details of the size or design of the houses have been provided. The layout indicates access would be taken from Culter House Road to the south of the existing farm buildings.

The application is accompanied by a Supporting Planning Statement, which presents the applicants case for granting planning permission and includes copies of standardised letters of support given to the applicant prior to the application being lodged (85 letters from the public and letters from Culter Community Council, Bon Accord Cricket Club and Aberdeenshire Cricket Association – **note:** these letters cannot be considered as legitimate representations to the planning application as they were not submitted to the Council following the application being lodged) and a draft legal agreement between the applicant and Bon Accord Cricket Club.

REASON FOR REFERRAL TO SUB-COMMITTEE

The application has been referred to the Sub-committee because the proposal has attracted an objection from the Council's Roads Service. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

ROADS SECTION – Object to the application as the proposal does not adhere to current local and national policy for accessibility for residential developments and there would be an inherent road safety issue for pedestrians, cyclists and horses and riders in the area. The site is some considerable walking distance from any public transport links, being well over 800 metres away. There are no cycle facilities and access to the site by this means would be very difficult. The site is effectively only accessible by car. There are severe concerns that the site does not concur with current accessibility requirements. It is unlikely that the safety of pedestrians, cyclists and horses and riders could be achieved in this rural setting.

ENVIRONMENTAL HEALTH – The development would need to be connected to the nearest water supply and mains sewage facilities.

COMMUNITY COUNCIL – The applicant advised Culter Community Council that as part of the residential proposal, it was also proposed to donate land for community use as a cricket ground. The Community Council considers the site to be brownfield and agrees in principle to the proposals for housing plus land for community use/cricket ground provided conditions would be applied so that children, adults, cyclists and horses and riders using Culter House Road would be protected through traffic control measures and any other measures deemed appropriate. A pavement should be provided on Culter House Road between the end of the right of way through Woodend to the entrance to the new houses. 'Beware' traffic signs should be placed at appropriate locations on Culter House Road. The Community Council is also concerned that the proposed cricket ground has been separated from the residential part of the proposal. Conditions or an Agreement should be applied to ensure the land is donated to the community.

REPRESENTATIONS

Five letters of objection have been received. The objections relate to the following matters.

- The proposal would change the rural character of the area
- The proposal would spoil views and the countryside feel of Culter House Road
- The proposal would affect trees in the area where there are country walks
- The proposal would result in the loss of agricultural land in the area

PLANNING POLICY

National Planning Policy and Guidance

Scottish Planning Policy (SPP) is the statement of Government policy on land use planning and includes the Government's core principles for the operation of the planning system and concise subject planning policies. The general policy on sustainable development and the subject planning policies relating to housing, green belts and transport are relevant material considerations.

Aberdeen City and Shire Structure Plan

The Structure Plan sets out the following key objectives for the growth of the City and Aberdeenshire.

Population growth: to increase the population of the city region and achieve a balanced age range to help maintain and improve people's quality of life.

Quality of the environment: to make sure new development maintains and improves the region's important built, natural and cultural assets.

Sustainable mixed communities: to make sure that new development meets the needs of the whole community, both now and in the future and makes the area a more attractive place for residents and businesses to move to.

Accessibility: to make sure that all new developments contribute towards reducing the need to travel and encourage people to walk, cycle or use public transport by making these attractive choices.

Aberdeen Local Development Plan

Policy D3 - Sustainable and Active Travel

New development will be designed in order to minimise travel by private car, improve access to services and promote healthy lifestyles by encouraging active travel.

Policy D6 – Landscape

Development will not be acceptable unless it avoids (i) significantly adversely affecting landscape character and elements which contribute to, or provide, a distinct 'sense of place' which point to being either in or around Aberdeen or a particular part of it; (ii) disturbance, loss or damage to important recreational, wildlife or woodland resources or to the physical links between them; and (iii) sprawling onto important or necessary green spaces or buffers between places or communities with individual identities and those which can provide opportunities for countryside activities.

Policy NE1 – Green space Network

The City 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.

EVALUATION

Section 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.

The development plan comprises the Aberdeen City and Shire Structure Plan and the Aberdeen Local Development Plan. The Scottish Planning Policy is relevant material consideration. The proposal constitutes a local development as defined in the 'Hierarchy of Development' Regulations. It is also considered to be a departure from the development plan and was advertised accordingly. SPP sets out the Government's core principles that underpin the modernised planning system. It states *"The system should be genuinely **plan-led**...."* and *"There should be a clear focus on the **quality of outcomes**, with due attention given to the sustainable use of land, good design and the protection and enhancement of the built and natural environment"*. SPP also states that the purpose of green belts is to direct planned growth to the most appropriate locations, to protect and enhance the quality, character, landscape setting and identity of towns and cities and to protect and give access to open space within and around towns and cities. It states further that the cumulative erosion of the green belt's integrity through the granting on individual permissions should be avoided. In relation to transport, SPP advises that in order to reduce emissions from transport, there requires to be a shift to more sustainable modes of transport, i.e. from car-based travel to walking, cycling and public transport. It states further that *"Development should be supported in locations that are accessible by walking, cycling and public transport...."* In relation to new housing, SPP advises that new developments should be integrated with public transport and active travel networks (walking and cycling), rather than encouraging dependence on the car.

The structure plan contains a spatial strategy which identifies three strategic growth areas, one of which is Aberdeen City. The strategy acknowledges that although brownfield sites are the preferred option for development, more than half the development will need to take place on greenfield sites, with a consequent review of the whole green belt being required. The strategy recognises the vital need to reduce travel distances and make walking, cycling and public transport more attractive to people. The structure plan specifically requires local development plans to use the spatial strategy to set policies and identify land for development. It also states that planning applications should be assessed against the spatial strategy to decide whether the location, nature and scale of the development is in line with the plan.

The Aberdeen Local Development Plan was adopted by the Council on 29th February 2012. It identifies the specific sites and land to be developed for housing in accordance with the strategy set out in the structure plan. The proposed development clearly does not comply with the land allocations identified in the Plan, which for Deeside are set out in Table 9. Instead, the site is identified as green belt (Policy NE2), overlain by Green Space Network (Policy NE1). The Reporter's in their examination of the Local Development Plan considered whether Woodend Farm (Development Option 9/26) should be included as a housing site and associated cricket pitch in the Plan. They stated *"Policy NE2 which applies to the green belt sets out certain circumstances in which proposals for development may be permitted. It is not possible for such policies to address every possible eventuality or potential development proposal in the green belt. In dealing with any planning application, the planning authority would be required to decide whether there are any particular aspects of the site, its surroundings, or of the nature of the proposed development, which might justify approval as an exception to the terms of the relevant policies. Having said all that.....the site cannot be recommended for inclusion in the local*

development plan for housing development.” The reason given by the Reporters was that *“the overall vision and spatial strategy of the local development plan is appropriate and that adequate housing land has been provided to meet the allowances set in the structure plan”*. Accordingly, there is no justification for sacrificing part of the green belt for a housing development.

SPP advises that new development should be located in places that are accessible by walking, cycling and public transport. The site is isolated and remote from the settlement of Peterculter (a view supported by the Reporters) and is not easily accessible by walking and cycling and not accessible at all by public transport. The nearest public transport route would be over 800 metres away. Access to the site by cycle would be difficult. In addition, there are no footways on Culter House Road, which is narrow country lane, thus raising pedestrian safety concerns. The Community Council states that a footway should be provided along part of Culter House Road. However that may be difficult to achieve as it could potentially impact on a number of mature trees within the LNCS. The development would therefore be reliant on the private car, contrary to SPP, the structure plan key objective on accessibility and to Policy D3 of the local development plan. It is noted that the applicant draws attention to a partially implemented planning permission for a farm shop, tearoom and children’s activity venue at Woodend Farm, which it is argued if fully provided would generate more traffic than the proposed housing development. Attention is also drawn to the traffic associated with the recently constructed cattery and equestrian centre on the adjacent land (Tillyoch). Notwithstanding, the proposed housing would result in additional traffic on a sub-standard country road, which would not be in the interests of public safety. The roads officer objects to the application as the proposal does not adhere to current local and national policy for accessibility for residential developments and there would be an inherent road safety issue for pedestrians, cyclists and horses and riders in the area. For these reasons, a housing development on the site is not acceptable.

The proposal clearly does not fall within any of the categories of development identified as acceptable in the Green Belt, which seeks to generally restrict development to that which is necessary for the purposes of agriculture, woodland and forestry, recreational uses compatible with an agricultural or natural setting, mineral extraction or restoration or landscape renewal. New housing is permitted only if applicants can satisfy the Council that it is required to provide residential accommodation for essential workers, such as those employed in agriculture or forestry, who are needed to be housed immediately adjacent to their place of employment. This restriction applies primarily to avoid the proliferation of housing in these areas, which would be damaging to the Green Belt and the landscape setting of the City. Clearly it could not be demonstrated that a development of 14 houses would be required to accommodate essential agricultural or forestry workers who must be housed in that area and thus the proposal does not comply with Policy NE2, nor would it meet the green belt and transport objectives of SPP. The Green Space Network consists of areas of land that have particular value in terms of recreation, public access, wildlife or landscape, together with links between such areas. Policy NE1 states that these qualities will be protected and enhanced and that development likely to destroy or erode them will not be permitted. The proposed development would be contrary to the objectives and purpose of that policy.

The Aberdeen Green Belt Review states that in Deeside all the settlements are well contained by the 90 to 95 metre contour on the northern side of the Dee valley. It goes on to state that maintaining this as a northern limit to their development will help to prevent urban sprawl northwards where it would be isolated from the main transport corridors along the North Deeside Road and Deeside Line. The proposed housing development would be just beyond the limit of this contour, being located on the 100 metre contour. Given the characteristics of the locality, woodland to the north and south and a cattery and equestrian centre to the west of the site, the visual impact of the proposed development in terms of long distant views would be limited provided a substantial landscape buffer was introduced on the west side of the site. Notwithstanding, the appearance of that part of Culter House Road would be change substantially and the local landscape character would be adversely affected and irrevocably changed from rural to an urbanised form of development, which would be contrary to SPP and to Policy D6 of the local development plan.

The applicant has suggested in the Supporting Planning Statement that the site should be treated as a brownfield site as it was previously developed. The Community Council concurs with that opinion. However, brownfield land is normally taken to be vacant or unused, previously developed land within settlement boundaries. The site is not within the settlement boundary and thus is not considered to be brownfield. Notwithstanding, even if it could be construed as brownfield, the proposal must be considered in the context of the relevant local plan policies, which in this case relate to green belt and Green Space Network. The proposal is not an acceptable form of development in the green belt and thus cannot be supported.

The proposal would potentially result in the loss of the trees in the western corner of the site. A number of trees would also potentially be affected immediately adjacent to public road. The loss of those trees would have a detrimental impact on the rural character of that part of Culter House Road. It is likely that the impact on the LNCS would not be significant. However, because only an indicative site layout has been provided, the potential impacts cannot be fully assessed and quantified at this stage. The proposal would not impact directly on any country or woodland walks.

The applicant has stated that if the proposed housing is granted planning permission land on the opposite site of Culter House Road would be gifted to Bon Accord Cricket Club in order that the club can establish a new cricket ground for its own and community use and thus the proposed housing should be considered as 'enabling development'. It is not accepted that the proposal can legitimately be described as enabling development as the land could be gifted to the cricket club and developed as a cricket ground (subject to planning permission being granted) without Woodend Farm being developed for housing. This application must be considered on its own merits in the context of the development plan and primarily in terms of green belt policy. Whilst it is acknowledged that a cricket ground would be a new community facility for Peterculter, the possible formation of such a facility does not override the fundamental failings of the housing proposal in terms of national and local planning policy.

In conclusion, the principle of a housing development on this site is unacceptable for the reasons set out above. Accordingly, the application is recommended for refusal. However, should Members be minded to support the application,

conditions to be applied should include the standard conditions relating to planning permission in principle, the 'matters specified in conditions' of siting, design and external appearance of the buildings, the layout of the development, the means of access, drainage and the landscaping of the site and also a detailed tree survey and tree protection measures, details of boundary enclosures, restrictions on the hours of construction, the installation of low and zero carbon generating technologies in the houses and a restriction on the areas of the site that could be developed in order to protect trees and reduce the visual impact. Also the planning permission should not be issued until the applicant would have entered into a legal agreement for making the planning gain contributions.

RECOMMENDATION

Refuse

REASONS FOR RECOMMENDATION

(1) that the proposal, if approved, would be undermine the principles of controlling development and preventing sporadic housing in the Green Belt, lead to the erosion of the character of such areas and adversely affect the landscape setting of the City contrary to the provisions of Scottish Planning Policy and Policy NE2 'Green Belt' of the Aberdeen Local Development Plan.

(2) that the proposal, if approved, would be contrary to Scottish Planning Policy, the Aberdeen and Shire Structure Plan key objective on accessibility and Policy D3 of the Aberdeen Local Development Plan by reason that the development would be isolated and remote from the settlement of Peterculter, would be inaccessible by public transport and thus would be reliant on the private car.

(3) that the proposal, if approved, would set an undesirable precedent for applications of a similar nature which would result in the proliferation of sporadic housing in the Green Belt, leading to the erosion of the character of such areas and adversely affecting the landscape setting of the City

Dr Margaret Bochel

Head of Planning and Sustainable Development.