

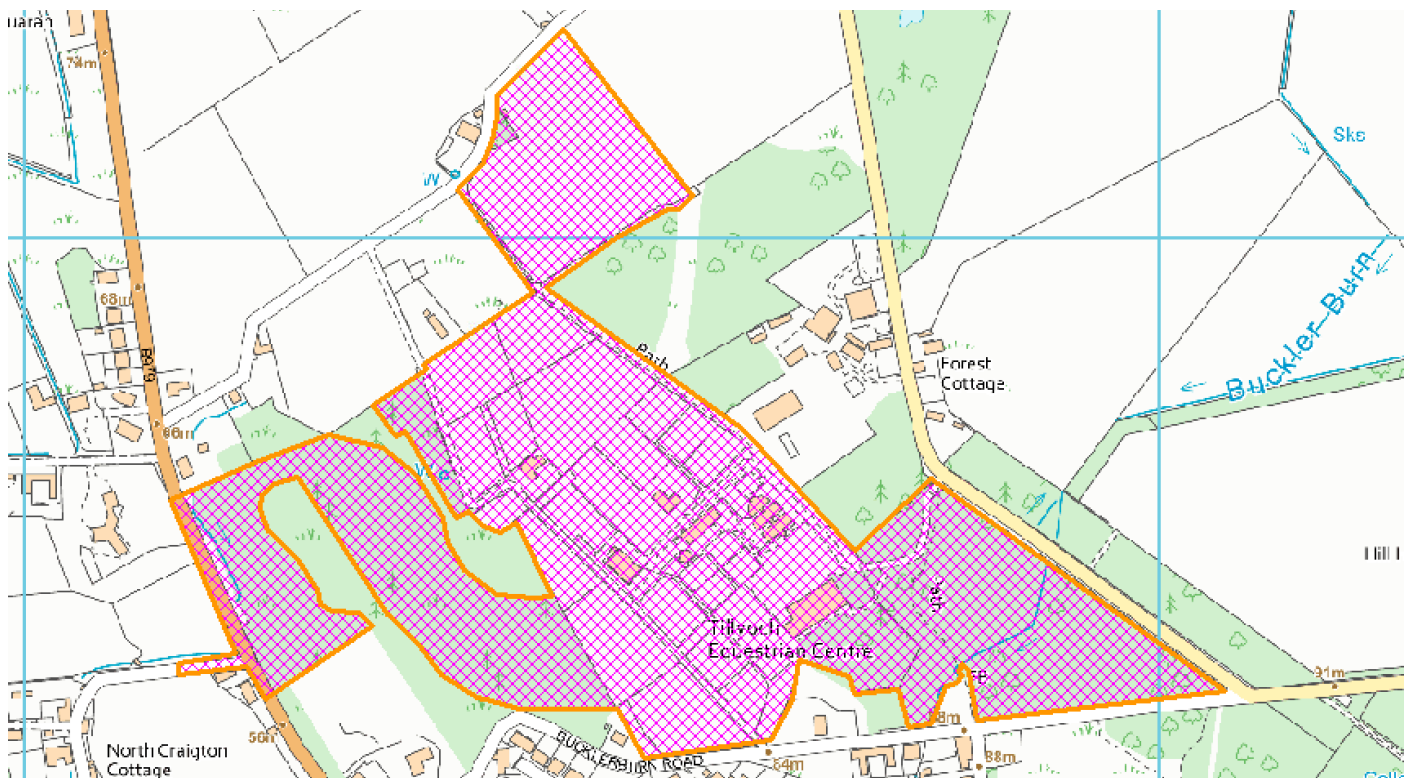


# Planning Development Management Committee

Report by Development Management Manager

**Committee Date: 20 January 2022**

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



## **1. PURPOSE OF REPORT**

- 1.1 This report considers whether planning application 211699/PPP, which triggers the statutory criteria to require that a Pre-Determination Hearing is held, should be determined by the Planning Development Management Committee or if it would be advisable for the pre-determination hearing and determination to be carried out by Full Council.

## **2. RECOMMENDATION(S)**

That the Committee:

- 2.1 Note the contents of the report; and
- 2.2 Agree that the application be subject of a statutory pre-determination hearing by a special meeting of the Planning Development Management Committee and that the application is then determined at a subsequent scheduled Planning Development Management Committee meeting.

## **3. BACKGROUND**

- 3.1 A report to the 30<sup>th</sup> April 2020 meeting of the Planning Development Management Committee (report no. GOV/20/087) set out the process to be followed for reporting to this Committee and referral to Full Council where the relevant criteria for Pre-Determination Hearings are triggered. The recommendations of that report were agreed by the Committee.

## **4. APPLICATION BACKGROUND**

### **4.1 Site Description**

The site is located to the west of Aberdeen City, to the north of Peterculter and falling within the City's 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. The site is also designated as Green Space Network and part of the site, located to the south east, 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 an unknown 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 is noted that the proposed access road from Malcolm Road falls outwith the boundary and is therefore in the Green Belt in the Proposed Local Development Plan.

#### 4.2 **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.

#### 4.3 **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. The site can be divided into four sections as follows:

- The northern portion of the site, which would accommodate a small number of 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. This section of the site would also accommodate affordable housing provision, equating to approximately 62.5 units and the SUDS area to the south.
- The eastern area incorporates the existing Peterculter Local Nature Conservation Site, however, no development is proposed here, apart from some footpath and wildlife corridor connection proposals.
- The proposed access road, located to the west of the site. A single junction would be located off Malcom Road, with a road extending north before splitting to provide two access roads in to and out of the site itself. A SUDS area is also located just east of the proposed access onto the public road.

#### 4.4 **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
- Drainage Assessment & Flood Risk Statement
- Tree Survey Report & Arboricultural Assessment
- Environmental Survey Report

#### 4.5 **Pre-Application Consultation**

This application is accompanied by a Pre-Application Consultation Report, as required by the relevant regulations 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 details of 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 Pre-Application Forum on 30 September 2021, in which details of the housing layout were discussed.

#### 4.6 **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 a site zoned as Green Belt, where Policy NE2 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 is therefore for Members to decide whether the hearing and subsequent determination of this application are conducted in front of Planning Development Management Committee, or whether there are any particular issues that would warrant referral to Full Council in this instance.

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.

## **5. CONSULTATIONS**

5.1 A full list of consultations and their responses will be outlined in the subsequent Pre-Determination Hearing Report and Committee/Full Council Report, as a note the following bodies have been consulted:

- Contaminated Land
- Developer Obligations
- Environmental Health
- Structures, Flooding and Coastal Engineering
- Housing Strategy
- Roads Development Management
- Schools Estates Team
- Waste and Recycling
- Aberdeen City and Shire Strategic Development Plan
- Aberdeen International Airport
- Archaeology Service (Aberdeenshire Council)
- Health and Safety Executive
- Historic Environment Scotland
- NatureScot
- Police Scotland
- Scottish Environmental Protection Agency (SEPA)
- Scottish Forestry
- Scottish Water

## **6. REPRESENTATIONS**

6.1 The period for public comments expires on the 24 January 2022 and details of all comments received will be outlined in the subsequent Pre-Determination Hearing Report and Committee/Full Council Report.

However, as of the 6 January 2022, 195 representations have been received with two of those being neutral comments and the remainder raising objections to the proposal.

## **7. MATERIAL CONSIDERATIONS**

### **7.1 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.

## 7.2 National Planning Policy and Guidance

- National Planning Framework 3 (NPF3) 2014
- Scottish Planning Policy (SPP) 2020
- Designing Streets (2010)

## 7.3 Aberdeen City and Shire Strategic Development Plan (2020) (SDP)

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.

## 7.4 Aberdeen Local Development Plan (2017)

Policy D1 - Quality Placemaking by Design

Policy D2 - Landscape

Policy I1 - Infrastructure Delivery and Planning Obligations

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 H3 - Density

Policy H4 - Housing Mix

Policy H5 - Affordable Housing

Policy CF2 - New Community Facilities

Policy NE1 - Green Space Network

Policy NE2 - Green Belt

Policy NE3 - Urban Green Space

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

## 7.5 Supplementary Guidance and Technical Advice Notes

Landscape

Planning Obligations

Affordable Housing

Transport and Accessibility

Air Quality

Noise

Natural Heritage

Trees and Woodland

Flooding, Drainage and Water Quality

Green Space Network and Open Space

Resources for New Development

## 7.6 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. 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 however 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 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.

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 PALDP between May and August 2020.

The following policies of the Proposed Aberdeen Local Development Plan 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

## 7.8 **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.

## **8 DISCUSSION**

- 8.1 As described above, following legislative change there is no longer a statutory requirement for applications concerning a significant departure from the Development Plan to be subject to determination by Full Council. The Planning Development Management Committee may therefore opt to determine an application itself, or to refer the matter to Full Council. The agreed procedures require this report to make a recommendation, and it is suggested that relevant factors for consideration in reaching that include: the level of representation attracted by an application; the scale of development proposed; the nature and extent of the resultant departure from the Development Plan.
- 8.2 The scale of the proposal, at 250 units, is such that it represents a 'major development' in terms of the relevant hierarchy of developments. It is however notable that other recent applications of a similar scale and level of objection were considered by the Planning Development Management Committee, rather than being referred to Full Council.
- 8.3 With regards the nature of the departure from the Development Plan, this principally relates to the zoning of the site as Green Belt and the relevant Policy NE2 not providing for residential development of this scale in this location. Whilst this clearly does represent a significant departure from the Development Plan, the site is rezoned as residential land and allocated as an opportunity Site (OP53) for 250 homes in the Proposed Aberdeen Local Development Plan. Although it is noted that while the Proposed Plan remains unadopted at this stage, its content is a material consideration.
- 8.4 Taking into account the scale of the proposal, the level of public representation and the content of the Proposed Local Development Plan, it is considered that the Planning Development Management Committee is equipped to provide the necessary public scrutiny via a statutory Pre-Determination Hearing and determination of the application thereafter, and that referral to Full Council would not be necessary in this instance.



## **9 NEXT STEPS**

- 9.1 A hearing will be arranged in accordance with the Committee's instructions, subject to there being interest in attending from those who have made representation in relation to the application.
- 9.2 Following any hearing, a report will be prepared by officers for Full Council or Planning Development Management Committee (per Committee's instruction). This will include an assessment of the proposed development and make a Recommendation to Members as regards determination of the application.