

# Public Document Pack



To: Councillor Boulton, Convener; Councillor Jennifer Stewart, Vice Convener; ; and Councillors Allan, Alphonse, Cooke, Copland, Cormie, Lesley Dunbar, Councillor Donnelly, the Depute Provost,, Greig, Hutchison, John, Malik, McLellan, Sellar, Sandy Stuart and Wheeler.

Town House,  
ABERDEEN 25 October 2017

## **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

The Members of the **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE** are requested to meet in Committee Room 2 - Town House on **THURSDAY, 2 NOVEMBER 2017 at 10.00 am.**

FRASER BELL  
HEAD OF LEGAL AND DEMOCRATIC SERVICES

### **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.**

#### **DETERMINATION OF URGENT BUSINESS**

1.1 Determination of Urgent Business

#### **DETERMINATION OF EXEMPT BUSINESS**

2.1 Determination of Exempt Business

## **DECLARATION OF INTERESTS**

- 3.1 Members are requested to intimate any declarations of interest (Pages 5 - 6)

## **MINUTES OF PREVIOUS MEETINGS**

- 4.1 Minute of Meeting of the Planning Development Management Committee of 21 September 2017 - for approval (Pages 7 - 18)
- 4.2 Minute of Meeting of the Planning Development Management Committee (Visits) of 28 September 2017- for approval (Pages 19 - 32)
- 4.3 Minute of Meeting of the Pre Determination Hearing of 13 September 2017 - for approval (Pages 33 - 86)

## **COMMITTEE TRACKER**

- 5.1 Committee Tracker (Pages 87 - 90)

## **GENERAL BUSINESS**

- 6.1 Motions Against Recommendations - Information Note (Pages 91 - 92)

## **WHERE THE RECOMMENDATION IS ONE OF APPROVAL**

- 7.1 Former Royal Cornhill Hospital (161282) - Material Change to Previous Consent ref P130381 in Order to Accommodate Four Additional Flats Within the Roofspace of Building 5-8 (Pages 93 - 100)

Planning Reference - 161282

The documents associated with this application can be found at:-

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OD136DBZGLG00>.

Planning Officer:- Gavin Evans

- 7.2 Land Adjacent to Friarsfield Road, Cults (170881) - Modification of Planning Obligation Associated with Application 120340 (Rosefield Gardens) to Allow an Alternative Offsite Affordable Housing Provision at 132 - 134 and 142 King Street (Pages 101 - 106)

Planning Reference - 170881

The documents associated with this application can be found at:-

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OTLDN NBZ02E00>.

Planning Officer:- Andrew Miller

- 7.3 Land Adjacent to Kirkbrae/Friarsfield Road, Cults (170882) - Modification of Planning Obligation Associated with Application 140272 (Cults Park) to Allow an Alternative Offsite Affordable Housing Provision at 132 - 134 and 142 King Street (Pages 107 - 112)

Planning Reference - 170882

The documents associated with this application can be found at:-

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OTLFJCBZ02E00>

Planning Officer:- Andrew Miller

## **WHERE THE RECOMMENDATION IS ONE OF REFUSAL**

- 8.1 Land at Perwinnes Farm, Scotstown Road, Aberdeen (170946) - Change of Use from Agricultural Land/Buildings to Plant Hire Business, Erection of Associated Temporary Buildings, Security Fence and Yardspace (Retrospective) (Pages 113 - 118)

Planning Reference - 170946

The documents associated with this application can be found at:-

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OUB50UBZMP000>.

Planning Officer:- Robert Forbes

## **PRIOR NOTIFICATION APPLICATIONS**

- 9.1 Land Adjacent to Access Road, Prime Four Business Park, Prime Four Crescent (171181) - Installation of Telecommunications Mast ( 21m high) and Three Cabinets Within New Compound (Pages 119 - 122)

Planning Reference - 171181

The documents associated with this application can be found at:-

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OX6Y2KBZ01U00> .

Planning Officer:- Dineke Brasier

## **OTHER REPORTS**

- 10.1 Confirmation of Tree Preservation Order Number 244 (2017) Woodend, Peterculter - CHI/17/255 (Pages 123 - 128)

EHRIA's related to reports on this agenda can be viewed at  
[Equality and Human Rights Impact Assessments](#)

To access the Service Updates for this Committee please use the following link:  
<https://committees.aberdeencity.gov.uk/ecCatDisplayClassic.aspx?sch=doc&cat=13450&path=0>

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Should you require any further information about this agenda, please contact Lynsey McBain on 01224 522123 or email [lymcbain@aberdeencity.gov.uk](mailto:lymcbain@aberdeencity.gov.uk)

# Agenda Item 3.1

You must consider at the earliest stage possible whether you have an interest to declare in relation to any matter which is to be considered. You should consider whether reports for meetings raise any issue of declaration of interest. Your declaration of interest must be made under the standing item on the agenda, however if you do identify the need for a declaration of interest only when a particular matter is being discussed then you must declare the interest as soon as you realise it is necessary. The following wording may be helpful for you in making your declaration.

I declare an interest in item (x) for the following reasons .....

*For example, I know the applicant / I am a member of the Board of X / I am employed by...*  
and I will therefore withdraw from the meeting room during any discussion and voting on that item.

**OR**

I have considered whether I require to declare an interest in item (x) for the following reasons ..... however, having applied the objective test, I consider that my interest is so remote / insignificant that it does not require me to remove myself from consideration of the item.

**OR**

I declare an interest in item (x) for the following reasons ..... however I consider that a specific exclusion applies as my interest is as a member of xxxx, which is

- (a) a devolved public body as defined in Schedule 3 to the Act;
- (b) a public body established by enactment or in pursuance of statutory powers or by the authority of statute or a statutory scheme;
- (c) a body with whom there is in force an agreement which has been made in pursuance of Section 19 of the Enterprise and New Towns (Scotland) Act 1990 by Scottish Enterprise or Highlands and Islands Enterprise for the discharge by that body of any of the functions of Scottish Enterprise or, as the case may be, Highlands and Islands Enterprise; or
- (d) a body being a company:-
  - i. established wholly or mainly for the purpose of providing services to the Councillor's local authority; and
  - ii. which has entered into a contractual arrangement with that local authority for the supply of goods and/or services to that local authority.

**OR**

I declare an interest in item (x) for the following reasons.....and although the body is covered by a specific exclusion, the matter before the Committee is one that is quasi-judicial / regulatory in nature where the body I am a member of:

- is applying for a licence, a consent or an approval
- is making an objection or representation
- has a material interest concerning a licence consent or approval
- is the subject of a statutory order of a regulatory nature made or proposed to be made by the local authority.... and I will therefore withdraw from the meeting room during any discussion and voting on that item.

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## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 21 September 2017. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Boulton, Convener; Councillor Jennifer Stewart, Vice Convener; Councillor Donnelly, the Depute Provost; and Councillors Allan, Alphonse, Cooke, Copland, Cormie, Lesley Dunbar, Greig, Hutchison, Malik, McLellan, Sellar, Sandy Stuart and Wheeler.

The agenda and reports associated with this minute can be found at:-  
<https://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=348&MId=4369&Ver=4>

Please note that if any changes are made to this minute at the point of approval, these will be outlined in the subsequent minute and this document will not be retrospectively altered.

### MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 24 AUGUST - FOR APPROVAL

1. The Committee had before it the minute of its previous meeting of 24 August 2017 for approval.

Daniel Lewis, Development Manager advised that in regards to page 6 of the minute, Pinewood Zone F update, a site visit would take place on Thursday 28 September for the proposed application. It was noted that there had been a period of time between the application being at Committee in July and the site visit, and as such the Councillors at this PDMC meeting would be entitled to attend the site visit and participate and not the substitutes from July's meeting as previously advised.

**The Committee resolved:-**

to approve the minute as a correct record and to note the proposed site visit.

### COMMITTEE TRACKER

2. The Committee had before it a tracker of future Committee business.

**The Committee resolved:-**

to note the information contained in the Committee report tracker.

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**NORTH LAST QUARRY - CONTINUED USE AND EXTENSION TO QUARRY - 161687**

3. The Committee had before it a report by the Interim Head of Planning and Sustainable Development, **which recommended:-**

That the application for the continuation of hard rock quarrying operations and extension to the existing quarry including deepening to 48mAOD level and the processing of overburden material, at North Last Quarry, be approved subject to conditions.

Gavin Clark, Senior Planner, advised that amended conditions would be attached to the proposed application and they were listed as follows.

**Conditions**

## 1. Temporary Permission

Planning permission is hereby granted for a temporary period only and shall cease to have effect 30th April 2047 (the 'cessation date'). Prior to the cessation date, the application site shall be cleared of all works and development approved under the terms of this permission (including any subsequent ancillary works, infrastructure, fixtures, fittings and any temporary developments permitted under Class 14 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992) and reinstated in accordance with the agreed restoration and aftercare scheme submitted to and approved in writing by the planning authority under the terms of condition 2 of this permission.

Reason: To enable the impact of the temporary development on the amenity of the surrounding area to be reviewed and to ensure the appropriate restoration and aftercare of the site.

## 2. Restoration and Aftercare Plan

At least one (1) year prior to mineral workings ceasing on the site and prior to any phased restoration works, a restoration and aftercare plan shall be submitted for the written approval of the planning authority, in consultation with SEPA, and all work shall be carried out in accordance with the said scheme. The plan must include information on any proposals for phased working and progressive restoration, as well as the effect that any restoration will have on the water environment, including groundwater quality and quantity. The said plan must also include an assessment of the effect that any backfilling below the water table will have on groundwater.

Reason: To retain control over this temporary form of development and ensure that the site is appropriately restored in the interests of the protection of the environment.

## 3. Updated Environmental Management Plan

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That prior to the commencement of development, the proposals for the extended quarry area are to be added to the existing Environmental Management Plan, or an individual Site Specific Management Plan shall be provided for the extended quarry area, and all works should be undertaken in accordance with the approved plan.

Reason: In order to minimise the impacts of the mineral extraction works on the environment and ensure up-to-date operating and environmental standards on site. Provided the proposals for the extended quarry area will be in accordance with those previously agreed for the existing quarry we do not require further consultation on this.

**4. Storage Capacity of Floodplain**

No storage of material, or other works that would have a detrimental effect on the storage capacity of the functional flood plain, on ground along the northern and north-western site boundary with a level of 77m AOD or below.

Reason: to protect people and property from flood risk and safeguard the capacity of the functional floodplain.

**5. Noise Levels**

That the equivalent noise level (Leq) shall not exceed 55 dB(A) measured as a one hour free field Leq at any noise sensitive property external to the site boundary. If a valid complaint is received this shall be investigated and if the complaint is considered to be credible noise monitoring shall be carried out in accordance with BS 5228 - 1:2009 by independent specialist consultants acting jointly with the Planning Authority. Results of all noise monitoring shall be supplied to the Planning Authority upon request

Reason: In the interests of minimising noise emission.

**6. Blasting Operations**

Ground vibrations as a result of blasting operations shall not exceed a peak particle velocity of 6mm/sec in 95% of all blasts measured over any period of six months and no individual blasts shall exceed a peak particle velocity of 12mm/sec as measured at vibration-sensitive buildings. For the purposes of this condition the measurement shall be the maximum of three mutually perpendicular directions taken at the ground surface, and shall be agreed in writing with the Planning Authority in consultation with colleagues in Environmental Health.

Reason: In order to ensure that the development would not result in undue loss of amenity for surrounding properties.

**7. Restoration and Aftercare Guarantee**

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Within three months of the issue of this planning permission the operator will either;

a. Lodge a bond, from a bond provider approved by the Council, to quantum (to be index linked) approved by the Council to be called upon by the Council in the event of the operator failing to restore the application site in accordance with the approved restoration plan or in the event of the operator's insolvency or administration; or

b. Provide evidence on an annual basis to the Council of the operator's membership of the Mineral Products Association (MPA) in order that the Council may call upon the MPA's Restoration Guarantee Fund in the event of the operator failing to restore the application site in accordance with the restoration plan or in the event of the operator's insolvency or administration. In the event of the operator ceasing to be a member of the MPA, the operator must lodge a bond with the Council in accordance with option (a) above.

In the event that the guarantee becomes invalid for any reason, no operations shall be carried out in connection with the development hereby approved unless a replacement guarantee, completed in accordance with the terms of this condition has been submitted to, and approved in writing by the planning authority.

Reason: To ensure financial security for the cost of the site reinstatement and aftercare liabilities is in place in the interests of the visual amenity of the area, and in terms of environmental protection.

#### 8. Hours of Operation

Unless otherwise agreed in writing with the Planning Authority, the hours of operation of the quarry shall be restricted to 0730 hrs to 1800 hrs Monday to Friday and 0730 hrs to 1600 hrs on Saturday and at no time on Sunday, and from 0600 hrs to 1800 hrs Monday to Friday, and 0700 hrs to 1800 hrs Saturday and Sunday for the coating plant only. Following the commencement of use of the main section of the Aberdeen Western Peripheral Route (AWPR), the operating times of the coating plant only, shall revert to 0600 hrs to 1800 hrs Monday to Saturday and at no time on a Sunday.

Reason: In order to preserve the amenity of the neighbourhood.

#### 9. Wheel Cleaning Scheme

No works in connection with the development hereby approved shall commence unless a scheme for mud control and wheel cleaning has been submitted to and approved in writing by the planning authority. The development hereby approved shall not operate unless the mud control and wheel cleaning scheme has been implemented in accordance with the approved details. Once implemented the mud control and wheel cleaning scheme shall thereafter be permanently retained in accordance with the approved details.

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Reason: To ensure that mud, stones and other debris is not carried onto the public road from the site in the interests of road safety.

**10. Dust Suppression Scheme**

No works in connection with the development hereby approved shall commence unless a scheme for suppressing dust from activities on the site has been submitted to and approved in writing by the planning authority. The development hereby approved shall not operate unless the dust suppression scheme has been implemented in accordance with the approved details. Once implemented the dust suppression scheme shall thereafter be permanently retained in accordance with the approved details.

Reason: To ensure that dust from the development does not result in undue loss of amenity for surrounding properties.

**11. Sunday Working**

Prior to the commencement of Sunday working, a scheme/procedure for the handling of noise complaints (including a hierarchy of remedial action to effectively address noise emissions in the event of a complaint) shall be submitted in writing to the satisfaction of the Planning Authority. Thereafter, the scheme shall be implemented in its entirety

Reason: In the interests of public and residential amenity.

**12. European Protected Species**

That not more than 6 months prior to the commencement of development on the proposed extension, prestart checks shall be carried out to the satisfaction of the Council as Planning Authority. The pre-start checks will investigate the presence of any European Protected Species on site and shall set out appropriate mitigation measures and an implementation programme, if evidence of any protected species is encountered, which shall be submitted for the written approval of the Council and thereafter carried out as approved.

Reason: To investigate the presence of and safeguard protected species.

**13. Cessation of Works**

Should, for any reason, the extraction of sand and rock from the site cease for a period in excess of 12 months, the extraction shall be deemed to have ended. An updated scheme, plan and schedule for the restoration of the worked area, to date, shall be submitted for the written approval of the Council, as Planning Authority within 2 months of the effective cessation of quarrying operations (as mentioned above). The updated scheme of restoration as approved shall be carried out in a

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similar manner to that referred to in the Planning and Environmental Statement (Johnson, Poole and Bloomer, 2016) within a year of the aforementioned early cessation of extraction.

Reason: To ensure the satisfactory restoration of the site and to minimise the temporary loss of agricultural land should extraction operations cease over a 24 month period.

### 14. Annual Progress Plan

That within one year from the date of commencement (and annually thereafter for the duration of extraction and restoration operations approved through this permission), an annual progress plan and environmental audit shall be submitted to the Council as Planning Authority. The annual progress plan shall detail:

- The extent of extraction operations undertaken that year;
- Areas prepared for extraction, including any soil stripping;
- The extent of backfilling;
- The extent of restoration operations carried out;
- Recent topographical site survey
- Estimation of remaining mineral reserves;
- Compliance with statutory permissions and legal agreements;
- Site complaint logs and actions taken
- The effects of the development on the environment, including noise, dust and water monitoring
- Measures taken to implement the restoration and aftercare provisions and the intended operations for the next 12 months

Reason: To monitor the impact of the site on its local environment and on neighbouring land uses; in the interest of visual amenity having regard to the rural location of the site; in the interest of residential amenity; to remedy any negative impact on the local environment and neighbouring land uses; in the interest of convenient and satisfactory assimilation of the restored site's agricultural, woodland and countryside uses to the adjoining land; and to ensure continuous consistent performance of work on the development until completion of restoration and the aftercare period.

### 15. Landscaping Scheme (no details known)

No works in connection with the development hereby approved shall commence unless a scheme of hard and soft landscaping works has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:

- a) Existing landscape features and vegetation to be retained.
- b) Protection measures for the landscape features to be retained.
- c) Existing and proposed finished levels.
- d) The location of new trees, shrubs and grassed areas

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- e) A schedule of planting to comprise species, plant sizes and proposed numbers and density.
- f) A programme for the implementation, completion and subsequent management of the proposed landscaping.

All soft and hard landscaping proposals shall be carried out in accordance with the approved planting scheme and management programme. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the planning authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted. Once provided, all hard landscaping works shall thereafter be permanently retained.

Reason: To ensure the implementation and management of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

### 16. Programme of Archaeological Works

No works in connection with the development hereby approved shall commence unless an archaeological written scheme of investigation (WSI) has been submitted to and approved in writing by the planning authority and a programme of archaeological works has been carried out in accordance with the approved WSI. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be brought into use unless a post-excavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the planning authority. The PERD shall be carried out in complete accordance with the approved details. The WSI should also include a monitored topsoil strip of the area.

Reason: To safeguard and record the archaeological potential of the area.

Reason: to ensure minimum disturbance from operations and avoidance of nuisance to the local community.

### 17. Otter Protection

No works in connection with the development hereby approved (including demolition, ground works and vegetation clearance) shall commence unless a otter protection strategy has been submitted to, and approved in writing by, the local planning authority. The strategy proposed shall include the following.

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- No interference with the holt, except where there is a need to set up sand pads and trail cameras nearby, for monitoring;
- Continued monitoring of the status of the holt at 3 monthly intervals throughout the timeframe when blasting operations will be taking place.
- No blasting closer than 75 m from the holt, but subject to the monitoring evidence (i.e. if breeding is confirmed, cease blasting in this area);
- If breeding is detected and young are present, have a back-up plan in place for blasting in other parts of the site beyond 200 m of the holt.
- Ensure that a protection zone is clearly marked off (with posts and tape) around the holt where no ground works, vehicle movement, entry of quarry personnel etc. can take place; this should be ~60 m from the holt, as the application does not indicate works within ~60 m of the holt.
- Avoid blasting over the winter months (November – February inclusive) within 200 m of the holt, unless there is conclusive evidence that the holt is not used for breeding.

Reason: In order to protect and enhance biodiversity in the environment

### 18. Dust Suppression Measures

At all times during the carrying out of operations authorised or required by this planning permission, and in addition to requirements covered by PPC permit, dust control measures shall be implemented in accordance with the guidance given in PAN 50 Annex B and in accordance with the provisions of the submitted Dust Assessment (Johnson, Poole and Bloomer – November 2016).

Reason: to minimise the emission of dust from the development in the interests of amenity of the area.

### 19. Waste Management License

No infill material, other than topsoils and subsoils as exempted under the provisions of the Waste Management Licensing Regulations 1994 (as amended), shall be brought onto the site without benefit of the requisite planning permission and Waste Management License and only in accordance with a scheme of restoration and in locations approved in writing by the Planning Authority.

Reason: in order to control the deposition of waste.

### 20. Copy of Plans on Site

From the date of any commencement of this development until completion of the final restoration, a copy of this planning permission, all approved plans and associated documentation together with any approved amendments shall be made available for inspection at the site offices during approved working hours.

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Reason: To ensure the site operator and visiting officials are aware of the details of the planning permission and any approved amendments and discharge of the conditions.

**21. Driveway and Parking Provided**

The quarry extension hereby approved shall not be implemented unless parking has been provided in accordance with details to be submitted to and approved in writing by the Planning Authority. Once provided, all parking and turning areas shall thereafter be permanently retained as such.

Reason: In the interests of road safety.

The Committee then heard from Gavin Clark, Senior Planner, who spoke in furtherance of the report and answered various questions from Members.

**The Committee resolved:-**

to approve the application conditionally.

**FORMER CORNHILL HOSPITAL, BERRYDEN ROAD - MATERIAL CHANGE TO PREVIOUS CONSENT P130381 IN ORDER TO ACCOMMODATE 4 ADDITIONAL FLATS - 161282**

**4. The Committee had before it a report by the Interim Head of Planning and Sustainable Development, which recommended:-**

That there be a willingness to approve the application at the former Cornhill Hospital site, Berryden Road, for a material change to previous consent to accommodate four additional flats, with conditions, subject to the conclusion of a legal agreement securing:-

- Affordable housing - £10,139.32
- Community facilities - £1,992.00
- Car Club - £380.00
- Roads - £556.00
- Primary Education - £13,210.24
- Sport and Recreation - £1,216.00
- Library - £200.00
- Total - £27,693.56

**Conditions**

1. That none of the buildings hereby approved shall be occupied unless a scheme detailing compliance with the Council's 'Low and Zero Carbon Buildings' supplementary guidance has been submitted to and approved in writing by the planning authority for that building, and any recommended measures specified within that scheme for the reduction of carbon emissions have been implemented in full - to ensure that this development complies with requirements

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for reductions in carbon emissions specified in the City Council's relevant published Supplementary Guidance document, 'Low and Zero Carbon Buildings'.

2. That no building within the development hereby approved shall be occupied unless the car, motorcycle (including a secure fixed point) and bicycle parking areas serving those buildings have been constructed, drained, laid-out and demarcated in accordance with a drawing which has first been submitted to and approved in writing by the planning authority. Such areas shall not thereafter be used for any other purpose other than the purpose of the parking of vehicles ancillary to the development hereby granted approval - in the interests of public safety and the free flow of traffic.
3. That none of the units hereby approved shall be occupied unless refuse and recycling storage has been provided in accordance with a detailed scheme which has first been submitted to and approved in writing by the planning authority – in order to preserve the amenity of the neighbourhood and in the interests of public health.
4. That unless otherwise agreed in writing, no part of the development hereby granted planning permission shall be occupied unless all drainage works detailed on Fairhurst drawing number 96600/2050-revC (as approved in relation to the overarching consent ref. 130381) or such other plan as may subsequently be approved in writing by the planning authority for the purpose have been installed in complete accordance with the said plan - in order to safeguard water qualities in adjacent watercourses and to ensure that the proposed development can be adequately drained.

**ADVISORY NOTE FOR APPLICANT**

- A. Construction Hours. It is recommended that no construction or demolition work should take place: (a) outwith the hours of 7.00 am to 7.00 pm Mondays to Fridays; (b) outwith the hours of 9.00 am to 4.00 pm Saturdays; or (c) at any time on Sundays, except (on all days) for works inaudible outwith the application site boundary. - in the interests of residential amenity. Please note that separate statutory noise controls exist under environmental health legislation.
- B. Separate licencing regime for works affecting bat roosts  
Please note that, separate from this grant of planning permission, it is likely that a licence from SNH will be required in relation to works affecting bat roosts - it is the applicants' responsibility to ensure that the appropriate licence has been obtained before such works affecting a European Protected Species (including demolition works) are undertaken.

The Committee then heard from Gavin Evans, Senior Planner, who spoke in furtherance of the report and answered various questions from Members.

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Andrew Jones, Service Manager, Assets and Finance, also provided information on Skene Square primary school which would be the zoned school for the proposed development. Mr Jones advised that the school was nearly at capacity however there was space within the grounds to convert the space into additional classrooms, with money being sought from developer obligations for this purpose.

**The Committee resolved:-**

to approve the application conditionally, subject to the conclusion of a legal agreement.

**ROAD/COUNTESSWELLS ROAD ZONE A - ERECTION OF CARE HOME AND 4 DWELLINGS - 170525**

5. The Committee had before it a report by the Interim Head of Planning and Sustainable Development, **which recommended:-**

That there be a willingness to approve the application conditionally for the erection of a care home and four dwellings at Hazledene Road/Countesswells Road Zone A, subject to the conclusion of a legal agreement securing the following developer obligations:-

- Core Path Network - £18,079
- Open Space - £8,894
- Healthcare - £49,746 to contribute towards a new health centre at Countesswells.

Councillor Cooke suggested that a site visit take place before determining the application.

**The Committee resolved:-**

to agree that a site visit take place on Thursday 28 September 2017 at 9.30am before the application be determined.

- **COUNCILLOR MARIE BOULTON, Convener**

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## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)

ABERDEEN, 28 September 2017. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS). Present:- Councillor Boulton, Convener, Councillor Jennifer Stewart, Vice Convener; Councillor Donnelly, the Depute Provost; and Councillors Alphonse, Cooke, Copland, Cormie, Greig, Hutchison, McLellan, Nicoll, Stuart and Wheeler.

**The agenda and reports associated with this minute can be found at:-**  
<https://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=152&MId=5922&Ver=4>

**Please note that if any changes are made to this minute at the point of approval, these will be outlined in the subsequent Planning Development Management Committee minute and this document will not be retrospectively altered.**

### **PINEWOOD ZONE F, COUNTESWELLS ROAD - 170243**

1. With reference to Article 1 of the minute of meeting of the Planning Development Management Committee (visits) of 28 July 2017, wherein it had been agreed to defer the site visit for further information to be received, the Committee had before it a report by the Interim Head of Planning and Sustainable Development **which recommended:-**

That the application for the erection of 116 dwellings comprising 2 apartment blocks, 35 houses and retirement apartment block, with amenity space and associated infrastructure, be approved conditionally, subject to the completion of a Section 75 agreement to include

- Securing affordable housing against the mainstream housing units in accordance with the terms of the S75 attached to the overarching PPiP
- Controlling occupancy of Over 55 units to people 55 years old or older into perpetuity;
- Payment of Core Path contributions (£16,963); and
- Payment of Healthcare contributions (£46,675).

#### **Conditions**

1) Prior to occupation of the first unit, the applicant/developer shall submit a Residential Travel Plan to the Planning Authority for approval in consultation with the Roads Service, and once approved shall be issued to the new owners of each unit prior to their occupation.

Reason: To ensure occupants are made aware of the different ranges of transport available to accessing the development.

2) Prior to commencement of development, the applicant/developer shall provide evidence to the Planning Authority, for their approval, that they have reached an agreement with a public transport operator in which to provide a bus service from the bus stop shown on the approved Site Plan within a time period to be agreed with the Planning Authority after the first unit is occupied.

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)**

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Reason: To ensure the development can be served by a sustainable means of transport.

- 3) Prior to commencement of development, the applicant/developer shall provide full details of traffic-calming measures to be implemented within the development to the Planning Authority for approval in consultation with the Roads Service. Once approved, the traffic-calming measures shall be implemented in a timescale to be agreed with the Planning Authority.

Reason: To ensure the development complies with Designing Streets guidance and minimizes the risk of road safety issues.

- 4) Prior to commencement of development, the applicant/developer shall submit details of how a temporary turning-circle could be provided allow to refuse vehicles and visitors to turn within the prior to the internal road layout is connected to the zone to the north of the site. Once approved, the turning circle shall be implemented until the internal road network is connected to the adjoining phase of development.

Reason: To ensure visiting vehicles have sufficient space in which to safely manoeuvre within the site in order to minimise road safety risk.

- 5) Prior to commencement of development, the applicant/developer shall provide full details/ samples of all external finishes to the hereby approved building including downpipes, roofing materials, doors, windows and balustrade for approval by the Planning Authority.

Reason: To ensure that the development would remain in-keeping with the character and appearance of the surrounding area/

- 6) Prior to occupation of the first unit, the applicant/developer shall provide full details of secure storage for motorcycles and bicycles within the site for the approval by the Planning Authority. Once approved, the secure storage facilities shall be implemented in full prior to occupation of the first unit.

Reason: To ensure occupants means of transport can be securely stored thus minimizing the opportunity for crime.

- 7) Prior to commencement of development, the applicant/developer shall provide full details of the energy efficiency rating of each individual habitable building within the development for approval by the Planning Authority. Once approved, the construction of each building should be carried out to ensure that the approved energy efficiency levels are achieved.

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Reason: To ensure compliance with Policy R7 in the ALDP 2017 and its associated Supplementary Guidance.

- 8) Prior to commencement of development, the applicant/develop shall submit details of water-saving technologies and techniques to be incorporated into the design of each new building within the site for approval by the Planning Authority. Once approved, all water-savings measures shall be implemented in full prior to the occupation of each unit.

Reason: In order to minimise water abstraction from the River Dee and to comply with the requirements of Policy R7 in the ALDP 2017 and its associated supplementary guidance.

- 9) Prior to commencement of development, protective fencing shall be placed around the Root Protection Areas (RPAs) pertaining to each tree to be retained outlined in the 'Tree Survey Drawing' which accompanies the submitted Tree Survey and shall remain in-situ until all buildings work associated with the buildings closest to each fence has been completed.

Reason: To ensure that existing trees of high landscape character and amenity value are not damaged or removed during the construction phase of development.

- 10) No materials, supplies, plant, machinery, spoil, changes in ground levels or construction activities shall be permitted within the Root Protection Areas of each tree identified on the submitted 'Tree Survey Drawing' without the written consent of the planning authority, and no fire shall be lit in a position where the flames could extend to within 5 metres of foliage, branches or trunk.

Reason: In order to ensure adequate protection for trees adjacent to the site during the construction of the development.

- 11) Prior to commencement of development, the applicant/developer shall submit details a Lighting Strategy which outlines where they intend to position lights within the site during the construction phase of development. Once approved, the Lighting Strategy shall strictly be adhered to throughout the course of construction to minimise disturbance to bats roosting in the area.

Reason: To ensure bats likely to be roosting within trees in the surrounding area are not unduly disturbed.

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- 12) Prior to commencement of development, the applicant/developer shall submit a Construction Environment Management Plan (CEMP) for approval by the Planning Authority in consultation with SEPA which details how the existing water environment will be protected during construction and how materials and waste will be managed on site. Once approved, the CEMP shall be adhered to in full for the timeline set out in the approved document unless otherwise agreed in writing by the Planning Authority.

Reason: To ensure the construction phase of development does not give rise to any undue adverse impacts on the natural water environment.

- 13) Prior to occupation of the first unit, the developer shall implement the proposed SuDS scheme in full unless otherwise agreed in writing with the Planning Authority.

Reason: To ensure the development does not give rise to any undue localised flooding.

- 14) Prior to commencement of development, the applicant/developer shall submit a statement to the Planning Authority for approval, detailing how the development shall have/ provide access to modern, up to date high speed communications infrastructure. Thereafter each phase of development shall be supported by a detailed statement setting out how such measures have been designed into the built form and what standards of digital connectivity this will bring. The approved measures shall thereafter be implemented in accordance with the approved details.

Reason: To ensure compliance with Policy CI1 in the ALDP 2017 and Scottish Planning Policy.

- 15) All hard and soft landscaping proposals shall be carried out in accordance with the approved Landscaping Strategy and Planting Schedule, which shall be completed during the planting season immediately following the commencement of the development or as otherwise agreed in writing with the Planning Authority. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted. In addition, prior to the commencement of the implementation of the approved scheme, detailed proposals for a programme for the long term management and maintenance of all the approved landscaped and open space areas within the development shall be submitted for the further written approval of the Planning Authority. Thereafter, all management and maintenance of the landscaped and open space areas shall be implemented, in perpetuity, in accordance with the approved programme.

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Reason: To ensure the implementation of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area and to ensure that the landscaping is managed and maintained in perpetuity.

### ADVISORY NOTE FOR APPLICANT

- 1) Any engineering works within the water environment will require authorisation from the Scottish Environment Protection Agency (SEPA) under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended). SEPA are contactable on: 01224 266609.
- 2) Prior to making a connection to the public water supply and sewerage system, maintained by Scottish Water, the applicant/developer shall need to obtain the separate prior approval from Scottish Water in order to legally do this. Scottish Water is contactable on: 0800 389 778.
- 3) The applicant/developer should contact ACC Waste Service a minimum of 2 months prior to occupation of each unit.

The Committee heard from Jamie Leadbeater, Planner, who spoke in furtherance of the report and answered various questions from members. Miquel Vinyals, Engineer, also answered questions in regards to flooding issues. The following information was noted:-

- Rain/surface water would not be dispersed into resident's gardens but into the SUDS, which had enough capacity to deal with rainfall;
- Broadband provision was now a requirement in the new Local Development Plan;
- The application was granted planning permission in principle when the old LDP was in operation and as a result there was no requirement for an affordable housing element with the retirement apartment block;
- The section 75 legal agreement would control the sale of any property to anyone not over 55;
- Local residents had major concerns in regards to flooding in the area which they felt was a result of the development of new properties in the area;
- Drainage was redirected as to not have an effect on the residents in the area;
- There would be a new drainage system on site and it was not anticipated that there would be any problems with this;

Councillor Donnelly, seconded by Councillor Cormie, moved a procedural motion:-  
that no more questions be allowed in regards to this application and that the Committee move to determination of the application.

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On a division, there voted for the procedural motion (3) – Councillor Donnelly, the Depute Provost and Councillors Alphonse and Cormie; against the procedural motion (9) – the Convener, the Vice Convener and Councillors Cooke, Copland, Greig, Hutchison, McLellan, Sandy Stuart and Wheeler.

As the Committee resolved not to adopt the procedural motion, questions on the application continued and the following was noted:-

- SEPA previously had concerns in regards to the application however after a meeting with officers the concerns were resolved;
- Any aspect contained with the section 75 legal agreement could be open for challenge and needs to meet the condition test;

The Convener moved, seconded by Councillor Donnelly:-

that the application be approved in accordance with the recommendation contained within the report.

Councillor Hutchison, seconded by Councillor McLellan, moved as an amendment:-

that the application be approved as contained within the report with an extra condition that sought a payment of 10% for Affordable Housing against the over 55 accommodation units.

Councillor Greig, seconded by Councillor Cooke, moved as a further amendment:-

that the application be refused due to concerns relating to the negative impact on residential amenity, the visual impact and being out of character for the area, public transport and connectivity issues and drainage problems.

There being a motion and two amendments, the Committee first divided between the amendment by Councillor Hutchison and the amendment by Councillor Greig.

For the amendment by Councillor Hutchison (5) - Councillors Alphonse, Copland, Hutchison, McLellan and Sandy Stuart.

For the amendment by Councillor Greig (3) - the Vice Convener and Councillors Cooke and Greig.

Abstained from the vote (4) - the Convener and Councillors Cormie, Donnelly and Wheeler.

The Committee then divided between the motion by the Convener and the successful amendment by Councillor Hutchison.

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On a division there voted:- for the motion (4) – the Convener and Councillors Cormie, Donnelly and Wheeler; for the amendment (7) – Councillors Alphonse, Cooke, Copland, Greig, Hutchison, McLellan and Stuart.

Abstained from the vote (1) – the Vice Convener.

### **The Committee resolved:-**

to agree the amendment, and approve the application conditionally subject to the completion of a section 75 legal agreement, with an extra condition seeking payment of 10% for Affordable Housing against the over 55 accommodation unit.

### **HAZLEDENE ROAD/COUNTESSWELLS ROAD ZONE A - 170525**

2. With reference to article 5 of the minute of meeting of the Planning Development Management Committee of 21 September 2017, wherein it had been agreed to visit the site, the Committee had before it a report by the Interim Head of Planning and Sustainable Development **which recommended:-**

That there be a willingness to approve the application for the erection of a care home and four dwellings, subject to the conclusion of a legal agreement securing the following developer obligations:-

- Core Path Network - £18079
- Open Space - £8894 and
- Healthcare £49746 – to contribute towards a new health centre at Countesswells

### **Conditions**

#### **1. Finishes/Materials**

that no development shall take place unless a scheme detailing all external finishing materials to the roof and walls of the development hereby approved has been submitted to, and approved in writing by, the planning authority and thereafter the development shall be carried out in accordance with the details so agreed - in the interests of visual amenity.

#### **2. Boundary Enclosures**

that no development shall take place unless a scheme detailing the proposed site and plot boundary enclosures for the development site has been submitted to the planning authority and subsequently approved in writing. Thereafter no building shall be occupied unless boundary enclosures have been provided in accordance with the agreed scheme, or such other drawing as may subsequently be submitted and approved in writing by the planning authority – in order to ensure appropriate distinction between public and private spaces, and to ensure that the enclosures are compatible with the character and appearance of the area.

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**3. Refuse Scheme**

that no development shall take place unless a further detailed scheme of refuse and recycling storage has been submitted to and approved in writing by the planning authority. Thereafter no unit within a given phase shall be occupied unless the refuse and recycling storage for that phase has been provided in accordance with the said scheme – in order to preserve the amenity of the neighbourhood and in the interests of public health.

**4. Footpath links**

That the residential care home hereby approved shall not be brought into use unless the following pedestrian routes have been laid out in full and made available for use: A footpath within the site, providing a connection to the Care Home's main entrance from the newly constructed pedestrian footway on Hazledene Road. The details of this route must be submitted to and agreed in writing by the planning authority prior to works commencing; and

The path to the south of the care home, shown on drawing *A\_APL\_112-Rev L*, which shall be constructed to 3m width, surfaced and lit.

Reason: To ensure that adequate provision is made for safe pedestrian routes, and to promote sustainable travel, as required by policy T3 (Sustainable and Active Travel) of the Aberdeen Local Development Plan.

**5. Visibility Splay**

That the residential care home hereby approved shall not be brought into use unless the visibility splay demonstrated on drawing *ABR\_HAZ\_001-Rev A* has been provided. Thereafter, the land falling within that visibility splay shall be kept clear of any obstacles (including buildings, structures, trees or shrubs) exceeding 1m in height – in the interests of ensuring appropriate visibility for vehicles at the site access.

**6. Parking provision**

That the residential care home hereby approved shall not be brought into use unless the car, motorcycle (including a secure fixed point) and bicycle parking areas serving the building have been constructed, drained, laid-out and demarcated in accordance with drawing *A\_APL\_112-Rev L* of the plans hereby approved or such other drawing as may subsequently be submitted and approved in writing by the planning authority. Such areas shall not thereafter be used for any other purpose other than the purpose of the parking of vehicles ancillary to the development hereby granted approval - in the interests of public safety and the free flow of traffic.

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### **7. Local Extract Ventilation (LEV) system**

that no building within the development hereby approved shall be occupied unless (A) the following information has been submitted to and agreed in writing by the planning authority, and (B) any LEV scheme and noise mitigation measures so agreed have been installed and are fully operational.

Required information:

- (i) full details of proposed cooking activities;
- (ii) an assessment of the requirements for extract ventilation in accordance with relevant guidance (for example: DEFRA document 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems' and associated references);
- (iii) proposals for an appropriate system of Local Extract Ventilation (LEV) system; and
- (iv) a noise assessment by a suitably qualified noise consultant have been submitted to and agreed in writing by the planning authority.

Reason: in order to ensure that cooking fumes are adequately filtered and dispersed and that residential amenity is protected.

### **8. Restriction to Care Home use**

Notwithstanding the terms of use class 11 (Assembly and Leisure), the Care Home building hereby approved shall be used only for this specified purpose and no other purpose within Class 10 (non-residential institutions) of the Town and Country Planning (Use Classes) (Scotland) Order 1997 without a further grant of planning permission – on the basis that the proposal has been assessed on this specific basis, with developer obligations established on the basis of the age demographic associated with such premises.

### **9. Deliveries and Servicing**

That service deliveries and collections to the premises and the disposal of refuse to receptacles outwith the fabric of the building shall not take place outwith the hours of 0700 to 1900 Monday to Saturday and 1000 to 1900 on Sundays - in order to protect surrounding residents from noise disturbance at unreasonable hours.

### **10. Upgrading of Hazledene Road to adoptable standard**

That no development shall be undertaken unless a finalised scheme of works necessary to bring Hazledene Road up to adoptable standard has been submitted to, and approved in writing by, the planning authority. Thereafter, no building within the site shall be occupied until works for the upgrading of Hazledene Road have been implemented in full, in accordance with the scheme so agreed - in order that the road improvement works necessary to provide appropriate access to the site have been carried out in advance of occupation.

### **11. Landscaping – Management and Maintenance of Trees/Landscaped areas**

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that no part of the development hereby approved shall be occupied unless a plan and report illustrating appropriate management proposals for the care and maintenance of all trees to be retained and any new areas of planting (to include timing of works and inspections) has been submitted to and approved in writing by the Planning Authority. The proposals shall be carried out in complete accordance with such plan and report as may be so approved, unless the planning authority has given prior written approval for a variation - in order to preserve the character and visual amenity of the area.

**12. Scheme of Tree Protection**

That no development shall take place unless the scheme for the protection of all trees to be retained during construction works – Struan Dalgleish Arboriculture, May 2017 - has been implemented in full - in order to ensure adequate protection for the trees on site during the construction of the development.

**13. Implementation of the approved Landscaping Scheme**

that all planting, seeding and turfing comprised in the approved scheme of landscaping shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority - in the interests of the amenity of the area.

**14. Drainage**

That in the event that any land drainage is encountered during excavations these drains will be diverted round any excavations that block their original line and redirected to their original outlet. Any groundwater spring which becomes evident during construction which cannot be controlled by existing land drains shall be captured and piped to the most appropriate watercourse. – in the interests of ensuring adequate drainage for the site.

**15. Low and Zero Carbon Policy Compliance**

that none of the buildings hereby approved shall be occupied unless a scheme detailing compliance with the Council's 'Low and Zero Carbon Buildings' policy, as contained in the 'Resources for New Development' supplementary guidance has been submitted to and approved in writing by the planning authority for that building, and any recommended measures specified within that scheme for the reduction of carbon emissions have been implemented in full - to ensure that this development complies with requirements for reductions in carbon emissions specified in the City Council's relevant published Supplementary Guidance.

**16. Construction Environment Management Plan**

No development shall be undertaken until such time as a site specific environmental management plan (EMP), incorporating detailed pollution prevention and mitigation

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measures for all construction elements potentially capable of giving rise to pollution during all phases of construction, has been submitted to and approved in writing by the planning authority, in consultation with SEPA. Thereafter all work shall be carried out in accordance with the approved plan - in order to control pollution of air, land and water.

Note: full details of matters to be included in the EMP can be found on SEPA's website.

### 17. Details of Rooftop Plant

That no development shall be undertaken unless the full details of any rooftop plant have been submitted to, and approved in writing by, the planning authority - in the interests of ensuring that any such plant equipment is accommodated without undue prominence or visual impact.

### Advisory Notes

1. Recommend that hours of construction are restricted to 7am-7pm Mon-Fri and 8am-1pm Sat in order to avoid adverse impact on amenity.
2. Recommend that measures to mitigate impact arising from dust during construction are considered prior to commencement of works.

The Committee then heard from Jamie Leadbeater, Planning Officer, who spoke in furtherance of the report and answered various questions from members. Kamran Syed, Engineer, also answered various questions in regards to traffic and road issues and the following was noted:-

- In regards to the proposed car parking spaces, there was a requirement for 26 spaces and the proposal was for 28;
- There was no requirement for affordable housing as the limit is in regards to 5 properties and the application was for four proposed properties;
- An extra condition could be added in regards to public transport provision;
- Features like double yellow lines could be used in order to mitigate road concerns on the access road;

Councillor Boulton, seconded by Councillor Donnelly, moved:-

that the application be approved in accordance with the recommendation contained within the report.

Councillor Greig, seconded by the Vice Convener, moved as an amendment:-

that the application be refused due to the visual impact which would be out of character for the surrounding area, which would include a mass of buildings being visible from Hazledene Park, road safety concerns, parking overspill concerns and the lack of bus service for the area.

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Councillor Hutchison, seconded by Councillor Copland, moved a further amendment:- that the application be approved conditionally, with an extra condition added seeking 10% affordable housing contribution in regards to the four proposed housing properties.

There being a motion and two amendments, the Committee first divided between the amendment by Councillor Greig and the amendment by Councillor Hutchison.

For the amendment by Councillor Greig (3) - the Vice Convener and Councillors Cooke and Greig.

For the amendment by Councillor Hutchison (4) - Councillors Alphonse, Copland, Hutchison and McLellan.

Abstained from the vote (5) - the Convener and Councillors Cormie, Donnelly, Sandy Stuart and Wheeler.

The Committee then divided between the motion by the Convener and the successful amendment by Councillor Hutchison.

On a division there voted:- for the motion (8) – the Convener, the Vice Convener; and Councillors Alphonse, Cooke, Cormie, Donnelly, Sandy Stuart and Wheeler; for the amendment (4) – Councillors Copland, Greig, Hutchison and McLellan.

**The Committee resolved:-**

(i) to agree that two extra conditions be added, to read:-

(a) Prior to first occupation of any dwellings, a Residential Travel Pack must be submitted to and approved in writing by the Planning Authority in consultation with the Roads Development Management Team, and once approved shall be issued to the new occupants of each house on occupation.

Prior to first occupation of the Care Home, a Travel Plan - including identification of mode share targets for staff, along with clear aims and objectives, and provisions for monitoring and review - shall be submitted to and approved in writing by the Planning Authority in consultation with the Roads Development Management Team, and once approved shall be operated in accordance with the details so agreed.

Reason: To ensure occupants are made aware of the different ranges of transport available to accessing the development and to encourage sustainable travel.

(b) Prior to commencement of development, the applicant/developer shall provide evidence to the Planning Authority, for their approval, that they have

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reached an agreement with a public transport operator in which to provide a bus service from the bus stop shown on the approved Site Plan within a time period to be agreed with the Planning Authority after the first unit is occupied.

Reason: To ensure the development can be served by a sustainable means of transport; and

- (ii) to otherwise adopt the motion and to approve the application conditionally, subject to the conclusion of a legal agreement securing developer obligations for the core path network (£18,079), open space (£8,894) and healthcare (£49,746).

- **Councillor Marie Boulton, Convener**

DRAFT

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)**

## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE PRE-DETERMINATION HEARING

ABERDEEN, 13 September 2017. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE PRE DETERMINATION HEARING. Present:- Councillor Boulton, Convener; Councillor Jennifer Stewart, Vice Convener; Councillor Donnelly, the Depute Provost and Councillors Alphonse, Cooke, Copland, Cormie, Greig, Hutchison, John, Malik, McLellan, Sandy Stuart and Wheeler.

Also in attendance: Councillors Allard, Bell, Delaney, Jackie Dunbar, Duncan, Flynn, Grant, Henrickson, Houghton, Hunt, Imrie, John, Laing, Lumsden, MacGregor, Avril MacKenzie, McRae, Nicoll, Noble, Samarai, Townson and Yuill.

### DECLARATIONS OF INTEREST

1. Members were requested to intimate any declarations of interest in respect of the item on today's agenda, thereafter, the following declarations of interest were intimated:-

- (a) Councillor Henrickson declared an interest by virtue of him being a season ticket holder with Aberdeen Football Club (the applicant) and also a shareholder for Aberdeen Football Club. Councillor Henrickson left the hearing and took no part in the consideration of the item;
- (b) Councillor Alphonse declared an interest by virtue of her having business dealings with Stewart Milne, Chairman of Aberdeen Football Club. Councillor Alphonse left the hearing and took no part in the consideration of the item;
- (c) Councillor Cooke declared an interest by virtue of him being a member of Aberdeen and Grampian Chamber of Commerce and also as a member of Strategic Development Planning Authority (SDPA);
- (d) Councillors Jackie Dunbar, McLellan and McRae declared an interest by virtue of their employment with Kevin Stewart MSP who had publicly supported the approval of the stadium;
- (e) Councillors Bell, Grant and Yuill declared an interest by virtue of being a member of SDPA;
- (f) Councillors Allard and Delaney declared an interest by virtue of them knowing some of the respondents who were due to address the committee;
- (g) Councillor Samarai declared an interest by virtue of her employment with Mark McDonald MSP who had publicly supported the approval of the stadium;
- (h) Councillor Hutchison declared an interest by virtue of (i) his employment with Kevin Stewart MSP who had publicly supported the approval of the stadium, (ii) his employment with the British Army regarding Gordon Barracks agreement with Aberdeen Football Club for the use of the training facilities at Gordon Barracks, (iii) his membership of Foundations of Hearts who partly owned Hearts of Midlothian Football Club, who had

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- commented on the application and (iv) his small personal shareholding in Hearts of Midlothian FC who had commented on the application;
- (i) Councillors Copland and Donnelly declared an interest by virtue of them being substitute members on SDPA; and
  - (j) Councillor Boulton declared an interest by virtue of her being the Chairperson for SDPA.

All Councillors remained in the hearing with the exception of Councillors Alphonse and Henrickson who left before any consideration was given to the application.

**SITE VISIT**

2. The Committee conducted a site visit prior to the Hearing on Monday 11 September. The Committee was addressed by Mr Gavin Evans, Senior Planner, who summarised the proposal for the overall site.

The Convener explained that the Committee would reconvene at the Town House to commence the Hearing on Wednesday 13 September at 9.30am.

**PROPOSED COMMUNITY AND SPORTS FACILITIES, FOOTBALL ACADEMY, ANCILLARY USES, FORMATION OF ACCESS ROADS, PARKING AND ASSOCIATED LANDSCAPING AND ENGINEERING WORKS - 170021**

3. The Committee heard from the Convener who opened up the Hearing by welcoming those present and providing information on the running order of the hearing. She explained that the first person to address the Hearing would be Mr Gavin Evans and asked that speakers adhere to their allocated time in order for the hearing to run smoothly and in a timely manner.

The Committee then heard from Gavin Evans, Senior Planner, Aberdeen City Council who addressed the Committee in the following terms:-

Mr Evans explained that the site extended to 24.5 hectares and was located at West Kingsford, on the north side of the A944 dual carriageway, between Kingswells and Westhill – the A944 ran along there, to the south of the site. Westhill lay approximately 500m to the west, whilst the Prime Four Business Park was around 1km to the east, with Kingswells immediately beyond.

The Aberdeen Western Peripheral Route (AWPR) was currently under construction approximately 450m to the east of the site, with a grade-separated junction formed where it met the A944. The western edge of the site abuts the Brodiach Burn, which at that point represented the boundary between Aberdeen City and Shire.

To the south of the site were six houses, four of which were clustered together along Old Skene Road, directly to the south of the proposed stadium, and the remaining two –

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Holmlea Cottage and West Kingsford – sat apart, accessed via the A944 directly. The site was zoned as Green Belt land in the Local Development Plan.

Mr Evans went on to advise that the proposal involved the following:

- construction of a 20,000 capacity, all-seated stadium, to the western part of the site. As noted on site, the stadium sat due north of the residential properties on Old Skene Road. The South stand lay between 65 and 80m away from the 4 residential properties at the nearest point;
- training facilities for the first-team would include 3 full-size grass pitches, one of which would be floodlit; an additional half-size goalkeeper training area and various smaller drill areas. These were located to the north-eastern section of the site;
- 2 all-weather 4G pitches, both of which would be floodlit. These were located to the north of the Holmlea Cottage property, which sat just to the east of Old Skene Road, on the other side of the main vehicular access junction to the site. The darker green shown on the plan between Holmlea Cottage and those pitches reflected a 12m deep landscape planting belt;
- A 'fanzone' area was immediately adjacent to the east stand, comprising a hard landscaped area between the stadium and the adjacent changing facilities, intended to act as a focal point for supporters on arrival to the site. The applicants envisaged this as a flexible space, with opportunities for pre-match entertainment, with potential for live music, DJ's or community music projects;
- A single-storey pavilion building incorporating office space and changing facilities, which would later be vacated by the professional staff to allow use by the AFC Community Trust and other community groups;
- 1392 car parking spaces within the site were contained within 3 main car parks;
- A visitors' coach parking area, to the west of the stadium, could accommodate up to 60 coaches for away supporters; 32 home coaches and 8 outside broadcast trucks;

Mr Evans also provided details on the strategic landscaping along the site frontage to the A944, to screen the southern edge of Car Park 1, adjacent to the west stadium access. Structure planting was also proposed along the southern boundary, between academy pitches and the adjacent residential properties at Holmlea Cottage and West Kingsford. This planting would involve a landscaped belt of at least 10m depth. Similar planting belts were proposed along the eastern and northern boundaries. Along the western edge of the site, adjacent to the Brodiach Burn, a woodland planting belt was proposed. Cut and fill would be used to provide undulating landforms at the eastern and main accesses.

Mr Evans then highlighted the images for the exterior face of the south stand, which would act as the main stand, with boardroom, hospitality and main players' entrance. In terms of materials, dark grey facing brick would be used at low level, with coloured polycarbonate cladding to walls above. It was noted that this would be seen at either end of the South stand, with silver/grey aluminium rainscreen cladding surrounding an

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extensively glazed face, framed by a darker grey cladding. The south-east corner, would house the club shop at ground floor level.

In regards to planning policies, Mr Evans explained that the relevant policies were contained within the report.

Mr Evans also explained that aside from detailed consideration of the merits of the design and specific impacts of the proposal, there were matters of principle that must be considered in the planning authority's assessment. The site's location within an area designated as Green Belt meant that there were restrictions on development, with only certain specified types permitted by the applicable policy NE2.

The Local Development Plan identified two potential sites for a new community stadium: at King's Links and Loirston respectively.

SPP and the Aberdeen LDP set out a requirement that significant footfall-generating uses would be located in accordance with a sequential test which promoted a town centre first approach. As the proposed site was outwith any identified centres, the sequential test required sites which might otherwise be more preferable to be ruled out.

In regards to consultation responses, a number of consultees stated no objection or did not respond.

In regards to representations, Mr Evans advised that a total of 10,147 valid and timeously made representations had been received in relation to the application. Of those representations, 5,330 (52.5%) were in favour of the proposals, 4,797 (47.3%) stated an objection, and 20 (less than 0.2%) were neutral in content.

Finally Mr Evans advised that Members should be conscious that the number of representations received for and against any proposal was of less significance than the material planning considerations that were raised within any representations. The planning authority was required to have regard to the Development Plan, so far as material to the application, and to any other material considerations. It followed that a representation which did not refer to any material planning considerations would have nothing for the planning authority to have regard to in its assessment.

The Convener then invited **Mr Mark Wilkie, Team Leader, Planning and Sustainable Development**, to address the Committee.

Mr Wilkie advised that Roads Development Management had made several technical comments in respect of the application and the original Transport Assessment (TA) based much of its traffic generation and mode split figures on the contents of a survey of supporters completed by Dons Supports Together. There was also a survey carried out by Aberdeen and Grampian Chamber of Commerce and Roads Development Management considered that the return rate and sample size of both surveys was sufficient to be statistically representative of the base.

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Mr Wilkie went on to advise that notwithstanding the above, there were concerns in respect of the methodology employed in conducting both surveys and the principal question relating to the establishment of mode share asked what supporters preferred method of travel would be, and this was without providing any information in respect of what public and sustainable travel options would be available to Kingsford. Mr Wilkie also highlighted that the Chamber of Commerce survey in terms of questions about mode choice, related entirely to travel to Pittodrie and there were no questions relating to travel choice to Kingsford and no information about travel choices to Kingsford.

Mr Wilkie then went on to speak about the various modes of transport including walking cycling, public transport and parking. In regards to walking he advised that due to the location, direct pedestrian access was limited however it was considered that pedestrians would walk further to a football match than they might for other reasons. Westhill would be in walking distance, as well as the southern parts of Kingswells. It was highlighted that the applicant had offered to widen the footway between the site and Westhill Drive and securing provision would require agreement with Aberdeenshire Council. Mr Wilkie explained that improvements to the carriageway and the proposed removal of the Five Mile garage layby should be conditioned which would improve the safety of the route for walkers.

In regards to public transport, Mr Wilkie advised that the site had no public transport provision within recognized walking distances and a high frequency bus route passed the site, however at present none stopped on the A944. He explained that a combination of an increase in frequency of the existing bus service was proposed, along with site-specific shuttle buses. The applicant also proposed a footbridge to be installed which in principal was acceptable, though the details would need to be agreed, which could be done by condition to the application. Mr Wilkie explained that it was proposed that shuttle buses would be used from the city centre, and both Kingswells and Dyce Park and Rides to the proposed stadium. The shuttle bus from the city centre would pick up individuals from various points throughout the city centre, including the main bus station. He advised that a condition be added prior to the commencement of the construction of the stadium, that the capacity/deliverability of the proposed pick up points be demonstrated. Mr Wilkie also highlighted that a condition should be added in regards to additional pick-ups for the shuttle bus, as there would be no pick-ups apart from the city centre and no public transport to the stadium from Aberdeenshire. Mr Wilkie also explained that in response to comments made by Roads, the applicants transport consultants had calculated the number of buses that would be needed to serve their predicted requirements and Roads had concerns with respect to these numbers. They relied on full capacity and this would include 27 standing on a First Aberdeen double decker bus and 73 standing on an articulated bus.

In regards to parking, Mr Wilkie advised that the development would include parking within the site to meet the current parking standards and in addition, the applicant had proposed to secure additional parking using existing spaces in the Arnhall Business Park. These spaces would be sold or allocated in advance. Mr Wilkie also advised that the applicant had proposed a Controlled Parking Zone (CPZ) in Westhill to remove

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parking on street, with residents entitled to permits at the applicants' expense. The scheme would be enforced by Police Scotland.

Members then asked questions of Mr Evans and Mr Wilkie and the following information was noted:

- The amount of car parking spaces would be confirmed in the final report;
- It was a concern that a lot of pedestrians could use the allocated cycle path;
- The Controlled Parking Zone (CPZ) in Westhill would be a condition to the application;
- The applicant would pay for residents' permits who would be affected by the CPZ;
- A condition could be added in regard to the structure planting of trees;
- In regards to the spaces at the Park and Ride facilities, up to 1200 spaces could be available and 600 spaces are proposed at the Arnhall business park;
- The footbridge cost would be met by the applicant and this would be conditioned;
- The implementation of the CPZ was critical to the viability of the proposal;
- There would be an annual review regarding the shuttle bus service and this would investigate whether additional stops were required;
- Light pollution had been looked at by the Environmental Health department;
- The Park and Ride service would not be compromised for users not going to the stadium as the usage was quite low at present; and
- There had been no discussions at present with Police Scotland in regards to segregation.

Eric Owens, Interim Head of Planning and Sustainable Development addressed the hearing and clarified the position in regards to Roads Development Management (RDM). Mr Owens explained that there remained an outstanding concern with the proposed application; however these were not significant enough to warrant a recommendation for refusal from RDM. Instead, RDM specified that certain conditions would be required before the application could progress. Mr Owens also advised that the most important facets of this pertained to the implementation of both the CPZ and the pedestrian footbridge. Should either of these elements be undeliverable, RDM's stance would change to a position of recommending refusal as these were critical to the viability of the proposal. A condition would be required which stipulated that the deliverability of the footbridge (and associated bus laybys) and the CPZ would need to be demonstrated by the applicant prior to the commencement of any construction of the stadium. Additionally, the implementation of these two items would be required prior to the opening of the stadium.

The Convener then invited the applicant to address the Committee, and the speakers consisted of **Elaine Farquharson-Black, Partner at Burness Paull; Ally Prockter, Chief Executive of AFC Community Trust; and Derek McInnes, Team Manager of Aberdeen Football Club.**

Mrs Farquharson-Black began and advised that in determining this application, Members would require to assess whether the development accorded with the relevant

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provisions of the Development Plan and if not, whether there were material considerations which justified approval. She added that it should be borne in mind that the Development Plan required to be considered as a whole and a judgement made about the weight to be given to conflicting policies. Mrs Farquharson-Black explained that, the key issues were (a) the need for a new stadium, (b) the need for co-location, (c) Green Belt versus Economic policies, (d) site specific environmental issues, (e) transport implications and (f) material considerations.

Mrs Farquharson-Black advised that Aberdeen Football Club had a proud history and aside from its on pitch successes, the Club had also been at the forefront of stadium design. It was the first club to introduce the dugout in the 1920s and in 1978, Pittodrie became only the second all seated stadium in Britain, which was 10 years before the Government outlawed standing in the wake of the Hillsborough disaster. Over the years, piecemeal developments had taken place at Pittodrie, such as the erection of the Richard Donald Stand, but as footballing and health and safety regulations had evolved, and redevelopment had taken place in the surrounding area, Pittodrie Stadium had become increasingly constrained and going forward there was no certainty that the Club would be permitted to continue to host European football matches at Pittodrie as it failed to meet UEFA criteria. With annual maintenance costs running at £700,000, it was also becoming increasingly uneconomic to operate a facility which dated back to 1903.

Mrs Farquharson-Black noted that in 2000, after a review of many potential sites across the City, the Club came forward with proposals to construct a new community stadium in the Green Belt in Kingswells. The plans were supported by the Council. When the proposals fell through because Scotland failed in its bid to host Euro 2008, the Council and the Club started to work together to bring forward a new stadium. The Council said it had to be more than just a football stadium. It had to act as an educational training, social, recreational, employment and community hub for the benefit of the north east area. More sites were reviewed by the Club and the Council. The choice at that time was narrowed down to Kings Links and Loirston, with the latter being considered the best option for a variety of reasons. Situated outwith the city centre, in the Green Belt, the new stadium and training facility would have been built at Loirston, but for the construction of the new City South Academy. However, the need for a new community stadium to serve the north east remained and the Strategic Development Plan identified its delivery as a regionally significant project. Mrs Farquharson-Black advised there was no doubting that there was an over-riding need and policy support for the construction of a new stadium.

Mrs Farquharson-Black explained that the Club required 25 hectares to provide all the facilities which combined to make up the community and youth development facilities, modern stadium and professional training pitches. The Club assessed numerous sites across the City, but none would accommodate a development of this scale. It was suggested that there was no need to co-locate the stadium and the pitches and as such two, or indeed more, smaller sites, remote from each other, could be found. It was important to note that from a legal point of view, there was no requirement for the Club to subdivide the different elements of the development and see whether parts can be

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shoe horned into different sites dotted around the City. She added that what Members must assess was whether the development as proposed was acceptable on the application site. The Council's vision for the new stadium was a hub of different, but complementary uses. The SDPA's response on the application confirmed that the Strategic Development Plan also envisaged multiple usage of the stadium. This could not be achieved with split locations.

Mrs Farquharson-Black advised that Kingsford was located within the Green Belt. While the pitches may be considered to be recreational facilities which were acceptable in the Green Belt, it was acknowledged that the built development was contrary to the Green Belt policy. In considering the Green Belt location, Mrs Farquharson-Black noted that the 2017 Local Development Plan did not earmark any sites for a community stadium. The work done by the Club had demonstrated that in light of the size of the site required, and land acquisition costs, there was no viable location within the existing urban area, hence the need to explore sites within the Green Belt. The SDP recognised that the Green Belt around Aberdeen would need to change to meet the growth which the Plan sought to achieve. The 2017 LDP acknowledged that the City needed to expand beyond its existing developed edges. While the Green Belt policy sought to protect the character and landscape setting of the City, the Development Plan was founded on a vision of economic growth. The Plan considered that construction of a new stadium would bring economic, social and cultural benefits to the city region. While the proposal would be a departure from the Green Belt policy, it was felt that it was supported by the economic policies of the Plan, as was the case at Loirston. At Loirston, the Council concluded that the economic, social, sports and cultural benefits for the whole community of Aberdeen that would arise from the development, justified approving the application contrary to the Green Belt Policy and Mrs Farquharson explained that Kingsford was no different.

In regards to environmental impact assessment, Mrs Farquharson-Black highlighted that (a) the site was previously a landfill, (b) there was no historic or archaeological value; (c) the EIA had shown that the site had no environmental or ecological value; and (d) given its location, next to the A944, adjacent to the built up area of Westhill and the nearby AWPR junction, the development would not have an unacceptable impact on the setting of the City. There were no objections from consultees on environmental matters. The layout, siting and design of the stadium was worked up in collaboration with the Council's masterplan and design team. Mrs Farquharson explained that there were no site specific environmental issues which would justify refusing the application.

In regards to traffic issues, Mrs Farquharson-Black advised that detailed assessment work had taken place and the Council's roads officers and Transport Scotland were satisfied that the network could safely accommodate match day traffic. In line with the Council's sustainable transport policies, the Club put in place a bus strategy to take supporters to the stadium from the City centre and back on match days. The strategy was in line with what was agreed with the Council at Loirston and had the support of local bus operators. A major concern for local residents was the potential for parking on the streets in Westhill. Parking was provided on site, in accordance with the Council's parking standards for a stadium facility.

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There was also parking available in the nearby Business Parks and it had been agreed that the Club would provide a footbridge across the A944 to facilitate safe pedestrian access to the stadium. These parking options would reduce the likelihood of on street parking in Westhill. However, the Club had agreed to enter into discussions about the delivery of a controlled parking zone in the streets closest to the stadium.

In regards to material considerations, Mrs Farquharson-Black advised that the economic, social and cultural benefits of the proposed stadium were material considerations in the determination of the application. Scottish Government Guidance advised that the planning system should facilitate positive change and promote development which increased economic activity. Mrs Farquharson-Black explained that the proposal was for £50M of private investment which would provide the opportunity for the City to host international football, rugby and other sporting events.

Through the work in the community, the stadium would bring health and social benefits, consistent with the Scottish Government's guiding principle for planning of improving health and well-being through social interaction, physical activity, sport and recreation. Objectors had suggested that moving away from Pittodrie would detrimentally impact on the city centre. They had put forward no evidence to support this proposition. The Chamber of Commerce had advised that the approximate spend by football fans in the city centre on match days was less than 1% of the north east's annual retail spend. There was nothing to indicate that this spend would be lost with the move to Kingsford.

The Committee was then addressed by **Ally Proctor, Chief Executive of Aberdeen Community Trust.**

Mr Proctor explained that from a Community Trust perspective, the application was about helping People. The Trust was a standalone charity, overseen by the Scottish Charity Regulator and was required to work towards clearly defined charitable objectives that benefitted other people. The fully inclusive community initiatives were delivered to people aged 3 to over 100 years of age. The Trust delivered 160,000 participations each year, a 500% increase in just 4 years.

It was noted that very recently, the Trust won their first European Award for Best Community & Social Responsibility Programme in relation to the Dementia Friendly Communities initiative. Mr Proctor highlighted they had no dedicated community facilities. He indicated that there was a disproportionate amount of their resource spent seeking and securing suitable facilities. He indicated that due to the age and design of Pittodrie, many areas were restricted for community use for example, internal areas used regularly during the summer months were insufficiently heated and became redundant during winter. Disability access was limited to many areas of the stadium, which reduced the inclusive nature of some activities. New co-located facilities would bring positive opportunities and benefits and additional high-quality sporting and community facilities would be made available for use by people across the North East. Use of these facilities would provide increased employment and volunteering opportunities with the Trust. Being adjacent to the AWPR would also allow the Trust to extend its reach more broadly and to be even more inclusive. Access to the sports

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facilities and the stadium, would enable them to combine class based activities with physical activity, at the same location. Staff and management on site, in fit for purpose accommodation, would allow for optimum communication for all. Iconic facilities would significantly increase what could be used to positively publicise activities, and increase participation and retention, particularly in relation to harder to reach groups.

In a similar way to the successful Aberdeen Sports Village, this complex would serve as an inspirational community environment all year round. There would be capacity to make facilities available for use by the public including the gymnasium; table tennis; aerobics; badminton; athletics and more. This could generate income for the Trust, which would then be used to benefit the local communities. The Trust was already addressing many local & national priorities including Social Care & integration, obesity, educational attainment, employability and mental health.

The Committee was then addressed by **Derek McInnes** and he advised that he wanted to talk about how important the new stadium and training pitches were to himself and all the players of Aberdeen Football Club. On his first day as manager, he had the realisation of just how poor the training conditions and facilities were. Within five minutes he had noted that the surface was in such a state that a simple passing drill was almost impossible to achieve. He explained that the club regarded themselves as a major player in Scottish football and it was totally unacceptable to be playing on such conditions.

Mr McInnes explained that they faced daily challenges in regards to training facilities and provided various examples of challenges he faced as manager with such poor training facilities. He advised that the frustration of this scenario was clear, but also advised it was embarrassing. He highlighted that looking at the league table for facilities, Aberdeen were down at the very bottom. Everyday clubs who Aberdeen were judged against had an advantage over them.

He intimated that youth teams from those clubs were currently training in better conditions than the Aberdeen first team squad, yet despite that, they were consistently second through the league campaign and had been in 3 cup finals in the last 4 years. He noted that this was due to them working harder in other areas and having a great team spirit within the club. He highlighted that other clubs were so fortunate to have what they had and he believed that with the desired facilities Aberdeen would be even stronger. He also advised that the performance and results would drop due to being unable to attract good players and this would inevitably lead to smaller crowds. Their level of success of late would be unsustainable and they needed help to continue that. The exciting prospect of a training ground and stadium alongside each other would be of huge importance and significance to everyone. Not only for all the practicalities, but Aberdeen would be the envy of all teams in Scotland. He noted that it would be a real game changer for the club and was a fantastic opportunity for them to strengthen their aims and desire to be a top 100 rated club in Europe - to be respected and admired for having such a dual facility, but also reinforcing their commitment to be a club for all, promoting togetherness, unity and a shared collective of all aspects of the club and the community. To relocate any portion to another site would immediately put physical

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barriers in their way and make achieving their goals far more difficult. He highlighted that they wanted to instil in the younger players the aspiration, the idea of training and practising with the motivation of one day playing for the Aberdeen first team inside the stadium in which shadow they would develop.

Mr McInnes questioned how did the Council want Aberdeen to be represented and regarded, and asked how did the Council want others to perceive what Aberdeen was and what it stood for.

Mr McInnes concluded by highlighting that the decision being asked of Elected Members on the planning application was the single biggest decision for the football club and noted that it was important not to be here in 10 years' time in the same position. He noted that the whole of Aberdeen and the north east region were deserving of top class facilities of which they could be proud and intimated that the supporters were deserving of a full match day experience in a modern stadium catering for all. He indicated that all of the players, and future generations of youngsters, were deserving of conditions conducive to learning, and developing the skills to be the best they could be.

Members then asked questions of the applicant, the three presenters and also the various speakers who were present to answer questions. The extra speakers were noted as:-

- Stewart Milne – Chairman, Aberdeen Football Club
- George Yule – Vice Chairman, Aberdeen Football Club
- Scott Leitch – Associate Planning Consultant, Halliday Fraser Munro
- Graham Martin – Design Director, Halliday Fraser Munro
- Alastair Scott-Kiddie – Partner, Fairhurst
- Mark Peters – Principal Transportation Engineer – Fairhurst
- Ross Wilkie – Director, Brindley Associates
- Ian Thomson – Thomson Management Consultants/McLeod & Aitken

The following information was noted:-

- In regard to extra events such as concerts, there may be one event once a year;
- To have the training facilities and the stadium at the same location would bring many benefits which would include financial aspects, less staff required and would stop crossover within many areas. Separate facilities had been problematic for other clubs and it was noted that co-location would be beneficial;
- UEFA had very strict guidelines which changed annually and as a result Aberdeen might have to play European games in either Glasgow or Edinburgh to meet the requirements, as at present Pittodrie did not meet various criteria;
- There were no facilities at present for the Community Trust;
- When benchmarking, the applicant asked other clubs if the separation of their stadium and training facilities operated well and the feedback determined that co-location was beneficial to clubs and should it have been available to them at the time they would have opted for a co-location;

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- The CPZ would be in operation on match days and would be enforced by Police Scotland and the majority of away supporters would travel by buses, which would go directly to the stadium;
- The Community Trust would continue to work within the geographical areas in which they presently worked and would build on the success of the Trust to expand and aim to work in other areas;
- There would be major implications should AFC continue to play at Pittodrie, with financial burdens and an ageing stadium. The applicant could continue to play domestic games but European matches might have to be played in the central belt;
- There would be 340 non-match days in which the Community Trust could use the facilities and this had been taken into consideration with the transport study; and
- The Community Trust would ensure youngsters were dropped off where they were picked up at and not allow individuals to get off at other destinations.

The Committee then heard from **Audrey Findlay, Westhill and Elrick Community Council (WECC)**, who advised that the application did not fit the City and Shire Strategic Development Plan 2014 or the Council's Local Development Plan which was only adopted in January 2017. She noted that the application was significantly contrary to several fundamental planning policies.

Mrs Findlay went on to explain that Westhill and Elrick Community Council would be the community most affected by the proposals and they had remained neutral for some time. The site was right up against the boundary between Aberdeen City and Shire and Mrs Findlay highlighted that this was the last piece of green space between the two settlements, one in the City and one in the Shire which would be lost and the landscape of the area would be changed forever.

Mrs Findlay explained that green belt policy was very clearly laid out however it had been swept aside by the applicant as being a total irrelevance in the application. She indicated that comments made by local people against the development were often dismissed as unimportant and such comments were seen as also being unsupportive of the whole North East economy. However Mrs Findlay advised that this was not the case and those speaking against the development felt that Kingsford was not the right site for the development, but they cared as much about the whole economy as all those supporting it.

Mrs Findlay explained that one of the main issues that individuals had raised concerns about to the Community Council was on roads and transport issues. Mrs Findlay advised that whilst many felt that the bottlenecks would only be experienced with home games at weekends, WECC felt that this would not be the case. Mid-week games could impact on rush hour traffic and would only add to the problems already experienced on the A944. She highlighted that even once the AWPR was complete and in operation, it had been recorded that the A944 was the one route unlikely to

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benefit from the completion of the bypass. The bypass had also been designed on 2008 road usage, which was very different to what was being experienced.

Mrs Findlay went on to question about future plans at the proposed stadium, and different activities which might take place. Travel plans for such events would be very different to match days and the car would remain the main model of travel. Mrs Findlay felt that the stadium would not sit empty when not required by AFC.

Mrs Findlay went on to speak about the community facilities and noted that the City and Shire Strategic Development Plan did not allow for a Community Stadium and she felt that there were a lot of unanswered questions still to be resolved if the development did go ahead.

The major concern for residents of Westhill and Elrick would be the parking problem and Mrs Findlay advised that they understood the changes in the reduction of the on-site car parking spaces and green sustainable travel plans were being sought. However Mrs Findlay advised that the promise of 600 to 800 car parking spaces within Arnhall/Kingshill Business park was only a statement of intent by AFC and no real evidence supported that.

She highlighted there were many concerns and serious doubts expressed regarding the contents of the traffic impact statement and figures used in it about how people would travel to the stadium and the numbers of busses available were both being questioned. Mrs Findlay felt that in reality it would be almost impossible to have a sustainable travel plan in that location when trying to move over 2000 people across a busy dual carriageway.

Mrs Findlay also spoke about the over-bridge to allow pedestrians to get access to the stadium. She questioned whether it would be safe to use, would it be DDA compliant and asked what it would look like, stating that the suggested proposal had to be bordering on a material change to the original application lodged some nine months ago.

In regards to the parking in Westhill, Mrs Findlay highlighted the need for a Controlled Parking Zone (CPZ) and how this would need to be implemented by Police Scotland and she felt that this could be a big issue to sort out.

Mrs Findlay concluded by thanking the Committee and advised that this was a planning application and the already agreed planning policies must be taken into account.

Members then asked Mrs Findlay a number of questions and the following was noted.

- The car parking on site was not enough and within Aberdeenshire there were not good transport links to the stadium which would add to the pressure on the A944;
- The land was not currently in use and was owned by a farmer;

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- The facility would be expensive to build and maintain and Mrs Findlay raised concerns that it would be more than once a year that the stadium would be used for an event such as a concert; and
- Mrs Findlay did not think the stadium would benefit Westhill and noted concerns raised from voluntary groups and also the Westhill shopping centre.

The Committee was then addressed by **Mr Ian Cox, Secretary of Kingswells Community Council**. He advised that they had taken the views shared by the people in Kingswells who had raised concerns with the planning application and also with the applicant at their pre-application consultations. He also said that a proportion of residents were in support of the application.

Mr Cox explained that they recognised the need for the club to get new facilities and also recognised the good work of the Community Trust and that there were benefits to having the facilities on the doorstep. However he advised that the applicant had not properly considered alternative sites and insistence on co-location had resulted in one outcome; the selection of the Kingsford site. He stated that it was questionable that the financial benefits to the club could justify the need to disregard so many planning policies. He highlighted that the stadium could provide the same benefits to the north east wherever it was built and there was nothing special about the Kingsford site except the ability to co-locate the two components of the development.

In regards to the proposed application extension at Prime Four Kingswells, Mr Cox explained that the Community Council had worked well with the developer and as a result of the work undertaken with Drum Group on Prime Four, all of the suitable greenbelt along the A944 had been used. Mr Cox advised that the area of greenbelt being proposed prevented coalescence of two communities who wanted to maintain their own identities and avoid ribbon development along the A944. The development site would use up most of the greenbelt and the remaining area would be ineffective in achieving its primary purpose.

Mr Cox explained that the applicant was imposing itself upon 5000 residents in Kingswells and 12000 in Westhill who knew nothing about a stadium before moving to a semi-rural location and this did not apply to the two locations identified in the Local Development Plan.

Some of the outstanding issues Mr Cox identified were:-

- Breaches of many planning policies designed to ensure development was located in the right place and did not result in coalescence; ribbon development along the A944 or urban sprawl;
- Quality of life issues include (a) peak time congestion during leisure time, (b) rogue parking in public car parks in Westhill which would affect leisure and social activities and the ability to go about normal daily activities such as shopping;
- That a CPZ had been proposed for Westhill but not Kingswells and the possibility of fans parking in Kingswells streets and walking to the Park and Ride to catch a shuttle bus had not been considered.

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Mr Cox highlighted his concern at fans walking from the site and wandering onto the busy A944, which would also be narrower to accommodate the wider footpath. He also highlighted that the area around Kingsford lacked the extensive CCTV coverage used to monitor crowds around Pittodrie.

He highlighted that the latest changes to the traffic assessment had identified the need for an over bridge and felt that this was not the best solution. The stairs would be hazardous to crowds of fans and a push or stumble could have serious consequences. He also questioned whether fans would queue to use the bridge or simply cross the busy A944. Mr Cox intimated that an underpass that was gated outside match times would be the best solution.

Mr Cox advised that the whole traffic assessment (TA) was justified by showing that traffic from the stadium would be no worse than at peak times and it was assumed that Prime Four would pay for mitigating the effects of peak time travel. All work had now stopped on Prime Four and the provision of the mitigation measures for the stadium had to be in doubt. Without mitigation, some parts of the AWPR roundabout would operate at three times the capacity and he intimated that this was not accounted for in the TA.

In regards to the visuals, he explained that the red and grey stripes were the second attempt at making the building more appealing; however there would still be a significant visual impact which would be worse when the structure was lit. He advised that the fan zone would generate noise that was not mitigated and would be heard over a significant distance and this could be demonstrated by previous events held adjacent to the area.

Mr Cox noted that the applicant claimed that the adverse impact from the stadium would only occur 26 times a year; however the visual impact and the loss of a sense of place, the impact from additional traffic control on the A944 and the impact of narrowing a busy route into the city centre would be imposed permanently.

In conclusion, Mr Cox encouraged members to ignore the hype surrounding the application and decide based on planning policies. He intimated that there were too many breaches in planning policy and the consequences of ignoring them may set precedence in the future. He highlighted that should the application be approved, there were a host of issues that needed to be mitigated and he felt that as the club were the main beneficiary, they should pay for all of these mitigations.

Members then asked a number of questions of Mr Cox and the following was noted.

- At a previous event held in Westhill, the noise could be heard in Westhill but not in Kingswells;
- The width of the bridge at 3m was a concern, as well as concern at people pushing and queueing to get on the footbridge;

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- Mr Cox could see a benefit to Kingswells for the stadium however added only if the stadium and training facilities were separate and not on the same site;
- Controlling the CPZ would be low priority for Police Scotland;
- The land was the last piece of greenbelt between the two communities;
- There was no parking problem at present in Kingswells however should the 2.9 people per car not be realised then it could be significantly different; and
- The red building which was being proposed was not suitable and a more subtle look should be looked at in order to merge into the skyline.

The Committee was then addressed by **Mr Jim McKay and Ms Susan Haslam, SEPA**, who advised that SEPA was a statutory consultee on large planning applications and provided advice to applicants and the planning authority in relation to issues within their remit.

In regards to the proposed application, Mr McKay explained that SEPA's main issues were:-

- (a) ensuring that the former landfill site that lay below part of the site could be remediated to be suitable for the proposed use;
- (b) that buildings would be free from flood risk and not result in increased flood risk elsewhere;
- (c) that the site was drained appropriately and that local burns were protected; and
- (d) ensuring that construction works were managed in a way that protected the environment from pollution.

SEPA had considered all these issues very closely during the pre-application and Environmental Impact Assessment processes, and sought further information from the applicant to make sure they were adequately addressed, and involved the Council's own specialists as necessary, such as those covering contaminated land.

SEPA were content that, in so far as the former landfill was concerned, the proposals for site restoration and use were capable of being authorised by SEPA, and the impact on the environment could be addressed.

In regard to flooding, SEPA were content that the buildings themselves would be located in areas that were not at risk of flooding and that the landscaping on the site would not result in additional flood risk elsewhere.

With regards to drainage, SEPA advised that the drainage proposals outlined were suitable and should ensure adequate treatment. Foul drainage would connect to the public sewer which they considered to be the best environmental option. Surface water would be treated using Sustainable Drainage Systems.

In relation to the protection of burns, SPE welcomed that the site had been designed to integrate the burn within it as a positive feature of the development. They were satisfied that a proposed buffer area beside the burn had been identified and had asked that

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details of the proposals in this area be worked up further so that additional environmental benefits could be gained.

Finally with regard to ensuring the construction works would not cause pollution, they welcomed the offer by the developer to produce a Construction Environmental Management Plan to set out in detail how the works would be carried out in a way that did not pollute the environment. SEPA also requested that this be ensured by condition.

In summary, Mr McKay advised that SEPA were content that all of their issues could either be directly controlled by them satisfactorily via regulations administered by SEPA or could be controlled by attaching suitable planning conditions to the consent, and that there would not be an unacceptable impact on the environmental issues within their remit.

The Committee then asked a number of questions of Mr McKay and Ms Haslam and the following information was noted:-

- In regard to be being satisfied about flooding issues, SEPA had liaised with the applicant on various issues and were now content;
- In regard to surface water, a condition could be added with the application; and
- SEPA were content with the foul drainage and surface water as well as the car park being on the flood plain.

The Committee was then addressed by **Katherine Sneed, Jigsaw Planning and Diane Reid who were speaking on behalf of No to Kingsford Stadium group (NKS)**. Ms Sneed began by advising that planning decisions in Scotland should be taken in accordance with the development plan unless there were material considerations of significant weight to indicate otherwise. She explained that Aberdeen had a very up to date development plan, only adopted in January 2017. The proposed development was significantly contrary to this development plan and the debate therefore should be on whether the justification set out by the applicants was sufficiently material and had sufficient weight to warrant planning policy being set aside.

Ms Sneed highlighted that the applicant's response to various policies seemed to be that "it was not relevant", "that the strict application of policy was not appropriate" and that policy was not "significantly material to the Kingsford application", all quotes taken from their documentation. Ms Sneed highlighted that the proposal was not one which the planning department would see every week, but would be the sort of development that had been planned for through the allocation of sites within the Strategic Development Plan.

In regards to the principles that Elected Members should take into consideration, Ms Sneed highlighted that the site was within the Green Belt and the aim of Aberdeen Green Belt was clearly set out in the Local Development Plan:-

- to maintain the distinct identity of Aberdeen and the communities within and around the city, by defining their physical boundaries clearly;

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- to avoid coalescence of settlements and sprawling development on the edge of the city;
- to maintain Aberdeen's landscape setting and provide access to open space; and
- the Green Belt directed planned growth to the most appropriate locations and supported regeneration.

Ms Sneedan highlighted that the removal of the Green Belt was something that was done through the preparation of a new Local Development Plan if the Council felt it would be justified and appropriate. NKS believed that it would be highly unlikely that the Council would be seeking to remove this area of Green Belt via the normal development plan process. The application was seeking to bypass that process and set aside Green Belt policy entirely.

Regardless of whether the site was allocated as Green Belt, Policy NC5 required a sequential assessment of sites to be undertaken for a use which would attract significant numbers of people and was in an out of centre location.

Ms Sneedan advised that the sequential approach did not prohibit the development of out of centre sites but it stated they would only be allowed when all the criteria was met and she highlighted the criteria as:-

- that there was a proven deficiency in provision of the kind of development proposed;
- that the proposed development would be easily and safely accessible by a choice of means of transport;
- that the proposed development would have no significant adverse effect on travel patterns and air pollution; and
- that there would be no adverse effect on the vitality or viability of any centre

Ms Sneedan also explained that the applicant's assessment was based on the requirement of AFC to co-locate all of their facilities. AFC had sought comment from other clubs, and relied on this to say that all clubs would like to have their facilities in one place. NKS were of the view that this was clearly a desire from all clubs, but what the letters highlighted was that there were alternative solutions which other clubs had embraced due to a lack of available land. An adaptive response clearly worked for other clubs and therefore the strong reliance on co-location of facilities by AFC did not equate to an automatic right to remove land from the Green Belt. Ms Sneedan explained that it was worth noting that as recently as 2015, AFC were looking to create training facilities at Balgownie in partnership with Aberdeen University which suggested that separate training facilities was a viable option. NKS fully noted the desire for AFC to be successful and stated that of course this should be supported and encouraged, but this was about whether this site was the right location to do that.

In conclusion, Ms Sneedan urged Members to stand firm on the planning policy position of the Council which was only adopted in January and continue to protect Aberdeen through the retention of the Green Belt. As such, she added that NKS respectfully requested that they refuse the planning application.

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Diane Reid, No Kingsford Stadium, also advised that the Local Development Plan provided the vision for how communities would grow and develop in the future and the intention was that they provided certainty for communities where development should take place and where it should not.

Ms Reid also explained that LDPs were the result of many years of collaboration between the Council and the residents of the communities they serve and they set out what both the Council and the residents had agreed was the best plan for the area.

Finally Ms Reid highlighted that it was not acceptable that a development of this magnitude could ride rough-shod over the work that the communities and the Council put into the creation of the LDP, especially when it did not meet the criteria set out for deviation.

The Committee was then addressed by **Mr Gary Walker and Mr Mark Wylie, residents of Aberdeen and supporters of Aberdeen Football Club**. Mr Walker advised that he was fully supportive of the proposed development and there was a need for change within Aberdeen Football Club in order to survive the future. He intimated that there needed to be support for the new facilities and it would give out the wrong signal if the development was to be refused. He felt that the present manager and top players would relocate to other clubs if the proposal did not go ahead.

Mr Wylie explained that he grew up in Aberdeen and felt that the proposed stadium would make such a huge difference to the city as a whole. He advised that Aberdonians should be proud of the city and noted that a lot of other developments were underway which included the extension to Aberdeen International airport, the new AECC and Marsichal Square. He explained that there was a momentum at present with developments in the city and the proposed development at Kingsford should be added.

The Committee then asked questions of Mr Walker and Mr Wylie and the following was noted:-

- They felt that should the stadium be rejected, that it would be a huge problem for Aberdeen;
- The whole of Aberdeen would benefit from the proposed stadium and the facilities and it would be a good statement to make to show investment; and
- There was a need for new training facilities as the current facilities been in use since the 1970s.

The Committee was then addressed by **Ms Heather Cook, Westhill resident**, who advised that there was great controversy over whether a new stadium should be built on the Kingsford site and noted that there was a need for Aberdeen Football Club to get a new stadium, however explained that Kingsford was the wrong site. Ms Cook advised that Westhill had a wide range of social and fitness facilities to benefit all and there was plenty to offer in Westhill which included badminton, senior citizens groups

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and martial arts. She highlighted that the applicant was trying to convince the public that the proposal would offer great community facilities but intimated that plenty facilities were already available to residents in Westhill.

Ms Cook explained that there were no community use sporting facilities apart from the two 4G football pitches in the plans which would be available for hire. Ms Cook intimated that after the football academy use and possibly use by other clubs too, there would be very little opportunity for true public use. Ms Cook highlighted that a small multi-use/dining room was shown on the plans and there was a blank space in the middle of the site which was a space for potential future community use. There was no detail on the plans for this, or in the supporting application and Ms Cook questioned if this would be the sports hub.

Ms Cook questioned whether separate planning permission would be required at a later date for the sports hub and highlighted that there was no guarantee this would be granted especially as she noted that it was sited in the middle zone of a pipeline restriction. Ms Cook explained that the Community Sports Hub was not as the name suggested and the plans offered no sporting facilities for those not interested in football.

Ms Cook stated that in her opinion, any benefits to the local community would be vastly outweighed by the impact on the community and highlighted that 20,000 at full capacity was more than double the whole population of Westhill and questioned how the town and local area would cope with all of the extra vehicles and people.

Ms Cook highlighted that the shuttle bus strategy which relied on so many buses would not work and questioned whether supporters would actually use it, and could revert back to car usage which would impact on even more car users searching for spaces outwith the Controlled Parking Zone, which would further increase the risk to road safety within the residential streets where children played.

In conclusion, Ms Cook encouraged Members to pay close attention to what all the professionals in the Council and other agencies were saying and intimated she could not see how the proposals could be passed given all the policies that it contravened and the multiple concerns that were being raised.

The Committee then heard from **Edel Harris, Chief Executive of Cornerstone**, who advised that Cornerstone provided care and support to over 2,500 children, adults and families across the whole of Scotland and were proud to be the only Aberdeen based national third sector organisation in the country. Ms Harris advised that she was a Director of Aberdeen Football Club Community Trust and was excited by the prospect of the potential to do so much more if the right conditions were to be created. Ms Harris outlined that she was very much in favour of the creation of the new facility, primarily so that the Trust, through the creation of additional community facilities, could extend the reach of the charity which provided much needed support to a wide range of communities and people across the region. The Trust, through the medium of football had the opportunity with the building of the new stadium to improve overall health and wellbeing, social inclusion and participation for many people who would otherwise be

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excluded due to lack of facilities and restricted programme delivery. Ms Harris advised that many disadvantaged or more vulnerable people living in the City and further afield came together through the language of football. Whether it be to help people with Dementia through the football memories initiative or helping others lose weight and improve their health by taking part in walking football, the common language and interest in the sport motivated and inspired people to get involved. Ms Harris highlighted that the Trust had a lot of support from generous individuals and businesses who donated funds to assist with the expansion of their charitable activities, expansion that was currently limited by the facilities that were available. The potential to attract further funding, particularly from major grant makers and Trusts and Foundations was huge. Cornerstone and some of the children and adults they supported already benefitted from the work of the charitable trust with season tickets, access to the box on match days, disability football and volunteering opportunities for disadvantaged young people to name but a few. However Ms Harris explained that there were so many others who could benefit, and also of many other community and voluntary groups in the city who would love to be involved in some way. This was currently limited by both the lack of facilities and the operating capacity of the Trust and these issues could be addressed by the creation of the site at Kingsford.

Ms Harris went on to advise that accessibility was a key issue for those with a disability, and the current stadium and associated facilities, although they met statutory requirements, were not designed to today's expected standards. The new stadium and associated facilities would mean that everyone who had a disability or other similar need would have an equal opportunity to participate. Ms Harris noted that as someone who represented the voice of people with disabilities, families crying out for respite, people with Dementia and others, she was excited about the possibility of having access to the new gymnasium, the football pitches, to play table tennis, to do aerobics; to play badminton, to participate in evening classes and most importantly to feel part of something that through the medium of football would have the opportunity to enhance lives.

Ms Harris concluded that the new facility would put the Trust and its activities on another level and would ensure that even more people could benefit from a first class community hub.

The Committee asked various questions of Ms Harris and the following was noted:-

- There was a huge potential for more charitable donations for the Community Trust, should the right facilities be there; and
- 17000 people were presently supported and benefitted from the Community Trust however with new facilities they hoped this figure would double.

The Committee then heard from **Mr Mike Forbes, Westhill for Kingsford Group, and Mr Keith Sinclair, Kingswells Yes to Kingsford Group**. Mr Forbes was supportive of the application and advised that he represented the people in the town closest to Kingsford who supported the proposed development and noted that this was a

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significant number of people who recognised the benefits to the local area and the greater Aberdeen and Aberdeenshire.

Mr Forbes explained that the reason he formed group was because he was aware of the 'No Kingsford Stadium' (NKS) group and that they were well organised and very vocal. He also learned that the Westhill and Elrick Community Council (WECC) intended to remain neutral on the subject; however some of the comments that followed from a meeting he attended had given a different and negative impression.

Mr Forbes advised that one of the roles of a Community Council was to represent the views of the community; however he felt that this had not been undertaken as there had been no consultation with the wider community. It stated in the minutes from the Community Council meeting held in January 2017 that an independent survey should be conducted as this would be the only way to gauge public opinion. Mr Forbes intimated that this survey was never conducted, and as such he could not accept that their stance was representative of the community viewpoint.

Mr Forbes advised that the No Kingsford Group had painted a picture that the development was all bad, with no willingness to accept that there would be any positive aspects and much of their communication had been scaremongering. Mr Forbes highlighted he felt their approach was driven primarily through the fear of change and not wanting a stadium near to their houses.

Mr Sinclair then addressed the Committee and explained that Aberdeen FC were a hugely respected sporting institution not only within Scotland and the UK but throughout Europe and as a city, he found it embarrassing that in 2017 the club was still lacking in the proper infrastructure and facilities befitting of an institution held in such high regard.

Mr Sinclair explained that when Derek McInnes was appointed Manager, the first thing he said was that the city had fallen out of love with the football club and the hard work, time, dedication and honesty he and his team had put into rekindling that love was never more evident than walking out at Parkhead with 43,000 Aberdeen fans making the stadium awash with red for the first cup final in 14 years. He advised that a total of 87,000 fans represented the city and did that with the colour and respect that was now to be expected from the impeccably behaved support.

Mr Sinclair highlighted the many benefits the facilities could bring to Aberdeen and what it would do for the local economy and the positive impact it would have on the surrounding areas and business. Should the application be approved, Mr Sinclair noted that the stadium and training facilities would leave a legacy that would live on and continue to contribute positively for future generations and would provide children with the best possible chance of becoming the best in class sporting athletes.

Mr Sinclair explained that not only would Kingsford provide the foundations for the future success of the club but it would also help to attract some of the UK's finest talent to a club bereft for so long of being able to offer these modern facilities that were a given to most successful sporting institutions. In recent times he advised that Aberdeen

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had to watch own home grown talent depart the city in search of these facilities to aid their development in return for international recognition. If Aberdeen had those facilities in place they would be able to hold on to that young talent and help nurture their own dedication and skills thereby ensuring that when those players reached the peak of their talents AFC could reap the rewards of a significant fee for their efforts in producing this talent. The money would stay within the club/city thereby allowing the club/city to continue to prosper with the feel good factor being the best it had been in many a year.

In conclusion, Mr Sinclair explained that there had been a dark cloud hanging over the city due to the unfortunate and prolonged downturn within the oil & gas industry. But with the construction underway of the impressive new AECC and the potential Kingsford would bring, allied to the near completion of the AWPR, the city could once again regenerate itself from a period of degeneration and could look forward to fresh investment as the city of Aberdeen regained its appeal within the UK and beyond. Mr Sinclair encouraged Members not to waste yet another opportunity to invest through lack of foresight and show proper leadership in giving something back.

The Committee asked various questions of Mr Forbes and Mr Sinclair and the following was noted:-

- Mr Forbes felt that there would only be a minor inconvenience to the residents and these could be overcome to bring the potential benefits; and
- Local businesses would benefit from increased trade on match days.

The Committee then watched a video from **Russell Borthwick, Aberdeen and Grampian Chamber of Commerce**, in which Mr Borthwick advised that \$27 oil brought our region to a key crossroads, and businesses of all shapes and sizes were adjusting to a new norm. Mr Borthwick explained that Aberdeen should not lose sight of the fact that the economy was one that was still the envy of many places in the UK and there was a clear and ambitious plan in place to shape the future. The Regional Economic Strategy, the City Region Deal, sectoral diversification, the City Centre masterplan – all of these were starting to be delivered and he intimated that most importantly, there was some confidence and ambition again in the area.

Mr Borthwick explained that there were early signs of an economic upturn but the momentum that had been built had to be continued in order to deliver the legacy for future generation, and he advised that there should be no slipping back into complacency.

Mr Borthwick advised that to enable the economic renaissance vision to be realised, it was important for people and organisations to bring investment, innovation, skills and jobs to Aberdeen. The Chamber believed that Aberdeen Football Club's community, training and stadium plan was one of the major infrastructure projects that was key to the future of the Aberdeen economy.

Mr Borthwick highlighted that the scheme would be privately funded, economically viable and could help support the delivery of the economic renaissance in the North-

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east. He outlined that although many fans would love to be able to continue watching the Dons playing at a new stadium within walking distance of Union Street, no viable city centre sites appeared to exist. It was therefore vital that the club was in a position to understand and demonstrate the impact on trade of moving away from the city centre.

Mr Borthwick advised that earlier this year the Chamber conducted an independent piece of research into supporters' typical match day behaviour which included a wide range of factors such as method of transport, size of group, time of arrival, parking location (if travelling by car) and other activities undertaken while in the vicinity of Pittodrie or the wider area. Over 5000 people responded with 53% of these being season ticket holders. 61% of respondents travelled by car with around two thirds of these parking a ten-minute walk or less from the stadium. 65% of respondents arrived in Aberdeen between 0 and 60 minutes before kick-off. Just 10% arrived in the city centre first before then walking or taking other transport to the stadium. Only 8% travelled with people who were not attending the match.

Mr Borthwick explained that some retailers advised that, across the UK, shoppers would tend to stay away from city centres on match days. What this analysis showed, was that the financial impact on retailers and other businesses in Aberdeen city centre would be limited although he understood there would be specific exceptions. However, Mr Borthwick felt that the net benefit to the Aberdeen City area of delivering the stadium would more than offset this.

Mr Borthwick advised that should planning permission be granted, it would just be the first step and it was vital that the club explored, understood and incorporated best practice from other new sports stadia projects into the final design. It was also important that it worked with all of its communities and stakeholders, listening and acting to ensure that the facilities really did deliver the experience that people want, not just on match days but throughout the year. Only by doing this would supporters and the wider community buy into and actively support the vision and the Chamber thought that this could be achieved.

In conclusion, Mr Borthwick highlighted that alongside the progress being made on other Masterplan projects, the Chamber believed that the club's proposals would not have a significantly detrimental effect on the city centre and as a region, it was important to continue to deliver progress at pace. He outlined that the city could not afford delays that would slow the momentum that had been built recently. Not proceeding with this high-profile project would create confusion and reduced confidence among residents and the investor community, sending out the message once again that the region was not progressive or open for business.

The Committee then asked questions of Mr James Bream, who was in attendance to answer any questions, and the following information was noted:-

- In regards to the survey carried out, the Chamber canvassed their members and Mr Bream advised that it was clear that the development of infrastructure was key;

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- The chamber estimated that there would be 190 net jobs create and £75m generated over 25 years which would be inclusive growth; and
- They did not survey individual business in the city centre but sent a survey to their members.

The Committee then heard from **Andrew McKinlay, Chief Operating Officer, Scottish Football Association**, who advised that he would outline what he saw as the positives of the proposed development but also some of the significant issues facing Aberdeen Football Club in its current home at Pittodrie Stadium.

He explained that it was important to make it clear that the Scottish FA were fully supportive of Aberdeen FC's modernisation strategy which they saw as a huge positive for Scottish football.

He indicated that Aberdeen Football Club was one of Scotland's most prominent and successful clubs and that it was his view that Aberdeen was in a privileged position compared to the other largest Scottish cities of Glasgow, Edinburgh and Dundee in that, at senior football level, this was a one team city which allowed the whole city to get behind it.

He explained that not only would a new stadium provide a significantly improved experience for an increased number of Aberdeen fans, it would have far wider benefits for the game in Scotland. On Aberdeen match days it would enhance the game day environment for both the home team and the away team and its supporters providing a best in class ultra-modern stadium . At a time when other countries throughout Europe were investing in and building new stadia (in particular south of the border) it would be a major boost for Scottish football to have one of the biggest clubs doing the same.

He advised that as well as hosting Aberdeen games, the new facilities would become a major national sporting asset for Aberdeen and would greatly enhance Aberdeen's ability to host international games in the future.

He explained that traditionally over the last few years, the Scottish FA had taken the Scotland men's "A" team games to Easter Road and to Pittodrie. The redevelopment of Tynecastle would offer another attractive alternative in this regard and, from Aberdeen's perspective, it was important that it kept pace with those other stadia. It was also vitally important to the game in Scotland that the SFA were able to bring games to places other than Glasgow and Edinburgh. He indicated that there was a possibility that in the future, more games might be played away from Hampden and, if this was to be the case, it was important for Aberdeen and for Scotland that there was an appropriate stadium in Aberdeen that could host its fair share of those games.

He intimated that Pittodrie faced significant challenges not only at UEFA level but also at a domestic level. The Scottish FA had a club licensing regime which measured a number of criteria including facilities. Clubs that were granted a licence which was a

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condition of Scottish FA membership were ranked at Entry, Bronze, Silver, Gold and Platinum level. There were a number of reasons why Aberdeen was not able to gain any more than a Silver level licence which included field dimensions (in particular the restricted width (currently 65.8m with Gold requiring 68m), something that was not easily remedied given the requirement for safe run off areas at the side of pitch), dressing room dimensions, uncovered spectator areas, the provision for disabled spectators and the media facilities. He indicated that a club of Aberdeen's stature should aspire to at least Gold level and, given its current constraints it was only now able to apply at silver level.

He explained that the UEFA issue was possibly starker. At domestic level, Aberdeen had performed exceptionally on the field in recent years and it was a clear and realistic ambition of the club (given how close they have been in recent years) to qualify for the Europa League group stages. The issues already highlighted (in particular the 68m width issue which was also part of the UEFA regulations) together with other issues such as floodlighting lux levels and the fact that UEFA were tightening up on their criteria meant that, were Aberdeen in the wonderful position of having qualified for the group stages of the Europa League, they would face significant and possibly insurmountable challenges to host their matches at Pittodrie.

He advised that the thought of Aberdeen having to play these games in the central belt was one that was rightly unthinkable to the thousands of Aberdeen fans who would want to attend these games. Indeed there would be a significant loss of revenue to the club and the city of Aberdeen and it went without saying that neither the club nor the city would want to send out this message to the rest of the footballing world.

Mr McKinlay indicated that Aberdeen FC was an award winning case study in best practice for its youth development and community engagement. A new stadium with complementary training and community facilities would underpin its commitment to the wider community as well as being a home befitting the rejuvenation of the team in recent seasons.

He intimated that the Kingsford stadium and community proposals would enable the AFC Community Trust to raise the bar and set a new benchmark for their already exemplary work in Aberdeen and would also offer an aspirational future destination for future Aberdeen sportsmen and women.

He concluded by advising that he had worked in Scottish football for the last 5 years and, added that it was fair to say that during that period, the Scottish FA had had some significant issues to deal with. However, it was a great pleasure to be talking about something so positive to Scottish football and, as it strived to set an exciting new path, the Scottish FA would encourage all stakeholders to be mindful of the wider benefits of the exciting proposal for Aberdeen its one club, the future prosperity of the national game and, above all, providing the City of Aberdeen with a community focal point of which it could rightly be proud.

Mr McKinlay answered a number of questions from Members noting the following:-

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- that in relation to concerns with segregation of home and away supporters, there would normally be a Pre-Operations meeting with club and police involvement prior to any match, with the vast majority of matches having no problems;
- that it was important that away supporters were catered for in terms of facilities;
- that due to Pittodrie Stadium's pitch size, it would be very difficult to achieve gold standard;
- that the Scottish FA would be interested in helping the development of any ideas in relation to working with children which this proposed development may generate; and
- that Pittodrie Stadium would be unable to host Scotland's national A-team games, however the proposed new stadium and facilities if approved, would be able to host games of a similar stature.

The Committee then heard from **Diane Priestley**, a resident of Westhill, who advised that the proposed plans to build a football stadium at the Kingsford site was only 350 metres from the residential area of Westhill.

She made reference to two previous planning applications proposed on the land in the past ten years, one a golf driving range in 2004 was proposed but was rejected on several grounds, mainly transportation and lack of infrastructure, the decision of which was agreed by the Scottish Office. The last application had been a new housing estate consisting of 25 houses which was rejected on the grounds of separation between Westhill and Kingswells, green belt and flooding issues. She explained that if the two aforementioned planning applications were rejected, then Aberdeen City Council should not even consider giving approval for a vast football stadium on green belt land.

She indicated that the proposed 20,000 seater stadium was over 20 metres (65 foot) high which was the equivalent to a 6 or 7 storey building and approximately 180 metres by 145 metres wide fronting on to the A944. She intimated that it was clear from the published pictures with its enhanced subtle red glow and its added Fanzone that the stadium would dominate the town of Westhill by towering above the existing properties surrounding the site. No amount of landscaping or trees would disguise the vast red concrete structure and the landscape around Westhill would change forever.

She advised that Aberdeen City Council had worked closely with Aberdeen Football club over a long period of time to establish a suitable site for the stadium and it was reported that a feasibility study costing £180,000 was carried out to assess the most suitable location. Two viable sites were recommended (Loirston Loch and King's Links) and by 2011 the planning application for the Loirston Loch site had been approved, however in 2016, the club had announced plans to seek planning approval to build a new stadium with training facilities at Kingsford despite the fact that the land was dedicated as green belt.

She intimated that transport management and parking issues had also been raised as major concerns, particularly as the proposed stadium would be situated seven miles

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from Aberdeen City. Access would have to be along the busy A944 either by bus or car as it was the only route in and out of Westhill. Private shuttle buses had been proposed to bring the fans in, however there was a recognition that fans would also travel to the site by car, but as there was only limited parking at the stadium, this would inevitably cause problems in both Westhill and the surrounding areas on match or event days.

She explained that to deal with this issue, there was a proposal to introduce a controlled parking zone, which if implemented would cover most of Westhill meaning that there will be no parking in this area on match or event days without a resident's permit, however it was not clear how this would be managed, who would pay for the administration of the scheme and how it would be enforced as there were no traffic wardens in Westhill or CCTV cameras. She asked whether it could actually be delivered or whether parking would just be a free for all.

She advised that the reasons why the proposed development should not be built at Kingsford were as follows:-

- the stadium was against Policies NE2 – Green belt, NC5 - Out of Centre proposals, D3 - Big Buildings, NC1 - City Centre Development;
- the existing Green Belt acted as a buffer between Westhill and Kingswells;
- the Kingsford site was not allocated or zoned for development, nor was it part of the Local Development Plan;
- there were viable sites already identified in the Strategic Development Plan at Loirston and King's Links;
- Pittodrie had the potential for redevelopment, many Scottish clubs had done this - Dundee redeveloped Dens Park, Hearts were currently redeveloping Tynecastle Stadium and Hibernian had redeveloped Easter Road;
- the visual impact of such an imposing structure in a semi-rural area would dominate the whole area and change the rural landscape;
- transportation chaos due to unresolved transport and parking issues;
- noise levels before, during and after the match particularly with the added introduction of a Fanzone which would operate three hours before and after the game or when hosting live music; and
- loss of revenue in Aberdeen city as stated by the Economic Department of Aberdeen City Council, with a stadium seven miles from the city centre it would potentially see a decline of £1.78m.

In summing up, Diane Priestley intimated that the proposed stadium at Kingsford would be in the wrong location and more importantly, it was a significant departure from the Local Development Plan 2017, therefore the planning application should be rejected.

In a response to a question from Members, Diane Priestley advised that following previous developments in the Westhill area including Prime Four, the AWPR and

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housing schemes, their impact had left only farmland and a part of the Kingswells and Westhill corridor which had also been eroded.

The Committee then heard from **Ian Armstrong, Scottish Council for Development and Industry (SCDI)**, who advised that it was SCDI's view that the proposed training, community and stadium facilities at Kingsford were a great opportunity for Aberdeen to once again demonstrate leadership in driving economic growth, a principal aim of both the UK and Scottish Governments, and something that was strongly supported by his own organisation.

He indicated that in pursuit of that common economic goal, when developing the recent and well received Blueprint for Scotland's Economy, "From Fragile to Agile", they promoted the need for regulation in Scotland to be flexible and agile to support growth.

He explained that no site would ever be perfect for such a new development, nor be free from legitimate concerns, however, given the prolonged and unsuccessful efforts by the Football Club to identify a suitable city centre location, it was SCDI's view that at such a vitally important time in the development and diversification of the North East's economy, that the Local Authority needed to place greater importance than ever on the need for flexibility of policy thinking to attract and retain investment in the area. SCDI would strongly support such an agile application of policy to the development of new facilities at Kingsford.

He advised that the potential development of a sports stadium and accompanying suite of high quality community sports facilities, wholly funded by the private sector, was a great opportunity for Aberdeen and could play a significant role in boosting investment in the area by heightening its positive profile, representing another major vote of confidence in the region's long-term future. However, to reject this application would send negative signals to the wider investment community at a critical time when the city and region needed to be as open as it had ever been to new and diversified income streams not directly linked to the energy sector.

He intimated that there was a lot for the City Council to consider when looking at the detailed proposals and SCDI were conscious there would be further dialogue with the Football Club and Community Trust prior to the final determination scheduled for next month. Amidst all of that though, SCDI believed that the central guiding objective must be to facilitate development which enhanced the area and by doing so acted as a catalyst for the attraction of further hard cash and ultimately jobs into the City. A clear focus on that objective had led SCDI to support this application and they would urge the Council to do likewise.

In summary, Mr Armstrong advised that SCDI considered the opportunity afforded the City and wider Region by the Kingsford plans was one that was too good to miss. The nature and longevity of the current downturn in the oil and gas sector must focus the minds of the planners and politicians in the City. Whilst there would be recovery, the peak days of investment and employment from that industry were over and it was

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essential that Aberdeen got on with speeding up the economic diversification of the area, and its offering, to future investors and citizens.

He indicated that there was much to be positive about in the area, with long awaited transport infrastructure now being delivered, a new Exhibition Centre rapidly emerging from the ground and the refreshed “Events 365” strategy helping change external perceptions of the City.

He advised that change was always difficult and often seemed to be particularly difficult in the North East. The incomes derived from the oil and gas industry had undoubtedly benefited many businesses in the North East and many individuals. It could not be right however that communities and individuals who benefited from the region’s past economic success regularly tried to block the investment which would enable future prosperity and growth, whether that be the AWPR, Marischal Square or Kingsford.

He intimated that Aberdeen could not preserve our surrounds and environment in aspic, instead Aberdeen needed to embrace and accelerate the process of change which the City and Region would need to ensure future generations would have the same opportunities as many of his generation and older had had.

In conclusion he advised that on behalf of SCDI, the Council should not be afraid of change, but to ‘give it a bosie’ and keep the foot to the pedal of progress and approve the major investment in training, community and stadium facilities.

In a response to a question from Members, Ian Armstrong advised that investment would breed further investment, therefore a refusal of the development would be less attractive.

The Committee then heard from **Ferdinand Von Prondzynski, Principal of Robert Gordon University (RGU)** who advised that the university was an educational institution, with a core mission of providing students with core skills and life chances. It also supported economic, social and cultural development in the Aberdeen and the region.

He indicated that RGU was also an international university, with students from over 130 countries. He explained that for the purposes of student recruitment, it was of real importance that RGU could demonstrate that Aberdeen boasted facilities and attractions that were of very high quality. Football played a very important role and the recent successes of Aberdeen Football Club had contributed significantly to the attractiveness of the city as a location in which to study.

He intimated that RGU was also strongly committed to support the drive for economic development and regeneration, and again this required the city to have a sense of confidence and forward looking creativity. The plans put forward by AFC would make a very considerable contribution to this objective.

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He advised that RGU had a strong partnership with AFC, particularly through sports science expertise. The new facilities would create a new dimension to this collaboration.

He concluded by indicating that best practice, as evidenced by the recent stadium development by Manchester City Football Club, suggested that the stadium and training facilities should be co-located and of a very high standard. This was the case with the proposals from AFC. He intimated that he strongly supported them.

The Committee then heard from **Reverend Scott M Rennie, Queen's Cross Church** who advised that it was only rarely in life and in the life of a community, that an opportunity presented itself to take a decision that would have a positive and lasting impact on the whole life of that community, both from an economic and social perspective. He indicated that this application was one of those rare opportunities.

He advised that along with many other citizens, he welcomed the efforts and significant decisions the City Council had been taking, with support from across parties and communities for the reinvigoration of the life of the city, from the new AECC to the City Centre masterplan.

He intimated that support for Aberdeen FC's new stadium and training facilities was another of those critical opportunities to help the city move forward to the future, and he urged the Council to support the club's plan.

He explained that he was a football fan, and since boyhood had been supporting his hometown team, and the club had been a fantastic ambassador in his lifetime, not just for football, or its fans but for the city. He advised that people all over Europe had heard of Aberdeen in relation to football. As a football fan he indicated that he had been saddened by the discussion around Kingsford, by the sometime characterisation of football fans as near hooligans who were set to go on the rampage at any football match. He indicated that if not always said outright, he felt that in some of the objections, the inference had been there which was both unfair and untrue.

He explained that football clubs had a great opportunity to make a difference in a community and none had embraced that opportunity in greater fashion than the city's club. He advised that he knew first hand through his involvement in partnership with the Community Trust and Club the difference they had made in the voluntary sector to date, but also how limited they were, and would be in the future, without a new stadium and community facilities, side by side at Kingsford.

He intimated that two years ago, the club through the Community Trust contacted him to try and commence some outreach work with the LGBT community in the city, not simply around supporting the team, but also with a view to offering opportunities in coaching and health promotion. That work was ongoing, and AFC deserved credit for being the first club to take its responsibilities in this area seriously, reaching out to the LGBT community in the north east when it was still untested in Scottish Football and

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unfashionable. Their efforts were only now, some years later, being followed by other clubs in Scotland.

He advised that one huge restriction in bringing people together as a voluntary group was the club's woeful lack of accommodation at Pittodrie, meaning for example that the group had to meet in a pub environment, which was fine in one sense, but was actually difficult to find dedicated accommodation for the fan group especially on a Saturday. He indicated that the group currently met in a crowded pub, where it was difficult for people to find them, and was a place that was certainly not discrete for anyone who was wanting to come for the first time, or who might be on a difficult personal journey of coming out, and looking for new LGBT friends who also shared a love of football. He explained that he knew many people who were not LGBT and found it difficult to understand, but when someone was on the journey of coming out, particularly if they felt isolated, the value of community groups who share common interests, whatever they were, were critically important. It was more than a get together; it provided one more space for people to come, make friends and be themselves in a safe space.

He advised that for their opening function the club found them a space in the centre of town, in a pub where they still met, but it was far from ideal, and from all the good practice he knew from England, clubs there with their superior facilities had been able to host fans groups like theirs in their stadium itself. He advised that he knew from the Community Trust's work that this was a constant frustration for them.

He intimated that they were far from the only community group to suffer from the Club and Trust's lack of good facilities. The Kingsford application would provide a dedicated solution for what he said was the magnificent work of the Community Trust. The difference the Trust had made in the life of the third sector in this city could not be overstated. They deserved more than European awards, or kind column inches in newspapers, they deserved from the city itself a foundation at Kingsford to take forward their work.

He explained that Kingsford commended itself both from its accessibility next to the AWPR and critically because on that site the Trust and Club had the possibility to have the best possible combination of accommodation and open space for their work. He indicated that they were one small group, among many beneficiaries of the Club's community work across the Aberdeen and Shire community. What the Club were trying to give to the community through the Trust was remarkable, and it deserved the Council's support. The nature of a development like Kingsford was that it would attract fears and concerns from whoever happened to live beside it, wherever it was placed.

He made reference to the subsequent failures to develop at Belford, and most recently Loirston and advised that many of these fears would in time, (given the Club's strenuous attempts to respond generously to them) pass. He intimated that he believed that the development as proposed would be of benefit not only to the locality in the west of the city, but for the entire city, third sector and voluntary groups.

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He concluded by urging the Council to look to the wider needs and ambitions of the city and to request that they determine in favour of the Kingsford application.

The Committee then heard from **Bruce Cruickshank and Jyll Skinner, Aberdeen Cycle Forum** who advised that the Aberdeen Cycle Forum existed to promote cycling in Aberdeen City and Shire.

Mr Cruickshank advised that putting people on bikes, particularly for short journeys benefitted the physical and mental health of those cycling and had a positive effect on everyone via reduced emissions and fewer cars on busy roads.

He explained that the Westhill Cycle Path/Core Path 91 was one of the busiest routes for cycle commuters and was one of three hot routes into the city, which was very busy, and would get busier with the relocation of the Total Headquarters to Westhill in October which would add a potential further 60 to 80 daily cycle journeys on the path.

He advised that the path was utilised not only by cyclists but also by cyclists with disabilities on adapted bikes, recumbent cycles, young families cycling, disability users on mobility scooters, joggers and equestrians - exactly those it was created for.

He explained that the Council's Active Travel Plan 2017 – 2021 stated that the A944 Aberdeen to Westhill route was a popular and well used off road route with issues.

He intimated that the applicants' traffic assessment paragraph 4.3.10 stated that background use of the path was low and additional pedestrian use would be of minimal consequence to the small number of cycle users on the Core path and further stated that it was generally 2 to 3 metres wide, which it was not. She explained that it was 2.5 metres for a short distance at its widest between the 5 Mile Garage and Ardene Vets and only 1.2 metres wide from there to the Prime 4 entrance, just wide enough for two persons to pass. She indicated that nowhere was it 3 metres wide and nowhere did the assessment address the problem areas at the 5 Mile Garage or west of Prime Four.

Further, he advised that the City Council's Active Travel Action Plan 2017-2021 had identified, alongside the Cycle Forum, that the A944 corridor was a specific route requiring improvement and that Aberdeen City Council would not permit developments to proceed, if they were to the detriment of active travel or severed existing active travel links.

He indicated that all infrastructures put in place as part of the development would impact upon users of Core Path 91 whether during game time or not.

He advised that the Forum had previously petitioned the Council about 'hot spots' on the route that let down the route as a whole and would consider it a massive step in the wrong direction to add another problem point if the cycle infrastructure was not planned carefully and executed exactly as those careful plans specified.

He indicated that those problem points on the path would be exacerbated by the

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development of the Aberdeen Football Club stadium. Much had also been made, in the planning documents as well as on the materials distributed by the Club itself of the volume of bus users that would access the site via shuttle bus or public transport. Game day crowds walking would only be able to access the Stadium along Core Path 91. There was potential that crowds would conflict with the regular users where the facility was not wide enough and fit for purpose especially if a “fanzone” was being mooted, where alcohol would likely be being served.

He explained that in paragraph 4.4.4 the application stated that the 2 metre path would sufficiently accommodate this level of footfall, however if so there would be a high likelihood that a pedestrian or cyclist would be knocked onto the carriageway and in to the traffic.

He indicated that Sustrans, Cycle Scotland, and Cycling by Design engineers with whom she had spoken, recommended a minimum width of 3 metres but a preferred width of 4 metres for the potential footfall. There would be a high degree of potential conflict with current users and supporters on the existing path widths which presented a danger that experienced cyclists would take to the carriageway to make progress which was counter-productive to having the path there in the first place. He intimated that a greater danger was that intermediate or novice cyclists would also be forced onto the carriageway.

He advised that the A944 was an extremely busy and fast road with no physical barriers between the carriageway and users of the core path, while the speed limit was 40 mph, vehicles regularly travel at double that speed. The Local Transport Strategy stated that all new developments should seek to minimise travel by private car, this proposal appeared to promote the polar opposite to that. He indicated that this proposal was reliant on car travel, more vehicles on the road, more pollution being created, and more danger for those choosing active travel.

He intimated that the application stated in paragraph 4.3.12, that Police Scotland could control the movement of vehicles, pedestrians and cyclists as part of the Traffic Management Plan, but they could not as it was a Core path and covered by legislation under the Land Reform Act. It would be unlawful based on legislation regarding Core Paths for stewards/Police to block the Core Path. He advised that Aberdeen City Council had a duty under the Act to provide assured access therefore a Core path which should not be automatically closed, unless by order granted for a period of six days or less, repeated closures totaling more than 6 days must have formal consultation, and could only be granted by Government ministers only when an alternative was provided.

He explained that current Police practice was to close Golf Road outside Pittodrie 10 minutes prior to the end of a match to vehicles, then all pedestrians on the match concluding. This meant Golf Road could be closed to all traffic for 30 minutes or more to allow the away support to leave. Police Scotland did not have the authority under the Act to do this to a core path. Additionally, any re-routing for cyclists blocked from other routes during game times could not be expected to use miles-long diversions to

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continue their journeys. The Local Authority had a duty under the act to assert, protect, keep open and free of obstruction, and they also had a duty of care of users of the path.

He advised that a survey conducted by the Club indicated that 55% want to drive to reach Kingsford. Fairhurst estimated an average of three people per car, a more realistic figure was two per car meaning that if 55% of supporters arrived by car, over 3600 car parking spaces would be needed. The proposal assumed that most users who currently walk would use the bus; but that this could not be concluded with certainty. Regardless of numbers, which would be high in one motorised mode or another, there would be increased traffic on the A944. This further highlighted the dangers of the problem points along the route for non-motorised users.

He concluded by explaining that Aberdeen Cycle Forum had highlighted the potential for death or serious injury if the path was not widened, as required by Cycling by Design. It was extremely disappointing to members of the Forum, that the Council would potentially pass this as part of the package of works for the stadium's traffic, which was not in everyday use, but not as part of a measure to ensure the safety of the numerous non-motorised users of the path who had, and did, use it daily, past and present.

Bruce Cruikshank and Jyll Skinner answered a number of questions from Members, and the following was noted:-

- that the core path was very well used on Saturdays by cycling clubs;
- that there was no data obtained on near misses, although there had been two major accidents; and
- that the main reason people did not cycle was due to safety issues.

The Committee then heard from **Martin Watt** who advised that he was a resident of Angusfield Avenue, which was one of the main routes from Kingsford in and out of the city centre.

He indicated that he was fortunate enough to have visited football stadiums in over 40 countries across Europe. He made reference to the club which had an all seated stadium which was the envy of many of Europe's top clubs back in the 80s. He advised that the majority of their peers were now streets ahead of AFC in terms of the facilities they now had at their disposal.

He intimated that he concurred with AFC's view that a new stadium with associated facilities was now long overdue if they were to try and keep pace with their competitors across Europe. He explained that last month he was in the German city of Dresden and advised that a handful of years ago, they were playing and training in a ground that made the old Chris Anderson Stadium look ultra-modern. With support from their local municipality they were now playing out of a 30,000 all-seater stadium with associated community and training facilities. This was achieved in a very short space of time, with significant financial and non-financial assistance coming from the local authority and its residents.

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He indicated that having seen first-hand this story being replicated all over Europe, it seemed illogical to him that 20 years on, AFC and the City Council had not been able to work together to deliver a solution. He explained that the proposed site at Kingsford would not necessarily have been his first choice, but there now appeared to be a widespread exasperation that a new home for AFC needed to be built somewhere and therefore, why not Kingsford.

He advised that he was therefore pleased when the plans for Kingsford were first announced, but he was subsequently a little worried about how supporters would access the stadium. In particular, how traffic would be affected in and around where he lived in Angusfield Avenue. He intimated that his logical approach to this, as a layperson not an expert roads engineer, was to think about how traffic currently affected the streets in and around Pittodrie Stadium and to also reflect upon how traffic was dealt with at other sporting facilities across Europe. He advised for Aberdeen's last two matches at Pittodrie Stadium, he arrived by taxi around one hour before kick-off and departed by taxi around one hour after full-time. In both cases he explained that there were no delays whatsoever. Both those games had above average attendances for games at Pittodrie.

Further he advised that at Murrayfield Stadium on Saturday, which was essentially in the middle of a residential area, simple Police stewarding saw Aberdeen supporters buses escorted away from the stadium and out of the city in less than 15 minutes. The same practice applied at other grounds in Scotland, including Celtic Park and at Motherwell. At a push therefore, he intimated that the roads would perhaps be busy for between 45 minutes and 90 minutes either side of an event at the new stadium. Based on an average of 22 home fixtures for AFC at the new stadium, this would equate to the roads being busy for between 33 and 66 hours per year, or on average, a mere 0.006% of the time. He advised that this seemed nothing to him, particularly compared to the minor delays caused on a daily basis as a result of the industrial/commercial development that had already taken place on previously green belt areas of Kingswells and Westhill. On that basis, he advised that he had no issue with the proposed new stadium being built at Kingsford and did not believe that traffic would be adversely affected as long as an appropriate plan was put in place to ensure timely arrival and dispersal of traffic ahead of events. He intimated that as such, plans were already in place at other sporting facilities across Scotland and envisaged that putting such a plan in place should not be problematic.

The Committee then heard from **Gordon Ballantyne** who voiced concerns about safety to the public by building a 20,000-person capacity stadium between two major accident hazard pipelines. He explained that there seemed to be so many questions unanswered relating to the proposal and had not heard much about the security issues that the proposal raised. He indicated that he found it perplexing that the Health and Safety Executive (HSE) posed no objection to the proposal on safety grounds, so he had reviewed the process conveniently outlined by Gerry Adderly of the HSE.

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He advised that he saw no mention of terrorism or security in the hazards considered to set the consultation distances, but explained that it was interesting to note that the distances were established by estimating the risk to a single household which must be about 10 people as opposed to the 20,000 in the proposal. He indicated that the HSE did not comment on any developments outside the consultation distances, irrespective of size. Neither did he see any mention of security or terrorism hazards in the Land Use Planning Methodology.

He explained that if the HSE assessment factored security into their Land Use QRA model, there would undoubtedly be a different outcome. Building a stadium near these pipelines changed the dynamics of any risk assessment with security/terrorism factored in.

He advised that he also looked at the responses by BP & Shell which acknowledged integrity and servitude, and in other words meant "don't dig up our pipelines". He questioned whether Shell and BP evaluated the increased security risk to these pipelines.

He made reference to the publicity in the press about the proposal, and suggested that AFC must have moved themselves up the list of potential terrorist targets. He queried whether the Council had asked themselves what they would do if terrorists targeted this proposed stadium, nestled between these signposted pipelines. He advised that a terrorist bomb attack could damage either or both of the pipelines, which would cause a catastrophe of Grenfell proportions. He explained that there was nothing in the planning application to address this real hazard, bearing in mind that the current UK security level was 'severe'.

Mr Ballantyne proceeded to show a video of a pipeline explosion in West Virginia.

Mr Ballantyne advised that he had not seen a plan to protect the AFC supporters from a terrorist vehicle attack, similar to the ones that had already happened in other parts of the country. He asked how the AFC supporters walking along the A944 to Kingswells park and ride would be protected and similarly with the fans walking along the A944 from the Arnhall offsite parking.

He indicated that there was a solution, that being there was a protocol in safety, also used by the HSE called the Hierarchy of Controls where the first and most effective action to minimise risk was elimination. He explained that AFC had a fixation on co-located training facilities with the stadium, while many other successful clubs did not have this model and concluded that elimination or rejection of the planning application would lead to a better course of action.

The Committee then heard from **Heather Brock** a resident from Westhill, who advised that this development was a departure from the recently adopted Local Development Plan.

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She indicated that there had been propaganda and misleading statements made by Aberdeen FC and others in support of this application. Since early 2000, there had been tales at hearings - tales that AFC would cease to exist; that European football would stop; and that there was no plan B, although those things had not come to pass. She indicated that those statements were inventions, designed to push an emotional case for the application rather than one based on the truth and planning policies.

She intimated that the club had options should the application be refused, as there was an allotted site in the Local Development Plan, a site for which the club previously had consent. Should that location no longer be available, then a partnership with the Council to deliver the Kings Links site would be an appropriate way forward, in keeping with the ambition of the City Centre Masterplan, and the opportunity to develop club facilities to compliment the fantastic Sports Village and Aquatics Centre.

She intimated that a Kings Links site would continue to support the many businesses in the area that depended on AFC to survive, businesses that were unlikely to be viable should the club move eight miles from its historic home.

She made reference to a quote from Mr Stewart Milne in January 2011 at the Pre-Determination Hearing for Loirston regarding a potential failed bid, highlighting the severe consequences the club would face, that the negative impact to the region would be very substantial with the club facing a bleak future and the loss of opportunity to develop football in the region. She advised that AFC was the second most successful club in the land, the bleak future foretold over six years ago had not appeared and there had been no negative impact on the region.

She indicated that AFC had in their supporting documents claimed that attendances at Pittodrie would drop to 8500 should the application be refused, however this statement was scaremongering - the club's average attendance over the last ten years was almost 14000. Even when the club's performances had been at their poorest, it had never dropped as low as 8500. There was no evidence that remaining at Pittodrie would see any kind of decline.

She advised that she had read in the press that the Manager Derek McInnes would leave if he did not get new training facilities, but explained that Mr McInnes would leave as that was the nature of football, managers come and go. Building a stadium and facilities to placate a manager was hardly the best basis for such a major deviation from the development plan.

She indicated that AFC had promoted this development as a 'community stadium'. A community stadium conjured up the vision that there was something for everyone, but there was not. This proposal was a single sport facility, and there was no grand 'Community Sports Hub' and nothing in the application which would deliver this. She intimated that the notion of a community stadium was ridiculous, it was a football stadium, nothing more.

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She advised that Mr Milne had claimed that Aberdeen would become a backwater should the application be refused. Others have claimed that refusing the application would show the city was not open for business, however Aberdeen City was open for business with the focus on the City Centre Masterplan, the new AECC and the harbour developments showing that the city was prepared to deliver key projects that would benefit the area.

She indicated that the Kingsford stadium plans, as detailed by the Council's Economic Development report would not deliver any significant benefit for the city, in fact it might result in a significant loss of income for the city centre. She advised that granting the application would not deliver regeneration for the North East, but would make many of the businesses in Seaton and King Street no longer viable.

She explained that the alleged overwhelming support that AFC claimed, was a product of their imagination. AFC had a following of 100,000 people on social media, they had 10,000 season ticket holders, yet after a major campaign during the consultation phase, only 5000 fans offered their support. She intimated that there was no silent majority; there were those for and those against.

She concluded by requesting that Councillors refuse the application for the benefit of the communities and then work with AFC to deliver the sites identified in the Strategic Development Plan.

The Committee then heard from **Dr Nicola Seal** a resident in Westhill who advised that she was opposed to the proposed development.

She explained that when she moved to Westhill five years ago, she chose to live on the eastern edge of the town because she wanted to be close to green space which felt like living in a semi-rural setting. She advised that she wanted to step outside her door and be in the countryside in minutes, and knew that her house was bordered by greenbelt and as such, this space would be protected from further development.

She indicated that she walked her dog daily on land adjacent to the stadium site, and as an ecologist and outdoor enthusiast, she took great pleasure in the natural world and these fields were very important to her mental and physical health.

She advised that greenbelt was not just an abstract concept on a boring planning document, but actually meant something to the people who lived near it. She explained that she could see otters and fish in the Brodiach Burn, skylarks in the fields and deer all around. She indicated that the loss of this habitat was a loss to the people who enjoy this wildlife as well as to the wildlife itself.

She made reference to the 2010 Aberdeen City Greenbelt Review which indicated that the proposed site was considered unsuitable for development and that Cairdhilllock acted as a buffer between Kingswells and Westhill.

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She also made reference to a planning application for 25 houses on the Aberdeenshire side of the boundary, which was refused in 2010 and also an application for a golf driving range on the City side of the boundary in 2005, which was also refused, with the Planners indicating that the Council needed to be particularly careful regarding the precedent that the development might set, and of the implications of this on the greenbelt designation in both Aberdeen City and Aberdeenshire. They also stated that if the development would not meet the tests for inclusion in the Aberdeen City Local Plan as an opportunity site, nor provided a meaningful landscape enhancement, it should not be supported. She explained that Planners went on to say that to do otherwise, lowered the bar against which developments in the greenbelt must be tested and had a direct impact on what was defensible within Aberdeenshire. In this respect the proposal was clearly against the public interest of Aberdeenshire.

She outlined the reasons why the City Council refused the driving range as follows:-

“It would lead to the erosion of greenbelt; would adversely affect the landscape setting; would prove to be visually intrusive and discordant in the low lying landscape and would adversely affect the visual setting; would be detrimental to the residential amenity of the adjacent properties by reason of the associated noise, light pollution, increase in traffic, location of associated structures and overall increase in levels of activity not normally associated with the existing rural location; that the proposed development, if approved, would set an undesirable precedent for applications of a similar nature.”

She advised that the negative impacts from a stadium would be far greater than for a golf driving range, so there was a clear precedent for refusal. She explained that very recently, in 2016, the City Council approved a retrospective application for land infilling and levelling just behind the stadium site and the Planners indicated that approval would enable restoration of the site and its productive use for agricultural purposes, thereby according with green belt and landscape policy objectives of preservation and enhancement of landscape character. She indicated that they also said it should be seeded and landscaped in the interests of protection of the visual amenity and ecological value of the green belt area.

She advised that if piles of dumped soil, houses and a golf driving range were not acceptable developments here, then a huge stadium complex clearly was not either.

She intimated that from her garden, she could hear individual words from players on the Lawsonsdale playing fields. Noise carried to this area of Westhill and the site was in a shallow valley with nothing to baffle the noise. She made reference to the proposed fanzone outside the stadium where there would be nothing to contain the noise, which had not been considered in the Club's noise assessment at all.

She explained that noise from a stadium would mean that her children would struggle to sleep and that she wouldn't be able to enjoy peace and quiet in her garden. She insisted that even inside her house, she wouldn't be able to escape the noise entirely. She explained that she was in recovery from a long term, neurological Lyme disease, a severe illness which had taken her eight years to recover from, and lack of sleep and

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stress would very badly impact on her health and she feared that this development could trigger a relapse. She indicated that if this happened, she would be unable to properly care for her children aged two and six.

She advised that in 2002, an objection had been raised about houses being built near Pittodrie, the objector said:-

“On match days, householders would be subjected to an unacceptable level of noise during matches itself, from crowds arriving and departing and from the PA system. Many people regard the evenings and weekend when matches are played as a time for relaxation. Significant noise at this time could be regarded as particularly intrusive and annoying. The noise from the stadium is not constant and anonymous like much traffic noise. It is intermittent and irregular. It comes in surges and is likely to be more disturbing than constant noise.”

She indicated that the objector was Aberdeen Football Club.

She advised that currently the police did a great job of keeping any trouble on match days to a minimum, thanks partly to a large network of CCTV cameras in the city centre which were monitored by a central control room who directed officers on the ground. She indicated that Westhill or the routes leading in and out did not have CCTV and there were no plans to put them in. Recent coverage of some old firm games had shown that a large police operation had been needed to contain troublemakers at these matches, therefore how would police manage without CCTV.

She concluded by requesting that the Council refuse the plans.

The Committee then heard from **Kathleen North** who advised that a few years ago a local businessman commented that, when Aberdeen Football Club were doing well, the atmosphere in the city was different, more positive and lively. She explained that she agreed with this view.

She indicated that this effect was noticeable earlier this year in the weeks leading up to the Cup Final. She intimated that she had mentioned this because she believed that this planning application was much more than just a request to build a new football stadium and training pitches and, should it go ahead, it would not only be the fans of the football club who would enjoy its benefits, but there would also be a positive impact on those living and working in the City and the North-East.

She advised that given the economic difficulties experienced over the past few years, to have such a development would show to all that Aberdeen was a confident and forward thinking city. This could then create a confidence in the city and increase the potential of attracting investments from other businesses and organisations.

She indicated that Aberdeen Football Club Trust had provided support and opportunities over the past few years for individuals and groups who live in the community, children as well as adults who were vulnerable or disadvantaged due to difficulties such as poor health, isolation or lack of opportunities. She explained that

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she worked with vulnerable adults and could vouch for the work this charity was doing with people with dementia. Their work was innovative and had a positive impact on those with dementia who were now able to participate in purposeful activities which then enhanced their feelings of self-worth and also expanded their social network. She advised that this then had a knock on positive effect on their health and the AFC Trust fitted very well with other charities in the city and for an organisation which had only been active for a few years, the impact they had made in that time was quite remarkable. This was recognised recently by a European award.

She concluded by insisting that the AFC Trust was a local gem, indicating that, for the Trust to continue developing its activities and thereby increase the number of people it could support, it required appropriate facilities. She advised that this would be provided within the Kingsford development as described in the planning application. She explained that the stadium, training pitches and the Aberdeen Football Club Trust were meaningfully interconnected and it was vital that they were located on the one site.

She questioned whether the Council would consider this planning application holistically taking account of all the aspects as mentioned.

The Committee then heard from **James Yule**, who advised that he had lived in Westhill for forty years and had objected to the application.

He made reference to the refusal of a planning application for a golf driving range in a field adjacent to his property, which had been upheld by the Scottish Government following an appeal. He explained that he had the pleasure of addressing the Committee at that time.

He advised that the present proposal for a football stadium immediately south of the rejected golf driving range application had taken him by surprise and he was a little shocked. The citizens of Aberdeen relied on the Council to make a correct decision with regard to planning and he hoped that there was some foresight into the future development of the city and its amenities.

He queried why Aberdeen FC wanted to build a stadium on this green field site which was on the boundary with the shire and a stone's throw from the rural town of Westhill which would have an impact on the community.

He queried whether the Council had met with AFC to discuss mutually beneficial relocation plans for Pittodrie and how the proposal squared with the Aberdeen City and Shire Strategic Development Plan.

He intimated that he was not a strong football supporter but understood the passion and desire the football club and its fans had to develop their support, however he thought that many supporters just wanted a new stadium wherever the location.

He indicated that proper planning was important to meet the needs of all parties, however this proposal fell short of the mark.

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He explained that Mr Milne had found a farmer willing to sell and had latched on to the proximity of the new peripheral route to justify the location of the stadium and believed that further development on adjoining land would occur if the stadium was approved.

He requested that the Council reject the proposal and find a solution that would work for the city, its citizens and the football club. He explained that if the plans were approved, it would feel like the developers were shaping the future and not the city planners, therefore Members should rise above any temptation to bow to the developer's wishes in the commercial development.

He concluded by insisting that the Members were custodians of the green belt land and should not vote it away because when it was gone it was gone forever.

Mr Yule responded to a question from Members by advising that the traffic was very busy in the area at rush hour.

The Committee then heard from **Claire Davidson** who advised that she was a resident of Westhill and had submitted a comprehensive objection to the proposed development of the Kingsford site for many reasons.

She explained that currently the land at Kingsford was green belt and AFC's proposal did not meet any of the criteria listed as exceptions to the green belt policy.

She indicated that Kingsford represented the last section of green belt between Westhill and Kingswells and once the green belt was gone it was gone forever.

She advised that AFC had in their application claimed that the Council had previously supported the principle of using greenbelt land for a stadium and quoted supporting documents which indicated that the move to a greenbelt site had previously been supported by City Council Members and officials through successful planning applications at Bellfield and Loirston.

She explained that the acceptance of previous applications should be seen in the light of the importance of each development. The Bellfield Farm proposal was given approval subject to a successful bid for the world's third largest sporting event, namely the UEFA European Championships 2008, however approval was withdrawn when the competition was awarded to another bid.

She indicated that the development at Loirston was progressed following a feasibility study by the Council and Aberdeen FC. The site at Loirston was selected and developed through the Loirston Development Framework and the wider Aberdeen City Local Development Plan. The site was identified for development and planning approval was in place and the application to build on this site was withdrawn by Aberdeen FC.

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She explained that in contrast, the proposed site at Kingsford was not zoned for development, was not part of any wider strategic or local plan and was not linked to any major sporting bid of national importance.

She made reference to AFC's supporting documentation which stated that newer Scottish football stadia, such as Inverness Caledonian Thistle's stadium was not located within Inverness City centre and St Johnstone's McDiarmid Park was not sited within Perth City centre. Furthermore, Pittodrie was not located within Aberdeen City centre, which in her opinion was misleading as these stadia in Inverness and Perth predated the current Scottish Planning Policy guidance and the stronger focus on preserving the function of city centres. She explained that each of these developments were also of a significantly smaller scale than that proposed at Kingsford as follows:-

- Caledonian Stadium (Inverness) had a capacity of 7800 with an average attendance of just under 4000; was only 1.5 miles from Inverness City centre and was easily within walking distance for fans;
- McDiarmid Park in Perth had a capacity of 10,700 with an average attendance of just under 4500; and was located just over 2 miles from Perth City centre.

She advised that each of these stadiums, therefore, represented a significantly smaller footfall than that proposed for Kingsford and the stadia were significantly smaller and much closer to their respective cities than the proposed Kingsford site which was 7 miles from the city with a capacity of 20,000.

She indicated that she thought everyone from the North East of Scotland appreciated that Pittodrie Stadium was within the confines of the wider Aberdeen City centre, being 1.1 miles from the east end of Union Street, a walk undertaken by many supporters when attending.

She made reference to the application, which she advised claimed that policy should not be applied to their proposals, stating that due to the nature and timing patterns of the proposed usage of the Kingsford football stadium and training facilities and suggested that it should not be assessed as a significant footfall generating use.

She explained that the very large number of people moving to and from the proposed location represented a significant footfall at any time of the day and therefore must be considered as such. She indicated that there was a greater need to consider the development as such given the unsustainable location and poor transport links available to access the Kingsford site.

She advised that the movement of large numbers of people through the city generated income and supported local communities. The current stadium was located in one of Scotland's most deprived communities and supported a number of businesses in the area. She indicated that without this trade, many of these businesses would not be viable, and the assessments carried out by the applicant made no mention of the impact on the economic wellbeing of the immediately surrounding community of the current stadium location.

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She intimated that approval of the development would clearly set a precedent for development adjacent to the AWPR which would lead to the coalescence of communities along the A944 corridor and more widely which would be contrary to the aims of Policy NE2 – Green Belt.

She advised that, in addition, approval for the development would be used as a precedent to grant approval for the Prime Four change of use which would further undermine the Council's investment and focus on rejuvenating the city centre.

She requested that the Council refuse the application and work with Aberdeen FC to develop the identified site at Loirston or the proposed site at Kings Links.

She responded to a question from Members in relation to traffic issues by advising that there was an increase in traffic and parked cars when there were events on at Lawsondale pitches and that the football stadium would significantly add to this as the bus strategy was unsustainable.

The Committee then heard from **Alan Cowie** who advised that his family had lived in Westhill for 32 years, his surviving parents also lived there, that he had brought his children up there and now his grandchildren were growing up there.

He explained that they chose to live in Westhill because of its character, its semi-rural location and were proud to have been part of Westhill's growth and development over these years. He indicated that he was representing his family to strongly object to the proposed development of a stadium at Kingsford, which although technically in Aberdeen, was realistically in Westhill.

He indicated that he understood that planning decisions should be defined by policy and be decided on the suitability of a particular development in a particular place taking into account the effect on the area and the views of the local communities. He advised that the financial position or need or desire of a football club for a new stadium should have no bearing on the planning decision. He intimated that planning policy and guidelines were there to protect the area and community from unsuitable and unwanted inappropriate developments being imposed on them. He questioned what would be the point in debating and adopting a local development plan to then ignore it.

He advised that it had been widely publicised that there were concerns around safety, policing, parking, traffic congestion, noise, light and pollution as well as the actual structure itself being situated on green belt. He explained that he shared all these concerns and believed that if this development was to go ahead it would place an unacceptable burden on local residents and fundamentally change the semi-rural character of the area.

He intimated that the massive increase in road and pedestrian traffic resulting from this development would introduce such safety concerns for children, and that residents would be forced to essentially change their way of life.

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He indicated that relocating Aberdeen Football Club's stadium to Kingsford would bring no economic benefit to the area, rather the opposite, having a detrimental effect on both local and city businesses on match and event days.

He advised that he appreciated the emotions surrounding the support of a football team and its fortunes and would wish to see Aberdeen Football Club do well and prosper, but this should not be at the expense of agreed planning policy.

He sought assurances from Councillors that the decision on the application would be made adhering to the policies and plans already in place for this type of development rather than driven by the emotion surrounding a football team, celebrity and media endorsements or the financial aspirations of a developer.

He advised that he hoped that the Council would agree that there needed to be a carefully considered planning decision on whether it was the right development in the right place and not develop into a vote on whether Aberdeen Football Club should build a new football stadium or not.

The Committee then heard from **Graham Wildgoose**, a resident of Westhill who advised that he was also a supporter of Aberdeen FC.

He advised that as stated by AFC, the Kingsford Stadium site had insufficient car parking spaces for the expected number of vehicles likely to use the stadium on each and every occasion. He indicated that AFC had not identified where the alleged 600 spaces were within Arnhall Industrial Estate within their transport assessment and it was assumed that these spaces had not yet been confirmed, therefore the only car park that could be confirmed for overspill of Kingsford was the Park and Ride at Kingswells. He advised that it should be noted that the industrial estate was linked to leased premises therefore had no fixed lifespan.

He explained that Kingswells Park and Ride had a total of 900 spaces and if it was assumed that 200 of these would be used by Aberdeen City Centre commuters, this would leave 700 spaces for the use of Aberdeen FC.

He advised that the standard national/international average of persons per car for building projects (1 car = 1.7 persons) would give a figure of 1190 people, however AFC within its transport assessment, was attempting to keep the predicted car numbers down and used a different ration (1 car = 2.9 persons) so the higher number of 2030 people arriving in Kingswells Park and Ride should be used.

He indicated that his safety concern was how those people would get from Kingswells Park and Ride to Kingsford. The pathway/cycle path from Kingswells to Westhill was created in 2007 as a safety measure to keep the many cycling commuters, individual cyclists and cycle club members off the busy A944 and onto their own dedicated cycle path which had been a great success and featured on the Council's website under cycle maps.

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He explained that the AFC transport assessment made a statement that only a small number of people would use this pathway given its 1.4 mile distance from Kingsford, however this was a flawed assumption in his opinion given that this was no further than Aberdeen rail/bus station to Pittodrie and the pathway was relatively flat in comparison. He indicated that the Park and Ride was well within the 30 minute walking zone and a reasonable option for supporters going to Kingsford. He intimated that if it was assumed that only three quarters of the people parking at the Park and Ride were walking, this still equated to just over 1500 pedestrians using the pathway which would render the cycle path completely unusable by cyclists, forcing them onto the A944.

He advised that AFC also expected this path to be used by cyclists as they had installed a 220 cycle bay park within the Kingsford Stadium plans. Currently pedestrians had a myriad of roads and pavements, some as wide as 3 metres with no cycle traffic to reach Pittodrie, but if the stadium was approved, pedestrians would be forced to share one unlit pathway as narrow as 1.5 metres in parts with the chance of meeting cyclists coming in the opposite direction.

He intimated that AFC had made an assumption that the pathway between Kingswells Park and Ride, Westhill and the proposed stadium was for their use - it was not, it was built for the use of minimal pedestrians and cyclists for commuting and leisurely pursuits as featured on the Council's website. The markings painted on the pathway supported this.

He advised that there was no provision made to negate the safety hazard of pedestrians using the pathway other than the supply of over 100 coaches. He explained that AFC's traffic assessment relied heavily on the use of private hire coaches, up to 60, for the use of shuttling supporters from various Park and Ride sites, along with a request to Stagecoach for an increase of up to ten additional X17 buses per hour for the two hours before the match and two hours after. He indicated that this could lead to an additional 100+ coaches including AFC and visitor supporter coaches on the road infrastructure all having to access the A944. He indicated that apart from this working against the Council's Emissions Management Programme which concentrated on getting CO2 emissions down, this would cause massive road congestion on the A944.

He indicated that the excessive additional numbers of buses and coaches increased the probability that two coaches would be adjacent to one another in the traffic queues on the A944 during the build up to matches.

He explained that a basic risk assessment for the access of Emergency Service vehicles would highlight the following:-

- 3 x 2.85m wide vehicles could not fit into the 6.6m westbound carriageway of the A944 which had no hard shoulder. The grass verge on the southern side of the carriageway was minimal and was used for snow piling during winter. The central reservation was protected by a high kerb and was soft ground; and

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- The westbound carriageway of the A944 was the main and quickest route for the SFRS and SAS to access emergencies/RTAs in Westhill and the surrounding area.

He advised that in these cases, and the inability of the vehicles to move out of the way, this would lead to a negative effect on the response time of the emergency service which could have a direct effect on the victims of RTAs or fires, and therefore had to be unacceptable. He indicated that should there be a major incident at Kingsford Stadium at 2pm on a match day, the emergency services may not be able to respond due to the inability to get through the traffic trying to get to Kingsford.

He closed by providing a summary and advised that one prolonged incident or fatality caused by a delayed emergency service vehicle was unacceptable.

The Committee then heard from **John Thornton**, a resident of Westhill for 34 years.

He advised that he did not oppose the development just because he liked living in Westhill and wanted it to stay that way, but explained that there were so many flaws in the application, although one stood out and that was the seriously flawed transport plan.

He explained that he noticed that within the public document pack, transport, accessibility and sustainability had the highest number of representations at 45, of which the negative representations were also the highest at 41.

He indicated that to conform to the Transport Policy an application of this scale must increase the number of people using public transport and active travel, reduce the need to travel and reduce dependence on the private car, improve air quality and environment and improve road safety. He advised that this application appeared to only address one of these, but it actually did not.

He advised that the Bus strategy was unsustainable and undeliverable as follows:-

- It relied on a patchwork of bus companies;
- There were not enough buses to meet need;
- Buses in the plan were 100% full, virtually 100% of the time;
- It relied on buses being loaded and unloaded in unrealistic times (90 seater bus with 17 more standing, fully loaded and departing the stadium in two minutes; and
- Every seat in every bus from every location occupied, plus people standing – city centre and the Park and Rides at Kingswells, Dyce and Bridge of Don.

He indicated that at a public meeting, he personally asked a manager of a major bus operator in Aberdeen, how long it would take to load a bus of 60 people and after consideration, he replied and said 10 minutes. On that basis, it would take five times the number of buses or five times as long to clear the stadium. He explained that five

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times the number of buses would create even more traffic chaos and AFC could not source that number. He advised that five times as long turned 45 minutes into 2 hrs15 minutes which skewed all the carefully calculated times.

He indicated that shuttle bus volumes had been significantly understated. A more common sense, realistic average would be two or three or 66% loading. He intimated that he had carried out sensitivity tests which suggested around 50% more buses would be required most of the time, and this would be a further problem for AFC with limited bus resources and the timings are so tight. He explained that at the Kingswells Park and Ride, buses could still be ferrying fans to the stadium 20 or 30 minutes after kick-off.

He advised that AFC proposals underestimated the use of private cars as follows:-

- the site was seven miles out of town with limited public transport;
- estimates were based on 2.9 people per car when the national and international figure for sporting events was 1.7 people per car; and
- currently 72% of people took the car to Pittodrie, and AFC proposed a reduction to 52% for Kingsford, by trying to change supporter habits.

He intimated that the proposed controlled parking zone was not big enough and should be based on 30 minutes walking distance from the stadium. He warned that fans would just park outside the controlled parking zone in Westhill, Arnhall and Kingswells and plenty of parking opportunities would simply encourage car use.

He advised that it was proposed that Westhill would have controlled parking zone signs, double yellow lines and be used by permit holders only, however there were no traffic wardens and the police would be too busy dealing with the crowds.

He queried whether the AWPR would solve the traffic problems as it was designed North to South but not East to West and explained that there would be serious issues at the Kingswells south junction and the back roads around Westhill. He also made reference to the Arnhall parking, claiming that the extent of the overspill was grossly understated and the proposed overbridge would be unsightly and poorly thought through in respect of those with disabilities, the infirm and the elderly and fans would ignore it.

He indicated that the transport plan was ridiculous and had been constructed as a result of the stadium being in the wrong location. He concluded by advising that the transport model was the Achilles heel of the application as it was unsustainable, ridiculous and would not work. He requested that the Council refuse the application.

The Committee then heard from **Gary Atkinson, Carmelite Aberdeen City and Shire Hotel Association** who advised that he was speaking on behalf of the association of independently operated hotels and conference venues.

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He indicated that their task was to promote the region and to influence decisions which benefited the region and their 48 hotel members across the City and Shire, explaining that he also owned a local city centre business – the Carmelite in the Merchant Quarter.

He advised that the hotel and hospitality sector had been badly affected by the downturn in oil and gas over the past few years, therefore, he and the Association fully supported any plans which would assist diversification of the over-reliance on this industry and help other key sectors, such as sports, tourism and leisure, thrive and grow, ensuring a sustainable North East economy.

He intimated that AFC played a significant role in raising the profile of the region, only needing to look at recent European games to see how the Aberdeen brand had been promoted across Europe and the impact this had had.

He explained that the Club had been seeking a new home for far too long and Kingsford represented their third attempt at securing permission for a suitable site. Neither the Club nor the region should wait any longer for these new facilities to be delivered, offering improved facilities for the match-day and non-match-day visitor experience.

He indicated that prior to owning Carmelite, he was Divisional Managing Director of two large Global contract catering companies, and was responsible for Match-day & Non Match-day Catering Activities at over 25 UK sports facilities including Chelsea, Reading, Hampden Park, Murrayfield, Celtic, Hearts and Pittodrie (some years ago), however since owning Carmelite, he did not have any commercial dealings with AFC or any Directors associated with the business.

He advised that he was directly and personally involved full time in the design, build, mobilisation and operations of three new Stadia, namely Huddersfield Town FC, Bolton Wanderers FC and Coventry City FC, the latter following UEFA Guidelines enabling them to facilitate European Games. He intimated that he could confidently confirm what the recent research points outlined, namely all three projects developed a significant boost to local economies across cities where new stadium and sports facilities had been constructed.

He indicated that the local economy definitely benefitted, and that local residents' pride grew, creating jobs within and alongside the stadium, and a 'good feel factor' amongst residents across the region.

He advised that the proposals at Kingsford represented a £50m private sector investment in the region at a time when it was urgently needed to demonstrate that the region was still capable of attracting investment and when it badly needed every economic stimulus it could secure.

He explained that as Chairman of ACSHA, he regularly met with existing and potential investors, and they needed to demonstrate Aberdeen City Council was bold, open for business and a good place to do business, as well as a place to visit.

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He indicated that approving the plans would send out a strong signal that the region was open for business and had confidence in its future. That much-needed confidence would spill over into other sectors, including hospitality and tourism, both of which were vital to the future sustainability of the area and its ability to attract incomers.

He advised that improving the sports, leisure and recreation provision in the region was key to future success and Members only had to look at the recent Tour Series and the Great Aberdeen Run to see what sporting events could bring to the city. The facilities at Kingsford, when combined with existing indoor sports and aquatics facilities already in place in Aberdeen at the Sports Village, would greatly enhance the North-east's position, not only as a Scottish sporting powerhouse, but one which could compete with the best across Europe.

He explained that there was an over-whelming support for these proposals and ignoring this support and the economic benefits to the region would, in their view be highly damaging at this juncture. He indicated that the profile and knock-on effect of the plans for Kingsford must be embraced by a community, as in other Stadium Developments he had personally witnessed, which would provide benefits to residents and visitors as the area offered further diversity which hopefully softened future economic downturns within the energy sector.

He made reference to attending a Guild of Burgess Lunch, advising that during the lunch break, the Lord Dean and Lord Provost announced a Guild of Burgess Initiative to be launched in February, namely "This is our City". He intimated that this was Aberdeen's Football Club, and the City Council had the opportunity to allow a substantial £50million privately funded development to take place for "Our City" and therefore requested that Council recommend approval for this application.

Gary Atkinson answered a number of questions from Members, noting the following:-

- that there was concern that hoteliers were not developing in the city at the present time and it was a challenging situation to obtain funding;
- that if the application was refused, it would have a negative impact in the city which would send out the wrong message;
- that there was no concern if the stadium moved out with the city centre, as any development would be attractive for hoteliers;
- that similar out of city stadia (Coventry City FC and Bolton Wanderers FC) had had a positive impact each having economic benefits, where people would spend money in the city then travel to the stadium;
- that a majority of the association supported the development at Kingsford, it was not unanimous; and
- that a new stadium with modern facilities would attract tourism and benefit hotels.

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The Convener closed the hearing by thanking all those in attendance and for the presentations received.

- **Councillor Marie Boulton**, Convener

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18 January 2017

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**CYCLE 10 - COMMITTEE STATISTICS**

**The Tracker Shows the Reports Which are Expected to be Submitted to Future Committee Meetings**

<b>Report Title</b>	<b>Committee date</b>	<b>Report author</b>	<b>Head of Service</b>	<b>Purpose of Report</b>	<b>Explanation if delayed or withdrawn</b>
Land at Prime Four Crescent,	02/11/2017	Dineke Brasier	Eric Owens	Installation of telecommunications mast (21m high), 3	
Conformation of TPO244/2017 Woodend, Peterculter	02/11/2017	Kevin Wright	Eric Owens	TPO244/2017 Woodend, Peterculter	
Cornhill Hospital	02/11/2017	Gavin Evans	Eric Owens	4 Extra residential units (Update Report)	
Land at Perwinnes Farm	02/11/2017	Robert Forbes	Eric Owens	Change of Use from agricultural land/buildings to plant hire business, erection of associated temporary buildings, security fence and yardspace (retrospective)	
Friarsfield, Cults	02/11/2017	Andrew Miller	Eric Owens	Variation to S75 (for 140272) to include East Neuk dev at King St as offsite AH alternative	Moved from 21.9.17 due to delay in consultee responses.
Friarsfield, Cults	02/11/2017	Andrew Miller	Eric Owens	Variation to S75 (for 120340) to include East Neuk dev at King St as offsite AH alternative	Moved from 21.9.17 due to delay in consultee responses.
Provost Skene's House	02/11/2017	Lucy Greene	Eric Owens	Advise committee of alterations at site.	Moved from 21.9.17 as we are awaiting amendments
Student Accomodation at Brg O Dee Bar Holburn Street	02/11/2017	Gavin Clark	Eric Owens	Planning application for Student Accomodation	Moved to Dec PDMC. Officer and Agent are in disucssion re: design amendments.
Confirmation of TPO239/2017 Land at Contlaw Road	02/11/2017	Kevin Wright	Eric Owens		Moved to another committee in the future, date not currently known.
530 Great Western Road (TBC)	02/11/2017	Dineke Brasier	Eric Owens	Change of use to hot food takeaway	Paper withdrawn, will now be determined under delegated powers.
245 Union Grove (TBC)	02/11/2017	Sepi Hajjoltani	Eric Owens	Change of use of garden ground to form outdoor seating area	Awaiting Noise Impact Assessment. Unsure of when report will go to committee.
Sycamore Place (Site Off), Aberdeen	02/11/2017	Roy Brown	Eric Owens	Demolish existing garage and construct 3 garages and 1 store	Further information has been requested from applicant.

**CYCLE 11 - COMMITTEE STATISTICS**

The Tracker Shows the Reports Which are Expected to be Submitted to Future Committee Meetings

Report Title	Committee date	Report author	Head of Service	Purpose of Report	Explanation if delayed or withdrawn
Student Accomodation at Brg O Dee Bar Holburn Street	07/12/2017	Gavin Clark	Eric Owens	Planning application for Student Accomodation	From Nov PDMC

**CYCLE 12 - COMMITTEE STATISTICS**

The Tracker Shows the Reports Which are Expected to be Submitted to Future Committee Meetings

Report Title	Committee date	Report author	Head of Service	Purpose of Report	Explanation if delayed or withdrawn
Confirmation of TPO237/2017 Malcolm Road	TBC	Kevin Wright	Eric Owens		Initially for September but was pulled for more work to be done.

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## MOTIONS AGAINST RECOMMENDATION

Members will recall from the planning training sessions held earlier this year that there is statutory requirement through Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 for all planning applications to be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. All Committee reports to Planning Development Management Committee are evaluated on this basis.

It is important that the reasons for approval or refusal of all applications are clear and based on valid planning grounds. This will ensure that applications are defensible at appeal and the Council is not exposed to an award of expenses.

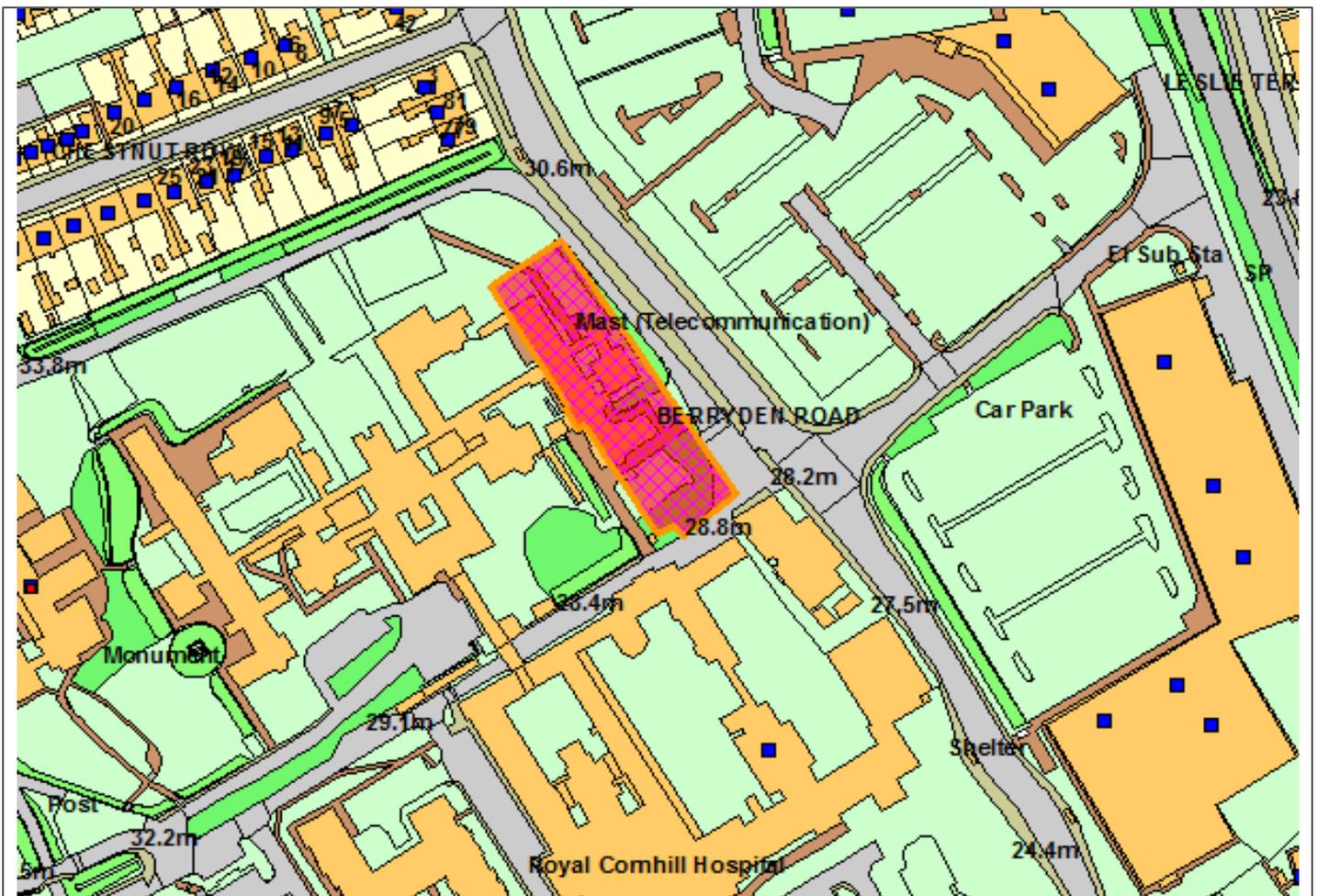
Under Standing Order 26.9 the Convener can determine whether a motion or amendment is competent, and may seek advice from officers in this regard.

With the foregoing in mind the Convener has agreed to the formalisation of a procedure whereby any Member wishing to move against the officer recommendation on an application in a Committee report will be required to state clearly the relevant development plan policy(ies) and/or other material planning consideration(s) that form the basis of the motion against the recommendation and also explain why it is believed the application should be approved or refused on that basis. Officers will be given the opportunity to address the Committee on the competency of the motion. The Convener has the option to call a short recess for discussion between officers and Members putting forward a motion if deemed necessary.

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	<h2>Planning Development Management Committee</h2>
	<p>Report by Development Management Manager</p>
	<p><b>Committee Date: 2 November 2017</b></p>

<b>Site Address:</b>	Former Royal Cornhill Hospital, Cornhill Road, Aberdeen, AB25 2ZH
<b>Application Description:</b>	Material change to previous consent ref P130381 in order to accommodate 4 additional flats within the roofspace of building 5-8
<b>Application Reference:</b>	161282/DPP
<b>Application Type</b>	Detailed Planning Permission
<b>Application Date:</b>	6 September 2016
<b>Applicant:</b>	Barratt North Scotland
<b>Ward:</b>	Mid Stocket/Rosemount
<b>Community Council</b>	Rosemount And Mile End
<b>Case Officer:</b>	Gavin Evans



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## RECOMMENDATION

**Willingness to approve with conditions, subject to conclusion of a legal agreement securing:**

- **Affordable Housing: £25,000**
- **Community Facilities: £1,992**
- **Car Club: £380**
- **Roads: £556**
- **Primary Education: £13,210.24**
- **Sport and Recreation: £1,216**
- **Library: £200**
- **Total £ 42,554.24**

## **APPLICATION BACKGROUND**

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### **UPDATE: REASON FOR UPDATED REPORT**

This application was previously referred to the September 2017 meeting of the Planning Development Management Committee, at which time members expressed a willingness to approve the application in line with the report's recommendation. On review of the affordable housing commuted sum, it was established that this had been erroneously applied at a rate from the planning agreement (which required 25% affordable housing provision, made up of 15% on-site and 10% commuted sum), rather than at 25%. The purpose of this report is to relay the correct figure (at £25,000 rather than the £10,139.32 previously reported).

### **Site Description**

The current application concerns an area of land on the eastern edge of the former Royal Cornhill Hospital (RCH) site. The wider RCH site itself extends to 5.54ha and lies between Berryden Road, to the east, and May Baird Avenue, to the west. This current application site, which extends to 2688sqm and sits just to the north of the consented access junction onto Berryden Road, is the site of 'Buildings 5-8' in the approved layout, incorporating 66 units.

### **Relevant Planning History**

Reference	Proposal	Decision / Date
130381	Detailed Planning Permission for redevelopment of the former Royal Cornhill Hospital site (323 units)	Status: Approved with Legal Agreement 12.02.2015
130382	Substantial demolition in a Conservation Area	Status: Approved Conditionally 04.06.2015
170317	Modification of planning obligation associated with P130381 to allow for 22 affordable units (from an overall obligation of 48) to be provided off-site at Ocean Apartments, 52-54 Park Road, Aberdeen	Status: Approved Modification/Discharge 20.04.2017

## **APPLICATION DESCRIPTION**

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### **Description of Proposal**

This application seeks planning permission for a material change to the consent previously granted. This relates specifically to Buildings 5-8 and involves the provision of an additional 4no flatted units within the roofspace, increasing the total number of units from 66 to 70. The external appearance of the buildings will be unaltered from the consented scheme. Earlier variations have allowed for the consented 66 units to be delivered in the lower floors, with the attic flats omitted from those varied plans. The current application seeks to formalise the provision of 4no extra units within that roof level. No additional car parking provision is proposed.

## 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=OD136DBZGLG00>.

The following documents have been submitted in support of the application –

- Existing and Proposed plans and elevations
- Supporting Planning Statement

## Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because an objection has been received from the local Rosemount and Mile-End Community Council.

## CONSULTATIONS

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**Developer Obligations Team** – This proposal will result in an additional 4 units to that already consented. The infrastructure rates will apply pro-rata in line with the existing legal agreement for P130381. Contributions are payable, based on the impacts resulting from the development, in the following areas: Affordable Housing; Community Facilities; Car Club; Roads; Primary Education; Sport and Recreation; Library provision. The total contribution payable is £ 42,554.24.

**ACC - Roads Development Management Team** – No objection to the proposal.

As no additional parking spaces are proposed the main concern, from a roads perspective, is whether or not there is sufficient parking available to cater for the new flats. Notes that current parking standards are less onerous than those applicable under the previous Local Development Plan. If the 'Inner City' standard is applied, as it was to the earlier application, there is no shortfall in car parking provision. Disabled parking provision remains compliant.

**Rosemount and Mile-End Community Council** – Object to the application on the basis that it is outwith the approved application and that the development should remain within original approved number of flats in the development.

## REPRESENTATIONS

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None

## MATERIAL CONSIDERATIONS

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## Legislative Requirements

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

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities to preserve and enhance the character or appearance of conservation areas

## Aberdeen Local Development Plan (2017)

D1: Quality Placemaking by Design

D2: Landscape

H3: Density

H4: Housing Mix

I1: Infra Delivery & Planning Obligation

NE9: Access and Informal Recreation

T3: Sustainable and Active Travel

T2: Managing the Transport Impact of Development  
Transport and Accessibility

R6: Waste Management Requirements for New Development

OP77: Cornhill Hospital

## Supplementary Guidance and Technical Advice Notes

Affordable Housing

Flooding, Drainage and Water Quality

Planning Obligations

Resources for New Development

Transport and Accessibility

## Other Material Considerations

Scottish Planning Policy (SPP)

Historic Environment Scotland Policy Statement (HESPS)

## EVALUATION

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### Principle of Development

The former Royal Cornhill Hospital site extends to some 6.04ha and is identified in the current Aberdeen Local Development Plan as Opportunity Site (OP) 77. The ALDP identifies an opportunity for redevelopment comprising a residential, office and community uses. The site was also allocated for development in the preceding Local Development Plan, and the principle of development has been established through the approval of application 130381, which proposed a residential development of 323 units, including elements of both new-build and conversion.

The current proposal affects only the interior of the building, but requires planning permission as it would result in the formation of 4no additional residential units within the top floor of buildings 5-8. Nevertheless, in considering the current proposal it is noted that the design, appearance, position and footprint of the building would not differ from the scheme previously agreed. On that basis, it is considered that these matters have been previously agreed, and that the current proposal maintains compliance with policies D1 (Quality Placemaking by Design), D2 (Landscape), NE5

(Trees and Woodlands) and NE9 (Access and Informal Recreation). The proposal would increase the overall density of development, and requires assessment in terms of its density, provision for car parking, and sufficiency of car parking to accommodate additional units.

### **Density and Housing Mix**

In terms of overall density, the proposal would result in an increase from 323 to 327 units across the wider Cornhill development. In relative terms this is a minor increase, and is not precluded by the ALDP opportunity site designation. On consideration of application 130381, the planning authority noted that the scheme achieved an overall density of approximately 58 dwellings per hectare, which comfortably satisfies policy Policy H3's minimum requirement for 30 dwellings per hectare. A Development Brief for the Cornhill site at that time identified an aspirational target of 70 dwellings per hectare, however this of course had to be balanced against other factors such as the retention and protection of existing trees, delivery of a coherent site layout around the conversion of existing buildings etc. The addition of a further 4no units with no corresponding increase in footprint is, in general terms, consistent with the aspirations of that Development Brief for a high-density residential development. It is therefore considered that the proposal accords with the provisions of policy H3 (Density) of the ALDP. In terms of the range of housing available on site, the approved Cornhill scheme includes detached, semi-detached and terraced houses, along with flatted blocks. The addition of a further 4no flats within the top floor of this building does not introduce a new type of housing to the site, however it is noted that the consented scheme already makes provision for a wide range of types and sizes, so it is not considered that there is any resultant conflict with policy H4 (Housing Mix).

### **Refuse and Recycling**

Provision is made for refuse and recycling storage within the previously consented scheme, and the addition of 4no units is not anticipated to result in any significantly increased burdens in this respect, however a condition attached to this consent can ensure that details of the arrangements for building 5-8 – including provision for increased capacity as necessary - are submitted and agreed in consultation with the Council's Waste Strategy Team in advance of occupation. This will ensure that adequate provision is made and that the proposal complies with policy R6 (Waste Management Requirements for New Development).

### **Accessibility and Parking Provision**

The wider Cornhill development was considered against the 'Inner City' parking standards, despite lying just outwith the boundary for that area. This was considered necessary to ensure that the site could deliver the anticipated level of development whilst retaining its semi-parkland setting and preserving the character of the Rosemount and Westburn Conservation Area. It was also recognised that the site is within relatively convenient walking distance for the city centre and its facilities. The Council's Roads Development Management Team notes that the parking rates set out in current supplementary guidance are less onerous than those that applied at the time the wider application was considered, with the result that there is capacity for these additional 4no units to be accommodated without any causing a shortfall in parking. On this basis, it is considered that the proposal maintains the rates of parking provision established by the earlier consent, and does not result in any material conflict with policy T2 (Managing the Transport Impact of Development) or the associated 'Transport and Accessibility' Supplementary Guidance.

### **Affordable Housing**

This application was made prior to adoption of the current ALDP, which increased the rates of cummuted payments made in lieu of on-site affordable housing provision. It is recognised that the relevant affordable housing policy (H5) applies to developments of more than 5 units. This application falls below that threshold, however it forms part of a wider development of more than 300 units, and cannot be implemented without the benefit of that wider consent. On that basis, it is considered reasonable to apply policy H5 to this proposal. The overarching consent was granted planning permission on the basis of 25% affordable housing provision, which was to be made via

on-site delivery for 15% and a commuted sum for the remaining 10%, reflecting the exceptional costs associated with the conversion of historic buildings and the provision of undercroft parking to ensure that the landscaped setting of those buildings could be appropriately maintained. It is considered reasonable to accept that the affordable housing component of this application be secured by way of a commuted sum, rather than seeking to retrofit a single affordable unit into a development which is fully designed and presently under construction. This approach is considered to represent a fair and reasonable application of policy H5 to an application which in itself falls below the normal threshold for attracting affordable housing provision.

### **Matters raised by the local Community Council**

It is noted that the Community Council has objected and has stated its view that development should be restricted to the number of units previously consented. The current ALDP allocation does not specify a maximum number of units. The Development Brief that applied at that time highlighted the potential for up to 364 homes, based on a density of 70 dwellings per hectare. As noted previously, there are constraints on the site that make that a particularly challenging density to achieve, however it is nevertheless the case that the addition of these 4no units does not represent a departure from the position established in either the Opportunity Site designation or the site-specific development brief that the overarching consent was approved against. On that basis, and having had regard to the relevant policies contained within the development plan, it is considered that there is no compelling reason to warrant restricting development to 323 units, or to warrant refusal of the current application.

### **Conclusion**

The proposal would result in a slight increase in the density of development on the allocated Cornhill site, however this would not result in any change to the footprint or external appearance of the building in question, therefore there is no identified conflict with design policies, nor any change to the wider proposal in terms of trees, landscaping, open space and accessibility. The increase in density can be readily accommodated within the previously approved built form, and the change in car parking standards that accompanied adoption of the current Local Development Plan is such that there is no shortfall in parking provision. Developer obligations have been identified in several areas in order to offset the impacts of the development, consistent with the legal agreement covering the existing consent for development of the Cornhill site. Matters raised in the local Rosemount and Mile-End Community Council's response are noted, and have been addressed in this report, however it is considered that the proposal accords with the relevant provisions of the development plan, and that no material considerations have been identified that would outweigh that position and warrant refusal of the application.

### **Heads of Terms of any Legal Agreement**

A legal agreement will be required to secure the financial contributions identified above, which will be tied to the existing agreement, with contributions paid as summarised in the Recommendation section of this report below.

### **Time Limit Direction**

The standard time period of 3 years for implementation of consent is considered appropriate, therefore no time limit direction is warranted.

## **RECOMMENDATION**

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Willingness to approve with conditions, subject to conclusion of a legal agreement securing:

- Affordable Housing: £25,000
  - Community Facilities: £1,992.00
  - Car Club: £380.00
-

- Roads: £556.00
- Primary Education: £13,210.24
- Sport and Recreation: £1,216.00
- Library: £200.00
- Total £42,554.24

## **REASON FOR RECOMMENDATION**

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The proposal is considered to represent an appropriate scale and form of development on the Royal Cornhill Hospital site, which would accommodate contemporary buildings of appropriate design alongside the existing architecture of the site, within a distinctive parkland setting. The proposal accords with policies CF1 (Existing Community Sites and Facilities) and would benefit from access to local shops and public transport facilities. An appropriate density and mix of housing would be provided on-site, including an appropriate proportion of Affordable Housing, in accordance with policies H3 (Density), H4 (Housing Mix) and H5 (Affordable Housing) of the ALDP. An environment of appropriate quality would be provided for residents, with access to areas of private amenity space and public open space, incorporating a significant number of existing mature trees and maintaining the landscape character of the site, in accordance with policies D2 (Landscape) and NE4 (Open Space).

The arrangement of space and styling of buildings demonstrate due regard for the site context, in accordance with policy D1 (Architecture and Placemaking) and the aspirations of Creating Places and its six qualities of successful places.

Proposals for vehicular and pedestrian access to the site are acceptable, and consistent with policies T2 (Managing the Transport Impact of Development), D3 (Sustainable and Active Travel) and NE9 (Access and Informal Recreation).

Detailed matters requiring further submissions and/or implementation of agreed details in relation to site contamination, refuse storage and disposal, surface water drainage and reducing carbon emissions can be secured through appropriate conditions, ensuring compliance with policies R2, R6, NE6, and R7 of the ALDP.

In conclusion, the proposal is considered to demonstrate due accordance with the provisions of the Development Plan, and no material considerations, including issues raised in representations, were found to be of sufficient weight to warrant determination other than in accordance with the development plan.

## **CONDITIONS**

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1. That none of the buildings hereby approved shall be occupied unless a scheme detailing compliance with the Council's 'Low and Zero Carbon Buildings' supplementary guidance has been submitted to and approved in writing by the planning authority for that building, and any recommended measures specified within that scheme for the reduction of carbon emissions have been implemented in full - to ensure that this development complies with requirements for reductions in carbon emissions specified in the City Council's relevant published Supplementary Guidance document, 'Low and Zero Carbon Buildings'.
2. That no building within the development hereby approved shall be occupied unless the car, motorcycle (including a secure fixed point) and bicycle parking areas serving those buildings have been constructed, drained, laid-out and demarcated in accordance with a drawing which has first been submitted to and approved in writing by the planning

authority. Such areas shall not thereafter be used for any other purpose other than the purpose of the parking of vehicles ancillary to the development hereby granted approval - in the interests of public safety and the free flow of traffic.

3. That none of the units hereby approved shall be occupied unless refuse and recycling storage has been provided in accordance with a detailed scheme which has first been submitted to and approved in writing by the planning authority – in order to preserve the amenity of the neighbourhood and in the interests of public health.
4. That unless otherwise agreed in writing, no part of the development hereby granted planning permission shall be occupied unless all drainage works detailed on Fairhurst drawing number 96600/2050-revC (as approved in relation to the overarching consent ref. 130381) or such other plan as may subsequently be approved in writing by the planning authority for the purpose have been installed in complete accordance with the said plan - in order to safeguard water qualities in adjacent watercourses and to ensure that the proposed development can be adequately drained.

## **ADVISORY NOTES FOR APPLICANT**

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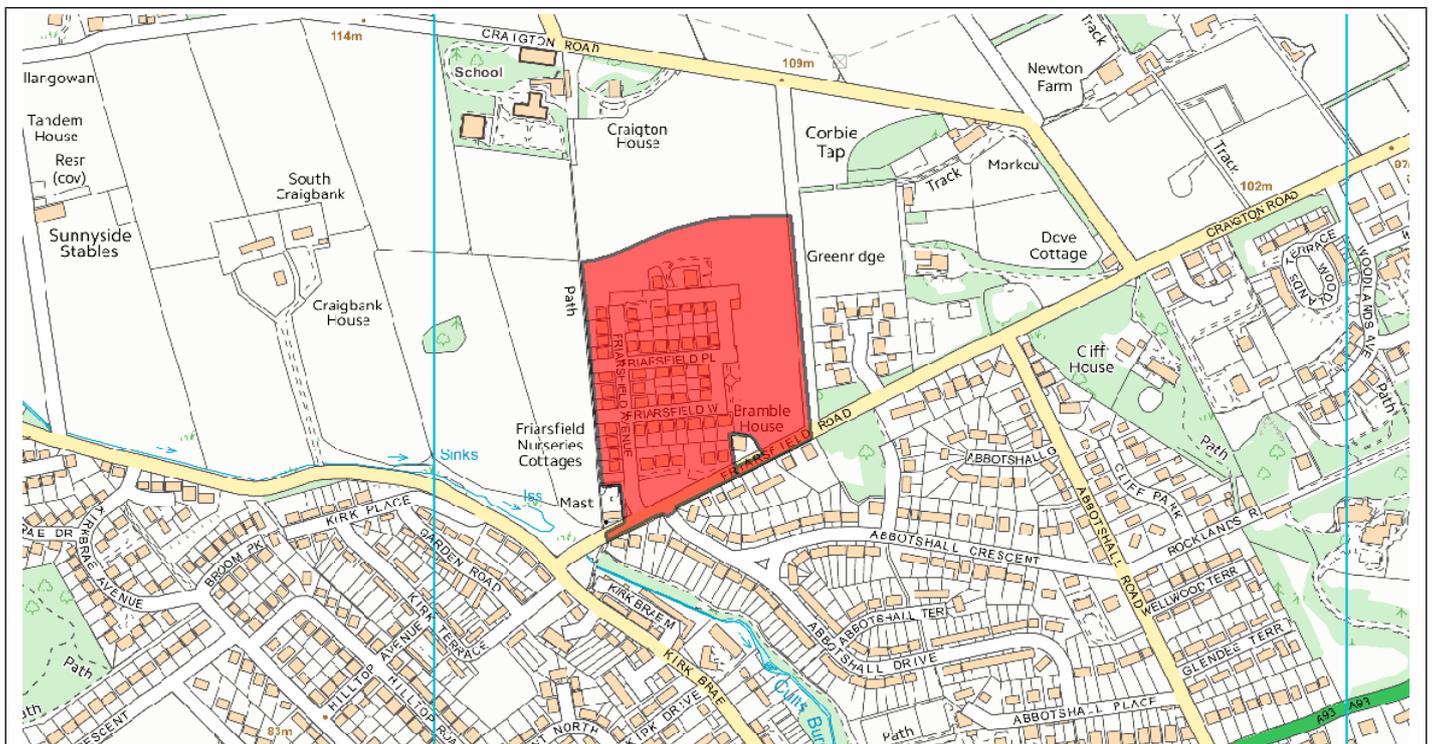
1. Construction Hours. It is recommended that no construction or demolition work should take place: (a) outwith the hours of 7.00 am to 7.00 pm Mondays to Fridays; (b) outwith the hours of 9.00 am to 4.00 pm Saturdays; or (c) at any time on Sundays, except (on all days) for works inaudible outwith the application site boundary. - in the interests of residential amenity. Please note that separate statutory noise controls exist under environmental health legislation.

2. Separate licencing regime for works affecting bat roosts

Please note that, separate from this grant of planning permission, it is likely that a licence from SNH will be required in relation to works affecting bat roosts - it is the applicants' responsibility to ensure that the appropriate licence has been obtained before such works affecting a European Protected Species (including demolition works) are undertaken.

 <p><b>ABERDEEN</b> CITY COUNCIL</p>	<h2 style="margin: 0;">Planning Development Management Committee</h2> <p style="margin: 5px 0 0 0;">Report by Development Management Manager</p> <p style="margin: 5px 0 0 0;"><b>Committee Date: 2 November 2017</b></p>
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<b>Site Address:</b>	Land Adjacent To Friarsfield Road, Cults, Aberdeen, AB15 9LB
<b>Application Description:</b>	Modification of planning obligation associated with application 120340 (Rosefield Gardens) to allow an alternative offsite affordable housing provision at 132 - 134 and 142 King Street
<b>Application Reference:</b>	170881/MPO
<b>Application Type</b>	Modification/Discharge of Planning Obligation(s)
<b>Application Date:</b>	24 July 2017
<b>Applicant:</b>	CALA Homes Aberdeen (North) Ltd
<b>Ward:</b>	Lower Deeside
<b>Community Council</b>	Cults, Bieldside And Milltimber
<b>Case Officer:</b>	Andrew Miller



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## RECOMMENDATION

Approve Modification

## APPLICATION BACKGROUND

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### Site Description

The site relates to a housing development of 81 units to the north of Friarsfield Road, Cults, granted under application 120340 and forming part of a wider opportunity site (OP41) for housing identified in the Aberdeen Local Development Plan 2017.

### Relevant Planning History

**120340** – Erection of 81 residential units at land to north of Friarsfield Road, Cults. The Planning Development Management Committee at their meeting of 8 November 2012 gave a willingness to grant consent subject to developer obligations being secured. A legal agreement was subsequently entered into with the planning authority and consent was issued on 26 November 2013.

**170081/DPP** – Application for a four storey block of 20 flats, conversion of public house to commercial unit at ground floor, and conversion and extension of former Boiler Maker's Club to form 6 flats at 132 – 134 and 142 King Street. Application

Also related to this application is another request for modification another of the applicant's developments within OP41:

**140272** – Erection of 119 residential units (including 12 affordable) on land to the north of Friarsfield Road/Kirk Brae, Cults. The Planning Development Management Committee at their meeting of 23 April 2015 gave a willingness to grant consent subject to developer obligations being secured. A legal agreement was subsequently entered into with the planning authority and consent was issued on 10 October 2016.

**170882/MPO** – Modification of planning obligation associated with application 140272 to allow for an alternative offsite affordable housing provision at 132 – 134 and 142 King Street being determined alongside this application.

## APPLICATION DESCRIPTION

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### Description of Proposal

The application relates to a consent for a housing scheme that was granted subject to a legal agreement under section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended) to secure a number of developer obligations, including affordable housing. Clause 14 of the section 75 agreement requires the developer to provide 8 on site units for the provision of Low Cost Home Ownership (LCHO).

Section 75A of the Act allows for a person against whom a planning obligation is enforceable to apply to the planning authority to have the obligation either modified or discharged.

This application seeks the modification of the obligation to insert a clause that would allow for the provision of 8 affordable social rented units offsite at 132 – 134 and 142 King Street in lieu of the onsite provision of LCHO.

### 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=OTLDNNBZ02E00>.

The following documents have been submitted in support of the application –

- Supporting Statement
- Viability Statement (not publicly available due to sensitive commercial information).

### **Reason for Referral to Committee**

The application has been referred to the Planning Development Management Committee because it seeks to vary a developer obligation required by an application previously determined by the Planning Development Management Committee (minute of meeting of 8 November 2012, item 3 refers).

## **CONSULTATIONS**

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**Cults, Bielside and Milltimber Community Council** – Object to this application as Cults needs the current affordable housing as agreed in the legal agreement. Affordable homes are needed by many people who work in the area and cannot afford private homes on the open market.

Should Aberdeen City Council be minded to allow this variation and provide housing offsite on King Street, the Community Council would like to receive further information on how the City Council will deliver affordable housing the Cults, Bielside and Milltimber area and how various developer obligations from developments in the area will be used.

## **REPRESENTATIONS**

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Applications to vary or discharge planning obligations under section 75A of the Act are not open for public comment.

## **MATERIAL CONSIDERATIONS**

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### **Legislative Requirements**

Section 75A of the Town and Country Planning (Scotland) Act 1997 allows for a person against whom a planning obligation is enforceable to apply to the planning authority to have the obligation either modified or discharged. In determining such requests, the planning authority must consider the application on its own merits and reach a decision in accordance with the terms of the development plan, unless material considerations indicate otherwise. Any modification should be considered against the policy tests set out in [Circular 3/2012 \(Planning Obligations and Good Neighbour Agreements\)](#).

The planning authority may determine that the obligation be modified as per the proposed modification or continue in its current form. It cannot determine that the obligation should be subject to any modification other than the modification(s) set out in the application – i.e. the proposed modification is either approved or refused.

### **National Planning Policy and Guidance**

Circular 3/2012 – Planning Obligations and Good Neighbour Agreements  
Scottish Planning Policy

### **Aberdeen Local Development Plan (2017)**

H5 – Affordable Housing

### **Supplementary Guidance and Technical Advice Notes**

Affordable Housing

## EVALUATION

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As outlined above, planning permission was granted subject to a number of developer obligations including on site affordable housing provision in the form of 8 LCHO units. This application proposes the addition of a clause which would allow for an alternative contribution for offsite delivery of 8 social rent flats at King Street (former East Neuk Public House).

In assessing the suitability of the proposed change, consideration will be given to the Aberdeen Local Development Plan 2017 (ALDP) and the Affordable Housing Supplementary Guidance (SG).

ALDP policy H5 states that housing developments of five or more units will be required to contribute no less than 25% of the total number of units as affordable housing. The agreement in place relative to application 120340 requires the delivery 8 LCHO units as onsite delivery (equalling 10% of the contribution), whilst the remainder (15%) would be made of a commuted sum.

The SG contains a sequential approach that states the Council's preferences for delivery of affordable housing as required under policy H5:

1. Onsite – Social Rent: either by a Registered Social Landlord (RSL) or the Council;
2. Onsite – Intermediate Housing: LCHO, Mid-Market Rent etc.;
3. Offsite; then
4. Commuted Sum.

As the agreement currently stands, the contributions for affordable housing would be made up of obligations described under points 2 and 4 outlined above. The proposed modification of the affordable housing contribution would see this fall to points 3 and 4. The SG also states that if offsite is to be considered acceptable, then it should be located within the same submarket area. In this case, Friarsfield is located in the Prime area whilst King Street is within the Urban Core.

Within the supporting statement provided with the application, it is stated that without the applicant's involvement in the proposed scheme at King Street, the development would not be viable. A viability statement also provided in support of the application details that profit from the sale of flats (presently identified as LCHO) on the open market would cover the shortfall in the funding necessary to bring the King Street development forward. The City Council's Housing Strategy Manager considers that the information in the supporting statement is correct and the social rent flats at, King Street would only be viable with the proposed cross subsidy from CALA.

Whilst not fully compliant with the SG, in that the provision of affordable housing would fail to accord with the sequential approach and be located within the same market area, the housing provision would enable the delivery of 8 social rent units (which is seen as the Council's preferred form of affordable housing delivery). When considered as a whole (26 units), the King Street development would result in the delivery of a greater number of units than would be delivered on site at Friarsfield (20 overall). In addition, the provision of affordable housing offsite would result in the redevelopment of a prominent listed building close to the City Centre that would otherwise be unviable without this intervention (as detailed in the viability statement provided with the application).

The timing of the delivery for King Street is estimated to be within the next 18 months, whereas the onsite LCHO is estimated for delivery post 2020 at the earliest (dependant on build out rate for the wider Friarsfield development).

The proposed modification retains the obligation of the provision of the 8 onsite LCHO units at Friarsfield if the proposed off site delivery proposed does not come to fruition. This would provide the developer with the option to implement the LCHO should the King Street development fail to come forward. The requirement for commuted sum towards affordable housing would also remain.

Cults, Bielside and Milltimber Community Council's comments are noted, however in this instance there are considered to be sufficient material considerations that would benefit outweigh the SG and enable the delivery of additional social rent units in the city.

## **RECOMMENDATION**

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Approve Modification

## **REASON FOR RECOMMENDATION**

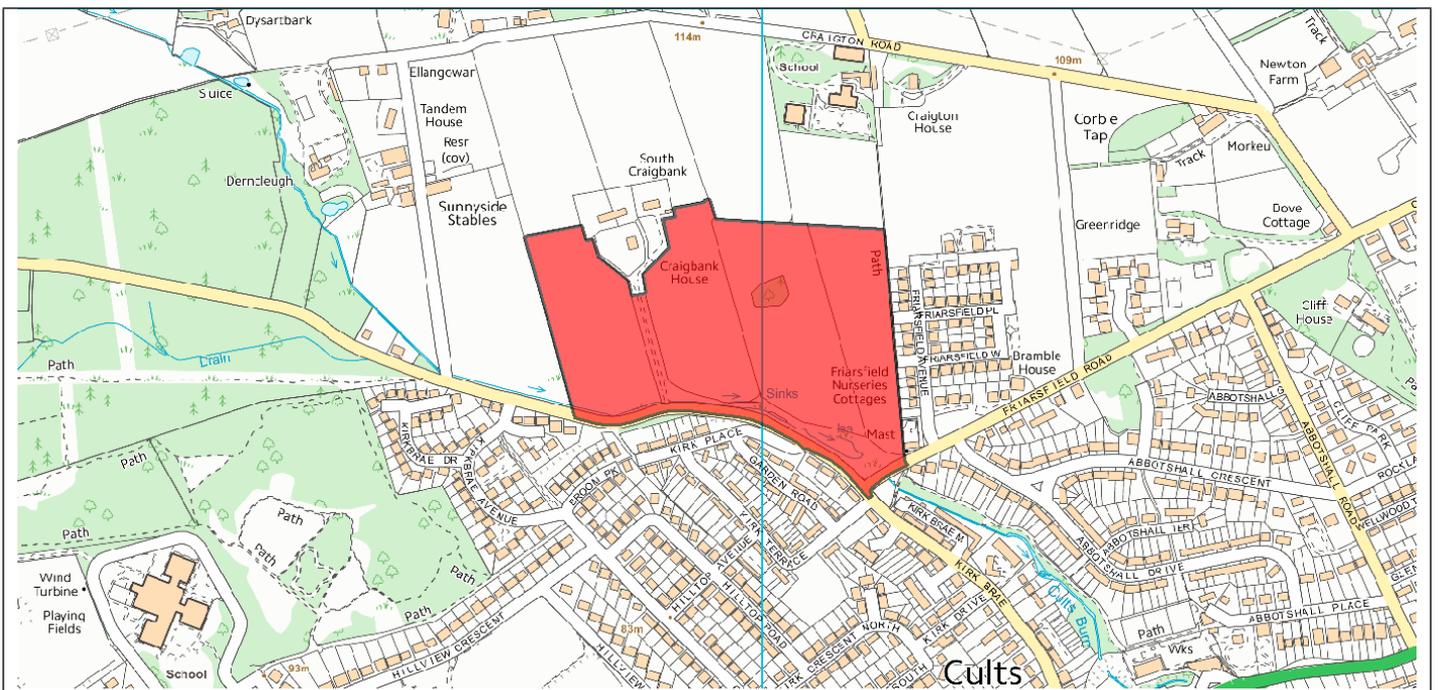
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Whilst not fully compliant with policy H5 – Affordable Housing of the Aberdeen Local Development Plan 2017 (ALDP) and the related Affordable Housing Supplementary Guidance, the proposed modification to the existing section 75 agreement would enable the overall delivery of a greater number of affordable housing units within Aberdeen within a tenure that is under greater demand.

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 <p><b>ABERDEEN</b> CITY COUNCIL</p>	<h2 style="margin: 0;">Planning Development Management Committee</h2> <p style="margin: 5px 0 0 0;">Report by Development Management Manager</p> <p style="margin: 5px 0 0 0;"><b>Committee Date: 2 November 2017</b></p>
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<b>Site Address:</b>	Land Adjacent To Kirkbrae/Friarsfield Road, Cults, Aberdeen, AB15
<b>Application Description:</b>	Modification of planning obligation associated with application 140272 (Cults Park) to allow an alternative offsite affordable housing provision at 132 - 134 and 142 King Street
<b>Application Reference:</b>	170882/MPO
<b>Application Type</b>	Modification/Discharge of Planning Oblig
<b>Application Date:</b>	24 July 2017
<b>Applicant:</b>	Cala Homes Aberdeen (North) Ltd
<b>Ward:</b>	Lower Deeside
<b>Community Council</b>	Cults, Bieldside And Milltimber
<b>Case Officer:</b>	Andrew Miller



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### **RECOMMENDATION**

Approve Modification

## APPLICATION BACKGROUND

---

### Site Description

The site relates to a housing development of 119 units to the north of Friarsfield Road/Kirk Brae, Cults, granted under application 140272 and forming part of a wider opportunity site (OP41) for housing identified in the Aberdeen Local Development Plan 2017.

### Relevant Planning History

**140272** – Erection of 119 residential units (including 12 affordable) on land to the north of Friarsfield Road/Kirk Brae, Cults. The Planning Development Management Committee at their meeting of 19 March 2015 gave a willingness to grant consent subject to developer obligations being secured. A legal agreement was subsequently entered into with the planning authority and consent was issued on 10 October 2016.

**170081/DPP** – Application for a four storey block of 20 flats, conversion of public house to commercial unit at ground floor, and conversion and extension of former Boiler Maker's Club to form 6 flats at 132 – 134 and 142 King Street. Application

Also related to this application is another request for modification another of the applicant's developments within OP41:

**120340** – Erection of 81 residential units at land to north of Friarsfield Road, Cults. The Planning Development Management Committee at their meeting of 8 November 2012 gave a willingness to grant consent subject to developer obligations being secured. A legal agreement was subsequently entered into with the planning authority and consent was issued on 26 November 2013.

**170881/MPO** – Modification of planning obligation associated with application 120340 to allow for an alternative offsite affordable housing provision at 132 – 134 and 142 King Street being determined alongside this application.

## APPLICATION DESCRIPTION

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### Description of Proposal

The application relates to a consent for a housing scheme that was granted subject to a legal agreement under section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended) to secure a number of developer obligations, including affordable housing. Clause 14 of the section 75 agreement requires the developer to provide 8 on site units for the provision of Low Cost Home Ownership (LCHO).

Section 75A of the Act allows for a person against whom a planning obligation is enforceable to apply to the planning authority to have the obligation either modified or discharged.

This application seeks the modification of the obligation to insert a clause that would allow for the provision of 8 affordable social rented units offsite at 132 – 134 and 142 King Street in lieu of the onsite provision of LCHO.

### 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=OTLFJCBZ02E00>.

The following documents have been submitted in support of the application –

- Supporting Statement
- Viability Statement (not publicly available due to sensitive commercial information).

### **Reason for Referral to Committee**

The application has been referred to the Planning Development Management Committee because it seeks to vary a developer obligation required by a case previously determined by the Planning Development Management Committee (minute of meeting of 19 March 2015, item 5 refers).

## **CONSULTATIONS**

---

**Cults, Bielside and Milltimber Community Council** – Object to this application as Cults needs the current affordable housing as agreed in the legal agreement. Affordable homes are needed by many people who work in the area and cannot afford private homes on the open market.

Should Aberdeen City Council be minded to allow this variation and provide housing offsite on King Street, the Community Council would like to receive further information on how the City Council will deliver affordable housing the Cults, Bielside and Milltimber area and how various developer obligations from developments in the area will be used.

## **REPRESENTATIONS**

---

Applications to vary or discharge planning obligations under section 75A of the Act are not open for public comment.

## **MATERIAL CONSIDERATIONS**

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### **Legislative Requirements**

Section 75A of the Town and Country Planning (Scotland) Act 1997 allows for a person against whom a planning obligation is enforceable to apply to the planning authority to have the obligation either modified or discharged. In determining such requests, the planning authority must consider the application on its own merits and reach a decision in accordance with the terms of the development plan, unless material considerations indicate otherwise. Any modification should be considered against the policy tests set out in [Circular 3/2012 \(Planning Obligations and Good Neighbour Agreements\)](#).

The planning authority may determine that the obligation be modified as per the proposed modification or continue in its current form. It cannot determine that the obligation should be subject to any modification other than the modification(s) set out in the application – i.e. the proposed modification is either approved or refused.

### **National Planning Policy and Guidance**

Circular 3/2012 – Planning Obligations and Good Neighbour Agreements  
Scottish Planning Policy

### **Aberdeen Local Development Plan (2017)**

H5 – Affordable Housing

### **Supplementary Guidance and Technical Advice Notes**

Affordable Housing

## EVALUATION

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As outlined above, planning permission was granted subject to a number of developer obligations including onsite affordable housing provision in the form of 12 LCHO units. This application proposes the addition of a clause which would allow for an alternative contribution for offsite delivery of 12 social rent flats at King Street (former East Neuk Public House).

In assessing the suitability of the proposed change, consideration will be given to the Aberdeen Local Development Plan 2017 (ALDP) and the Affordable Housing Supplementary Guidance (SG).

ALDP policy H5 states that housing developments of five or more units will be required to contribute no less than 25% of the total number of units as affordable housing. The agreement in place relative to application 140272 requires the delivery 12 LCHO units as onsite delivery (equalling 10% of the contribution), whilst the remainder (15%) would be made of a commuted sum.

The SG contains a sequential approach that states the Council's preferences for delivery of affordable housing as required under policy H5:

1. Onsite – Social Rent: either by a Registered Social Landlord (RSL) or the Council;
2. Onsite – Intermediate Housing: LCHO, Mid-Market Rent etc.;
3. Offsite; then
4. Commuted Sum.

As the agreement currently stands, the contributions for affordable housing would be made up of obligations described under points 2 and 4 outlined above. The proposed modification of the affordable housing contribution would see this fall to points 3 and 4. The SG also states that if offsite is to be considered acceptable, then it should be located within the same submarket area. In this case, Friarsfield is located in the Prime area whilst King Street is within the Urban Core.

Within the supporting statement provided with the application, it is stated that without the applicant's involvement in the proposed scheme at King Street, the development would not be viable. A viability statement also provided in support of the application details that profit from the sale of flats (presently identified as LCHO) on the open market would cover the shortfall in the funding necessary to bring the King Street development forward. The City Council's Housing Strategy Manager considers that the information in the supporting statement is correct and the social rent flats at, King Street would only be viable with the proposed cross subsidy from CALA.

Whilst not fully compliant with the SG, in that the provision of affordable housing would fail to accord with the sequential approach and be located within the same market area, the housing provision would enable the delivery of 12 social rent units (which is seen as the Council's preferred form of affordable housing delivery). When considered as a whole (26 units), the King Street development would result in the delivery of a greater number of units than would be delivered on site at Friarsfield (20 overall). In addition, the provision of affordable housing offsite would result in the redevelopment of a prominent listed building close to the City Centre that would otherwise be unviable without this intervention (as detailed in the viability statement provided with the application).

The timing of the delivery for King Street is estimated to be within the next 18 months, whereas the onsite LCHO is estimated for delivery post 2020 at the earliest (dependant on build out rate for the wider Friarsfield development).

The proposed modification retains the obligation of the provision of the 12 onsite LCHO units at Friarsfield, which would provide the developer with the option to implement the LCHO should the King Street development fail to come forward. The requirement for commuted sum towards affordable housing would also remain.

Cults, Bielside and Milltimber Community Council's comments are noted, however in this instance there are considered to be sufficient material considerations (outlined above) that would benefit outweigh the SG and enable the delivery of additional social rent units in the city.

## **RECOMMENDATION**

---

Approve Modification

## **REASON FOR RECOMMENDATION**

---

Whilst not fully compliant with policy H5 – Affordable Housing of the Aberdeen Local Development Plan 2017 (ALDP) and the related Affordable Housing Supplementary Guidance, the proposed modification to the existing section 75 agreement would enable the overall delivery of a greater number of affordable housing units within Aberdeen within a tenure that is under greater demand.

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 <p><b>ABERDEEN</b> CITY COUNCIL</p>	<h2 style="margin: 0;">Planning Development Management Committee</h2> <p style="margin: 5px 0 0 0;">Report by Development Management Manager</p> <p style="margin: 5px 0 0 0;"><b>Committee Date: 2 November 2017</b></p>
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<b>Site Address:</b>	Land at Perwinnes Farm, Scotstown Road, Aberdeen, AB21 7AR
<b>Application Description:</b>	Change of use from agricultural land / buildings to plant hire business, erection of associated temporary buildings, security fence and yardspace (retrospective)
<b>Application Reference:</b>	170946/DPP
<b>Application Type</b>	Detailed Planning Permission
<b>Application Date:</b>	29 August 2017
<b>Applicant:</b>	Buckhurst Plant Hire
<b>Ward:</b>	Bridge Of Don
<b>Community Council</b>	Bridge Of Don
<b>Case Officer:</b>	Robert Forbes



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## **RECOMMENDATION**

Refuse and Enforce

## **APPLICATION BACKGROUND**

### **Site Description**

This site, which is located in open countryside beyond the built up area of Bridge of Don, comprises 0.7 Ha of farmland. It is currently used on an unauthorised basis, partly by a plant hire firm. A temporary office building (of 25 square metres) associated with the use has been formed adjacent to a derelict farm steading located within the centre of the site. There is surrounding yardspace used for storage of numerous vehicles / plant unrelated to the use of the farm. There are a number of residential caravans which have recently been sited at the northern part of the site, to the north of the steading building. These do not appear to be used or stored in connection with the plant hire business. Another central part of the site has recently been temporarily sub-let to a civil engineering contractor and used for their storage purposes unconnected with the authorised use of the farm. There is also evidence of the applicant storing machinery / vehicles in connection with their business on adjacent land to the north-east of the site. The site is accessed from a farm track which joins the public road to the south of the site.

### Relevant Planning History

Application Number	Proposal	Decision Date
170386/PNA	Erection of an agricultural shed	02.05.2017 Prior Approval Required
060279	Conversion of steading to house	Approved 2006
040004	Conversion of steading to 3 houses	Approved 2004

The above prior notification (ref. 170386/ PNA) for erection of an agricultural shed relates to land immediately north-west of the site and was submitted by the landowner / farmer. The above steading conversion proposals have not been implemented. Planning enforcement file ENF 170095 was opened in May 2007. Following investigation, a letter was sent to the applicant on 7/6/17 advising of the unauthorised nature of the use of the site as a plant hire business and requesting cessation of such use and restoration of the site to its previous condition.

### APPLICATION DESCRIPTION

#### Description of Proposal

Retrospective consent is sought to authorise the existing use of part of the site as a plant hire business which commenced in May 2017 and for the associated temporary buildings and security fencing. The applicant is a UK wide operator, based in Lancashire, England, which specialises in the hiring of self-drive and operated plant to major utility, building and civil engineering companies.

This application has been submitted in response to the request by Council planning officials that the unauthorised commercial use of the site is discontinued. The authorised use of the land is for agricultural purposes.

#### Supporting Documents

All drawings listed below can be viewed on the Council's website at:-

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OUB50UBZMP000>.

#### Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because the application has attracted more than 5 objections and thus falls outwith the Scheme of Delegation. The recommendation also seeks authority to undertake enforcement action which officers do not have authority to undertake under delegated powers.

### CONSULTATIONS

**ACC - Flooding And Coastal Protection – No objection**

**ACC - Roads Development Management Team –** Note that the site is not accessible on foot / cycle or by public transport. Express safety concerns regarding the potential increase in traffic movements at the junction with the public road, including the potential for collision. Note the potential for increase in slow moving vehicle traffic on the public road.

**ACC - Environmental Health – No objection**

**Aberdeen International Airport – No objection**

## **REPRESENTATIONS**

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11 letters of representation have been received (11 letters of objection, 0 letters of support and 0 neutral letters). The matters raised can be summarised as follows:-

Inappropriate land use;  
Adverse impact on visual amenity;  
Conflict with NE1 green belt policy;  
Adverse effect on use of surrounding area for informal recreational purposes;  
Inaccurate / inconsistent drawings;  
Inadequate site access / road safety concerns;  
Detriment to residential amenity / increased pollution (e.g. noise / fumes);  
Other unauthorised uses at the site.

## **MATERIAL CONSIDERATIONS**

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### **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**

Scottish Planning Policy (SPP) expresses a presumption in favour of development which contributes to sustainable development.

### **City & Shire Strategic Development Plan**

This encourages development which contributes to sustainable development.

### **Aberdeen Local Development Plan (2017)**

D2: Landscape  
NE2: Green Belt  
T2: Managing the Transport Impact of Development  
T3: Sustainable and Active Travel

### **Other Material Considerations**

The Council's Local Transport Strategy seeks to minimise travel by unsustainable modes.

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## **EVALUATION**

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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.

### **Principle of Use**

The development conflicts with NE2 policy within the local plan by reason of the commercial nature of the use, which does not require to be located within the countryside and does not fall within any of the categories of development or exceptions to policy set out therein. The development results in detriment to the landscape character of this rural area, by reason of the urbanisation of the site resulting from the proposed commercial use and associated buildings / structures. It would therefore conflict with the objectives of local plan policy D2 (Landscape). It would also conflict with NE2 policy by reason of the conflict with D2 policy and policies T2 and T3 (as explained below).

### **Transport Policy**

Due to the remote location of the site, which is divorced from the built up areas of the city and poorly accessible by sustainable transport modes, the proposal would conflict with the objective of local plan policies T2 and T3, related Scottish Planning Policy regarding transport and the Council's Local Transport Strategy;

### **Sustainable Development**

No overriding social or economic justification for approval of the development contrary to the development plan is considered to exist. No evidence has been presented, nor has it been claimed, that there is insufficient allocated land for business and industrial purposes within the Adopted Local Development Plan where such uses would be appropriately located. The development would not contribute to sustainable development objectives set out in SPP and within the City & Shire Strategic Development Plan. Given the fundamental nature of the above policy conflicts, it is considered that the development could not be made acceptable by imposition of conditions regulating or restricting the nature of the use.

### **Road Safety**

Several of the objections cite the inadequate nature of the existing access arrangement (via a farm track), associated potential public safety concerns at the junction with the public road, and due to the intensification of slow vehicle movements on the public road, which it is noted is of a high speed nature. These safety concerns are shared by the Council's roads officers and cannot be addressed by imposition of conditions. Whilst there would be an element of slow moving traffic associated with the authorised use of the site as a farm, the nature of traffic movement associated with the proposed use is likely to be significantly different from the authorised use for agricultural purposes and would be likely to intensify traffic movement at the junction, particularly with drivers unfamiliar with the site. It is considered that approval of the application would result in a public road safety hazard due to the potential increase in traffic movements, at the junction of the site access with the public road, including the potential for collision with slow moving heavy vehicles.

### **Residential Amenity**

Whilst it is accepted that the authorised use of the site as an agricultural steading could result in a degree of conflict with residential amenity (in particular that experienced by the adjacent farmhouse), the commercial nature and intensity of the proposed use has potential to cause increased dis-amenity due to the increased vehicle activity and associated noise / air pollution. The Council's Environmental Health Service has no objection to the proposal on noise or pollution grounds. Therefore refusal on that basis cannot be substantiated.

**Impact of Physical Works**

The various physical structures which have been erected at the site in association with the plant hire business (e.g. temporary office building, fencing) are considered by reason of their design, form and location to detract from the rural character of the site and visual amenity of the area and therefore conflict with both policy D2 and NE2.

**Precedent**

No approval for establishment of commercial uses at the site has previously been granted, with the planning history limited to unimplemented approvals for conversion of historic buildings to form housing. Approval of this application would therefore establish an undesirable precedent for introduction of commercial uses unrelated to farming activity to be located in the green belt and which could lead to cumulative erosion of the landscape character and setting of the city.

**Unauthorised activities at the site**

The applicant has declined to comply with written request to cease the existing unauthorised use and reinstate the site to its previous condition. Given the conflict with green belt policy and other local plan policies identified above and the unauthorised nature of the commercial uses at the site, Committee authority is sought in order to enable service of an enforcement notice to secure cessation of the unauthorised use of the site, and adjacent land, as a plant hire business and removal of its associated structures, including temporary office building, security fencing and lighting. Service of such notice may be required in the event that this planning application is refused and the owner / applicant declines to resolve the breaches of planning control. Authority is also sought to serve separate enforcement notices relating to the use of the site for commercial storage of plant by a civil engineering contractor and to secure removal of other equipment / structures (e.g. including residential caravans) at the site. Investigation has not demonstrated that use of part of the site as commercial kennels is taking place.

**Other considerations**

The proposal has been advertised as a departure from the development plan due to the conflict with Green belt policy. The scale of representation received, whilst significant, is less than the threshold at which it is considered appropriate to warrant undertaking a public hearing. Furthermore, as the recommendation is one of refusal there is limited public benefit in holding a hearing in such circumstances.

**RECOMMENDATION**

---

Refuse and Enforce

**REASON FOR RECOMMENDATION**

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01.The development conflicts with NE2 (Green Belt) policy within the local development plan, by reason of the commercial nature of the use which does not fall within any of the categories of development or exceptions to policy set out therein;

02. The development, due to its location, scale and form results in detriment to the landscape character of the area and would therefore conflict with local plan policy D2 (Landscape) of the local development plan.

03.Due to the remote location of the site, which is divorced from the built up areas of the city and poorly accessible by sustainable transport modes, the proposal would conflict with the objective of local development plan policies T2 and T3, related Scottish Planning Policy regarding transport and the Council's Local Transport Strategy;

04. No overriding social or economic justification for approval of the development contrary to the development plan is considered to exist. No evidence has been presented that there is insufficient allocated land for business and industrial purposes, within the adopted local development plan where such uses would be appropriately located. The development would not contribute to sustainable development objectives set out in SPP and within the City & Shire Strategic Development Plan;

05. Approval of this application would establish an undesirable precedent for introduction of commercial uses unrelated to farming activity to be located in the green belt and which could lead to cumulative erosion of the landscape character and setting of the city.

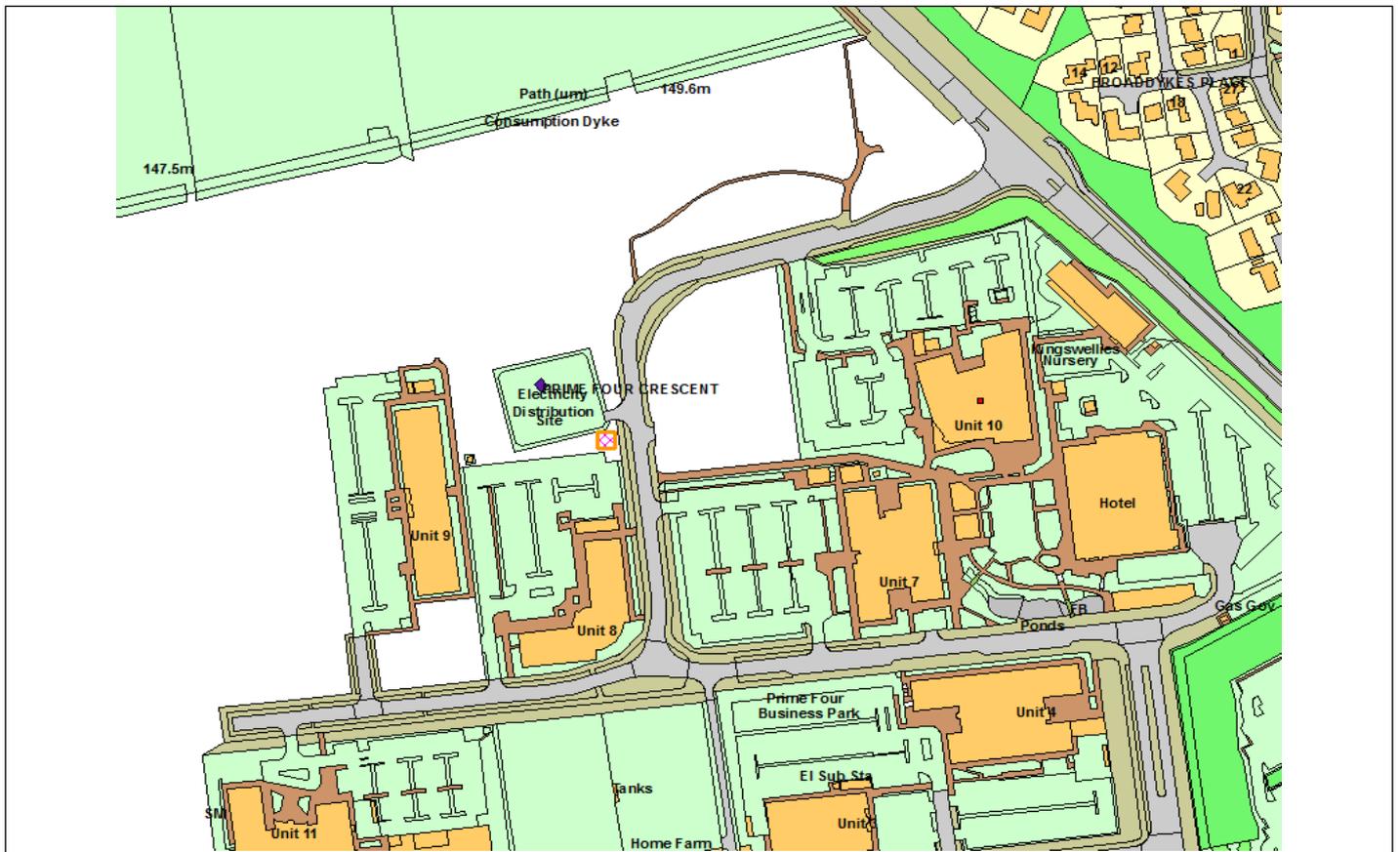
06. Approval of the application would result in a public road safety hazard due to the potential increase in traffic movements, at the junction of the site access with the public road, including the potential for collision with slow moving heavy vehicles.

**Enforcement Action**

Authority for service of an enforcement notice is sought to secure cessation of the unauthorised use of the site as a plant hire business and removal of its associated structures, including temporary office building security fencing and lighting. Service of such notice may be required in the event that this planning application is refused and the owner / applicant declines to resolve the breaches of planning control.

 <p><b>ABERDEEN</b> CITY COUNCIL</p>	<h2 style="margin: 0;">Planning Development Management Committee</h2> <p style="margin: 5px 0 0 0;">Report by Development Management Manager</p> <p style="margin: 5px 0 0 0;"><b>Committee Date: 2 November 2017</b></p>
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<b>Site Address:</b>	Land Adjacent To Access Road, Prime Four Business Park, Prime Four Crescent, Aberdeen AB15 8QG
<b>Application Description:</b>	Installation of telecommunications mast( 21m high), 3No cabinets within new compound
<b>Application Reference:</b>	171181/PNT
<b>Application Type</b>	Prior Notification - Telecommunications
<b>Application Date:</b>	2 October 2017
<b>Applicant:</b>	Cornerstone Telecommunications Infrastructure LTD
<b>Ward:</b>	Kingswells/Sheddocksley/Summerhill
<b>Community Council</b>	Kingswells
<b>Case Officer:</b>	Dineke Brasier



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### **RECOMMENDATION**

Prior Approval Not Required

## APPLICATION BACKGROUND

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### Site Description

The site is a relatively small square area near the northern boundary of the Prime Four business park measuring approximately 10m by 10m. The site is relatively level and would be located immediately to the south of an enclosed compound containing an electricity pylon. A low boundary wall runs along Prime Four Crescent immediately to the east. The business park itself is to the south.

### Relevant Planning History

Detailed planning application (ref. 152002) for the erection of a 25m tall lattice tower to support 3 antenna, 3 remote radio units (RRUs) and 2 x 300mm diameter dish antenna was sought on a site some 70 metres to the north of the current application site. That proposal also included the provision of 3 ground level cabinets all within 2.1m high palisade fence compound was refused on 28 April 2016. This decision was subsequently upheld at Local Review Body on 31 August 2016. The main reasons for refusal were in relation to its proximity and impact to the Kingswells Consumption Dyke, which is a Scheduled Ancient Monument, and the significant detrimental impact this would have on the visual amenity and setting of this structure.

## APPLICATION DESCRIPTION

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### Description of Proposal

The notification seeks determination as to whether the prior approval of the Planning Authority is required in relation to the siting and appearance of the proposed telecoms mast and 3 cabinets within a compound. The telecoms mast would be a lattice tower measuring 21m. On top of this would be a 3m high headframe containing 3 antennas, 3 remote radio units and 2 transmission discs with a diameter of 0.6m. The entire structure would have an overall height of 24m. Additionally, three green equipment cabinets, two of which measuring 1.4m by 1.3m, with the third measuring 0.6m by 1.6m, would be located immediately to the north of the mast. The mast and the cabinets would be set in a purpose built compound surrounded by a 2.1m high palisade fence, similar to that of surrounding the electricity pylon immediately to the north.

### 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=OX6Y2KBZ01U00> .

The following documents have been submitted in support of the application –

- ICNIRP Certificate
- Supplementary Information

### Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because prior notifications for telecoms as specified in Part 20 (Development by Electronic Communications Code Operators), Class 67 of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992 (as amended) are not included in the scheme of delegation.

## CONSULTATIONS

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**ACC - Roads Development Management Team** – The proposed site is outwith any visibility splays, is set back from footways and has adequate room for maintenance vehicles to park without blocking the road. No objections.

## REPRESENTATIONS

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None

## MATERIAL CONSIDERATIONS

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### Legislative Requirements

The application has been submitted under Part 20, class 67 of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992 (as amended) as a Prior Notification. The application is for a determination as to whether the prior approval of the Local Planning Authority is required in respect of the siting and appearance of the proposed development.

### National Planning Policy and Guidance

PAN62 – Radio Telecommunications

### Aberdeen Local Development Plan (2017)

CI2 – Telecommunications Infrastructure

## EVALUATION

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### Background to the application

The application has been submitted under Part 20, Class 67 of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992 (as amended) (GDPO) as a Prior Notification. This is a relatively new procedure that came into being in August 2017, and increased permitted development rights for development by electronic communications code operators. As part of this, rather than having to apply for detailed planning permission, telecommunications companies can submit an application for Prior Notification for certain types of development related to the electronic communications network. This can include masts, ground based apparatus, building based apparatus, associated buildings and structures and access tracks. The GDPO sets out a number of criteria for each type of development. If the proposed development would meet all of the relevant criteria, then the Planning Authority can only determine whether prior approval is required for siting and appearance.

### Principle of Development

The proposed development would qualify for permitted development rights under Part 20 (Class 67) of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992 (as amended) as:

- The site is sufficiently far away from the Kingswells Consumption Dyke, a Scheduled Ancient Monument (SAM), to be not considered to be located within the setting of this SAM;
- The overall height at 24m would not exceed 25m;
- The three ground based cabinets at a maximum height of 1.3m would not be higher than 3m, and with a total volume of 3.24m<sup>3</sup> would not exceed 90m<sup>3</sup> in volume;
- The three ground based cabinets total an area of 2.18m<sup>2</sup>, which exceeds the 1.5m<sup>2</sup> set out as the maximum size area of 1.5m<sup>2</sup> where planning permission would not be required.

However, a further clause sets out that this maximum size area does not apply to ground based apparatus to be used as equipment housing, which would be the case here. As such, this criteria is met;

The application is therefore assessed on siting and appearance only. The application site is located within a developed area of the wider business park and is immediately adjacent to an existing electricity pylon. The compound would be separated from Prime Four Crescent by a stone boundary wall. Upon approach from the east, the mast and associated structures would be viewed alongside the electricity pylon to the north and the car park and office building to the south west. Compared to the previous refused application, the mast has been moved some 70m to the south. This application was mainly refused due to the adverse impact it would have on the visual amenity and the setting of the Kingswells Consumption Dyke, a Scheduled Ancient Monument. It is considered that the repositioning of the mast into this existing cluster of utilities would overcome this reason for refusal. The use of a lattice type mast can be seen to emulate the appearance of the electricity pylon. It is therefore considered that the siting and appearance of the proposed telecoms equipment is acceptable, and prior approval would not be required.

## **RECOMMENDATION**

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Prior Approval Not Required

## **REASON FOR RECOMMENDATION**

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The proposed telecoms mast and ground based apparatus conform with all criteria as set out in Part 23, Class 67 of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992 (as amended). The proposed siting and appearance is considered acceptable when viewed in context with the existing development surrounding the site. Prior approval is therefore not required, and the proposed development would qualify for permitted development.

## ABERDEEN CITY COUNCIL

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COMMITTEE	Planning and Development Management Committee
DATE	2 <sup>nd</sup> November 2017
REPORT TITLE	Confirmation of Tree Preservation Order number 244 (2017) Woodend Peterculter
REPORT NUMBER	CHI/17/255
DIRECTOR	Bernadette Marjoram
REPORT AUTHOR	Kevin Wright

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### **1 PURPOSE OF REPORT**

- 1.1 To request the confirmation of provisional Tree Preservation Order entitled 244 (2017) Woodend Peterculter made by the Head of Planning and Sustainable Development under delegated powers. The provisional order currently provides temporary protection for the trees, but requires to be confirmed by the Planning Development Management Committee to provide long term protection.

### **2 RECOMMENDATION**

- 2.1 It is recommended that Members confirm the making of Tree Preservation Order 244 (2017) Woodend Peterculter and instruct the Head of Legal and Democratic Services to attend to the requisite procedures to serve the Order as confirmed upon the interested parties and seek to register the Order with the Registers of Scotland.

### **3 BACKGROUND**

- 3.1 The Town and Country Planning (Scotland) Act 1997 places a duty on the planning authority to ensure that adequate provision is made for the preservation of trees. Where the planning authority considers it to be expedient in the interests of amenity they may make provision for the preservation of trees or woodlands by serving a Tree Preservation Order (TPO).
- 3.2 A TPO gives statutory protection to trees and woodlands that are considered to contribute to amenity or are of cultural and/or historical significance. Protecting trees has the further benefit of contributing to the Council's policies on improving our natural environment, improving citizen wellbeing and combating climate change.
- 3.3 The process of applying for work to protected trees allows for Council officers, Elected Members, Community Councils and members of the public an opportunity to comment on proposed works.

- 3.4 Tree Preservation Order number 244 (2017) Woodend Peterculter was served as a provisional order on 12<sup>th</sup> June 2017. The reasons for serving the order are noted in section 3.5 below.
- 3.5 This tree preservation order is being made in the interests of amenity to make provision for the preservation of trees and woodlands. The planning authority considers that it is expedient in the interest of amenity to serve a tree preservation order due to the significant contribution the trees within Woodland 1 and Woodland 2 make to the local character of the area and due to the potential risk to these trees and the future loss of amenity due to future development and woodland management. The tree preservation order will ensure that amenity is preserved for the benefit of existing and future residents of the area.
- 3.6 The land to the south of Woodland 1 is included in the Local Development Plan as site OP109 Woodend, Peterculter. It has been identified that the retention of the surrounding woodlands will play a significant role in mitigating the impact of the development and allow the development to be contained within the landscape. Woodland 1 is listed in the ancient woodland inventory as ancient woodland of long established plantation origin
- 3.7 The land to the south of Woodland 2 has an approval for change of use from agricultural land to recreation. The intention is to form a cricket pitch and associated facilities. It is considered that the long-term retention of woodland cover in this area will be desirable in order to maintain the wooded character of the area and provide amenity for future residents and users of the proposed cricket ground and facilities. The proposed tree preservation order will complement the existing tree preservation order (TPO 210) which is located immediately south of OP109 Woodend.
- 3.8 The confirmation of this order will allow Aberdeen City Council to consider all future tree work proposals and prevent works which are considered to be unsympathetic.
- 3.9 The trees included in this order are all those trees, including both deciduous and coniferous trees included within the continuous red line noted as Woodland 1 (W1) and Woodland 2 (W2) on the plan titled 244 (2017) Woodend Peterculter, copy attached.

#### **4 REPRESENTATIONS**

- 4.1 No representations in relation to the serving of the provisional order have been received.

#### **5 FINANCIAL IMPLICATIONS**

- 5.1 There are no immediate financial implications. The costs associated with the serving of the provisional TPO and confirming the TPO will be met within existing budgets.

## **6 LEGAL IMPLICATIONS**

6.1 There are no direct legal implications arising from the recommendations of this report.

## **7 MANAGEMENT OF RISK**

7.1 Environmental/Legal/Reputational Risk

The Town and Country Planning (Scotland) Act and the Scottish Governments Policy on Control of Woodland Removal places a duty on the Council to consider the preservation of trees and woodlands in order to safeguard the multiple benefits that trees and woodlands provide.

7.2 The use of a Tree Preservation Order to aid the retention and appropriate management of trees and woodlands allows the council to undertake the above duties. There is a low to medium risk of environmental, legal and reputational harm if we do not undertake our duties as expected.

7.3 The above risk can be mitigated by giving due consideration to the appropriateness of confirming TPO 244 (2017) Woodend Peterculter.

7.4 There is no Financial, Employee, Customer and Technology risk.

## **8 IMPACT SECTION**

8.1 Economy

The proposal is unlikely to significantly contribute or result in a negative impact on the economy of Aberdeen.

8.2 People

The proposal is unlikely to have any significant impact on people with protected characteristics or any negative impact on the delivery of the Councils Equality outcomes.

8.3 Place

The proposal will have a positive impact on the environment. The proposal seeks to safeguard public amenity and seeks to ensure suitable future management of the trees included within the order.

Trees and woodlands deliver multiple benefits. In addition to their contribution to amenity they play a significant role in improving air quality, assist in mitigating climate change, provide health benefits and help improve social wellbeing. They are an integral habitat feature and directly and indirectly support a wide range of wildlife.

8.4 Technology

The proposal will not advance technology for the improvement of public services.

## **9 BACKGROUND PAPERS**

- Town and Country Planning (Scotland) Act 1997, Part VII Special Controls, Chapter I Trees
- The Scottish Governments Policy on Control of Woodland Removal

## **10 APPENDICES**

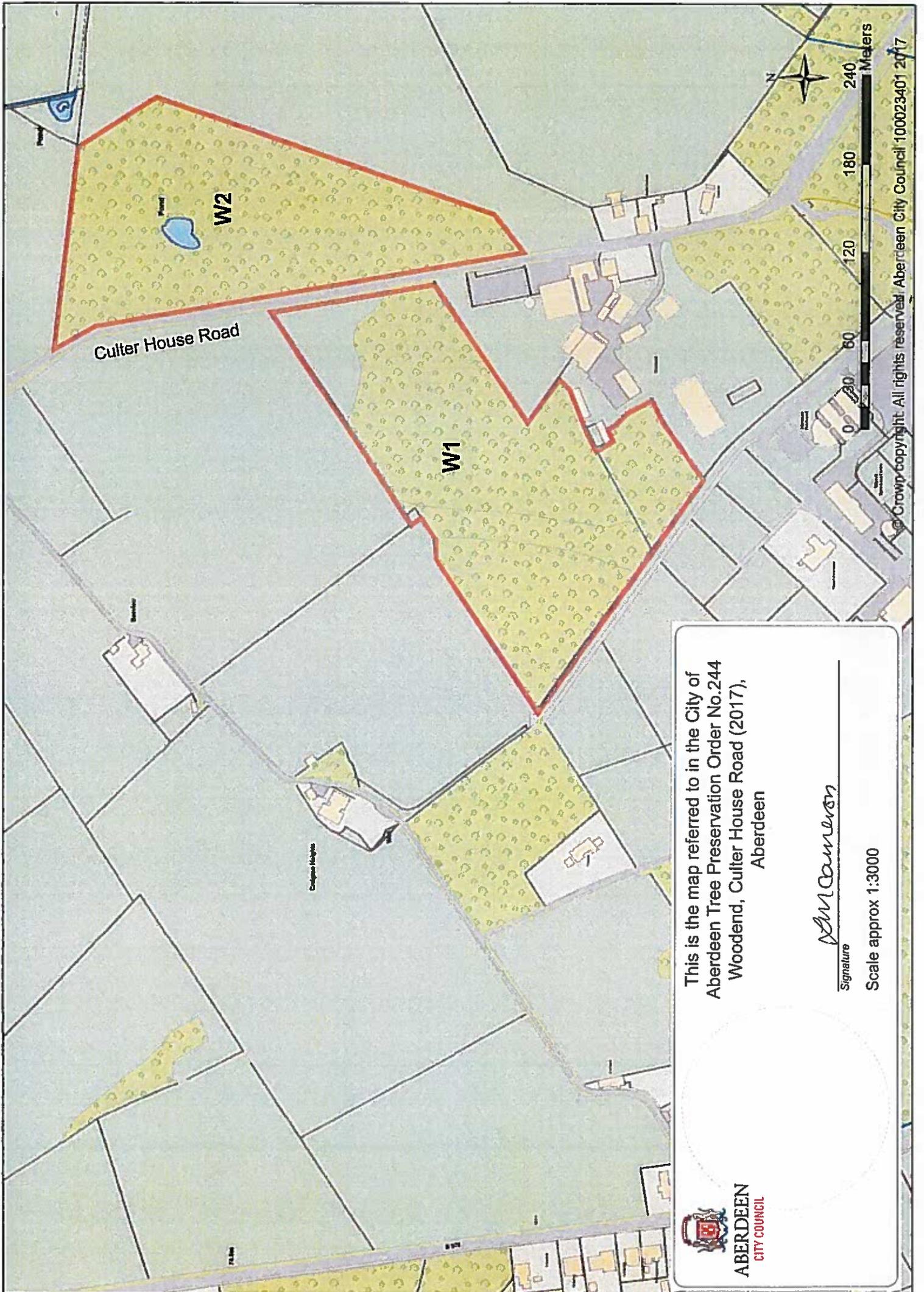
Appendix 1; Plan - 244 (2017) Woodend Peterculter

## **11 REPORT AUTHOR DETAILS**

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(01224) 522440

### **HEAD OF SERVICE DETAILS**

Eric Owens  
Head of Planning and Sustainable Development (Interim)  
[eowens@aberdeencity.gov.uk](mailto:eowens@aberdeencity.gov.uk)  
01224 523133



Culter House Road

W2

W1





**ABERDEEN**  
CITY COUNCIL

This is the map referred to in the City of  
Aberdeen Tree Preservation Order No.244  
Woodend, Culter House Road (2017),  
Aberdeen

*DM Cameron*  
Signature

Scale approx 1:3000

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