

Planning Development Management Committee

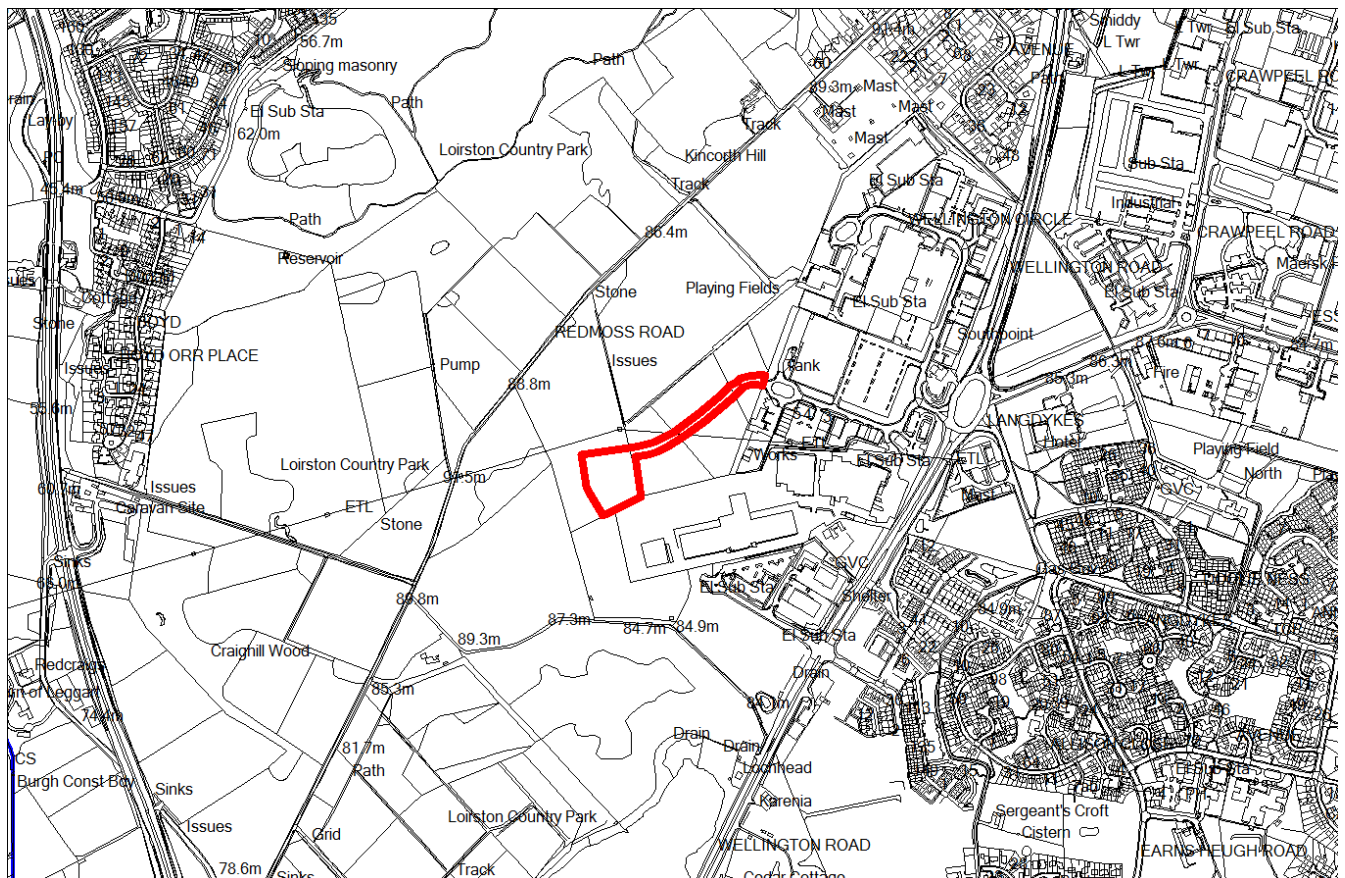
LOIRSTON, NIGG

FORMATION OF A GYPSY TRAVELLERS
TRANSIT SITE COMPRISING 6 PITCHES AND
SUPPORTING FACILITIES

For: Hermiston Securities Limited

Application Type : Detailed Planning Permission
Application Ref. : P141441
Application Date: 14/10/2014
Officer: Gavin Evans
Ward : Kincorth/Nigg/Cove (N Cooney/C
Mccaig/A Finlayson)

Advert : Can't notify neighbour(s)
Advertised on: 26/11/2014
Committee Date:
Community Council : Comments



RECOMMENDATION: Willingness to approve subject to conditions and subject to s75 requiring transfer of site ownership to Aberdeen City Council

DESCRIPTION

The application site measures some 1.2 hectares (0.5 hectares net) and is relatively flat, with a difference of 3m across the site. It was formerly in agricultural use but is currently rough grassland. Drystone dykes are present across part of the site. It is located at the north eastern end of a wider area covered by the Loirston Development Framework, which sets out principles for future development in this part of the city. That Framework identifies land to the west of the site for residential development and the land to north for a new primary school.

The site adjoins the south-western corner of the OP80 (Calder Park) Opportunity Site. A new secondary school is also proposed to be built on Calder Park to serve the south of the city.

RELEVANT HISTORY

P101299 – New stadium for Aberdeen Football Club. Full Council, on 23rd February 2011, resolved to approve pending conclusion of legal agreement. That legal agreement is yet to be concluded.

P111193 – AFC training ground and new stadium for Cove Rangers FC. Approved conditionally at committee 12th Jan 2012

P130892 – An application for planning in principle (PPiP) for a “*proposed residential development of up to 1067 houses, 8 hectares of employment land including commercial, leisure and office uses, a neighbourhood centre comprising retail and commercial uses, community facilities, a primary school, landscaping, open space and recreational facilities*”. That application was referred to the Planning Development Management Committee on 16th Jan 2014, where members resolved to approve the application subject to the conclusion of a s75 agreement. That agreement has not yet been concluded, so consent has not been issued.

PROPOSAL

This application seeks detailed planning permission for the formation of a Gypsy & Traveller transit site within the Loirston Development Framework area. The proposal would involve access being taken into the site from the roundabout on Wellington Circle, to the north. The site would also be connected to the wider Loirston road network to the south in due course.

Transit sites are permanent developments which are only used temporarily by their residents, usually when they are en-route between more long-term locations. They provide more basic amenities than permanent sites.

The proposed transit site would involve 6 pitches, each measuring approximately 13m by 15m, arranged around a central play area/open space. An internal road would encircle that central open space, allowing for both direct access to each

pitch and ease in manoeuvring larger vehicles, with no requirement for excessive reversing.

The pitches themselves would incorporate hard surfacing sufficient to accommodate 2 standard parking bays of 2.5m by 5m and a travelling trailer of up to 3m by 8m. Each pitch would have a water standpipe, and incorporate 3m on either side of hard surfaced areas to provide a degree of separation between adjoining pitches. Individual pitches would be enclosed by screen fencing of 1.8m.

The layout indicates a location for the potential provision of a separate office/security block, adjacent to the site access. Similarly, an indicative location is shown for the provision of a toilet block or for the siting of portable toilets. Landscaping along the site's road frontage would provide a degree of screening and enclosure.

Supporting Documents

All drawings and the supporting documents listed below relating to this application can be viewed on the Council's website at

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=141441>

These include the following:

- Layout plans;
- Planning Supporting Statement; and
- Design Statement.

On accepting the disclaimer, enter the application reference quoted on the first page of this report.

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee because more than 5 letters of objection have been received and the local Community Council has stated its objection to the proposal. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Development Management Team – No objection. Details of the connection to be formed to Wellington Circle and visibility at the access point into the site have been provided and are acceptable. Note that the site would be well located relative to schools and community facilities proposed as part of the wider development. It is noted that the site would occupy part of the land previously shown as providing access to AFC's proposed football stadium, however it has been demonstrated that alternative means of access to the stadium site would be possible.

The applicant should be aware that details of how and when this road can connect into the wider Loirston development, outwith the red line boundary for the current application, will have to be discussed and agreed through Matters Specified in Conditions applications for the wider Loirston site (Planning Permission in Principle Application 130892).

Environmental Health – No observations.

Developer Contributions Team – n/a

Enterprise, Planning & Infrastructure (Flooding) – No observations.

Education, Culture & Sport (Archaeology) – Recommend that a condition be attached to any consent, requiring submission of a written scheme of investigation and the carrying out of any recommended works prior to commencement of development.

Community Council – Nigg Community Council has stated its objection to the application on the following grounds:

- The site is considered to be too close to the new housing development at Loirston;
- The site is considered to be too close to the sites identified for new primary and secondary schools;
- Wellington Circle is not considered to be suitable to give access to the site for vehicles and trailers.

In addition, allowing a traveller site in this location is considered to contradict an earlier ACC decision to abandon a site at Howes Road for this purpose on the basis that it would be too close to an existing school and new housing development.

REPRESENTATIONS

26 letters of representation have been received. The objections raised relate to the following matters –

1. Past negative experiences of travellers – mess, perceived health risks;
2. Too close to school and homes / should be in a more remote location;
3. Travellers don't want it and won't use it;
4. Crime rates will rise;
5. Would adversely affect property prices;
6. No consideration given to residents in surrounding areas;
7. Travellers using the site would likely 'cause trouble and shout abuse at children going to school';
8. Concerns over cost to taxpayer in formation of the site and necessary clean-up operations thereafter;
9. Incorrect planning procedure – this proposal should be an amendment to the stadium application, rather than a new application. Blue line implies applicants' ownership of site;

10. Application is premature given ongoing uncertainty regarding proposals for new AFC stadium and new secondary school;
11. The surrounding area has accommodated much development with no upgrading of roads/community facilities;
12. Site is too small to accommodate the volume of travellers observed at recent unauthorised encampments;
13. Conflict between this proposal and AFC stadium proposal
14. Lack of adequate facilities for users of the transit site;
15. Lack of information on the management of the site;
16. Sites A or B (from Loirston Development Framework) would be preferred, avoiding conflict with AFC proposal and subsequent conflict between the site and match-day traffic;
17. Approval of this proposal would contradict earlier ACC decision not to proceed with Howes Road site on the basis of it being too close to schools;
18. Existing facilities are too far away from the proposed traveller site (1.7km) – outwith recommended distances for walking and would involve crossing over Wellington Road. Future facilities also remote from site;
19. Conflict with policy H6 – specifically information on site management should form part of an application;
20. Site C is not considered to be the most appropriate of the options identified in the Loirston Development Framework;
21. It has not been demonstrated that the landscaping has had regard to the design, layout and landscaping of Balmoral Park;
22. Bus services more than 800m away from the site. Future improvements noted, however timescales for delivery may be significant, leaving the transit site isolated from amenities;

PLANNING POLICY

National Policy and Guidance

Scottish Planning Policy (SPP)

SPP is the statement of Scottish Government policy on land use planning, and includes both the Government's core principles for the operation of the planning system and concise subject-based planning policies. Principal policies relating to sustainable development and placemaking are relevant to assessment of this proposal, along with subject policies relating to Enabling Delivery of New Homes; Valuing the Natural Environment; and Promoting Sustainable Transport and Active Travel.

In its section on 'Specialist Housing Provision and Other Specific Needs', SPP sets out that that Housing Need and Demand Assessment will evidence need for sites for Gypsy/Travellers. Development Plans should then address any need identified, taking into account the mobile lifestyles of these groups. If there is a need, local development plans should identify suitable sites for these communities. They should also consider whether policies are required for small privately-owned sites for Gypsy/Travellers, and for handling applications for permanent sites for Travelling Showpeople (where account should be taken of

the need for storage and maintenance of equipment as well as accommodation). These communities should be appropriately involved in identifying sites for their use.

Aberdeen City and Shire Strategic Development Plan (SDP)

In its section on Sustainable Mixed Communities, the SDP expresses its objective to *“make sure that new development meets the needs of the whole community, both now and in the future, and makes the area a more attractive place for residents and businesses to move to.”*

As regards Gypsy and Traveller groups, section 4.36 of the SDP states that *“It is important that new development meets the needs of the whole community, including the specific needs of Gypsies / Travellers.”*

Aberdeen Local Development Plan

Policy LR1 (Land Release Policy)

Opportunity Site OP77: Loirston of which this application forms a part has been zoned under Policy LR1 for 1100 homes for the period 2007-2016, for 11 hectares of employment land for the period 2016-2023 and for 400 homes for the period 2017-2023. Loirston is considered suitable for a new community stadium and a site has been identified to accommodate this.

3.48 Gypsies and Travellers are a distinct ethnic group. The lack of suitable, secure accommodation underpins many of the inequalities that Gypsy and Traveller communities experience. It also often leads to Gypsies and Travellers using public and private land to set up unauthorised encampments. Establishing new permanent and transit sites can help to alleviate some of the problems Gypsies and Travellers face. In January 2008, Craigforth Consultancy & Research was commissioned by Aberdeen City, Aberdeenshire and Moray Councils to carry out an Accommodation Needs Assessment of Gypsies and Travellers in the Grampian area. For Aberdeen the report recommended a reduction in the size of the existing site at Clinterty and the development of another smaller site. In addition, it recommended the development of 1-2 small informal sites, and the provision of privately developed sites. Policy H6 and H7 and Supplementary Guidance will seek to deliver new permanent or transit sites solely for the use of Gypsies and Travellers.

3.49 The five Masterplan Zones identified in Policy H7 with the potential to create 1,500 or more houses are each expected to contribute towards the provision of these sites for Gypsies and Travellers. Of these five Masterplan Zones, we have identified three which we consider most appropriate for on-site provision, although all five will have to contribute towards the requirement. The three preferred sites offer opportunities for sites to be distributed to the north, west and south of the City, thereby offering a choice of locations. Where on-site provision is not made, a financial contribution will be required.

Policy H6: Gypsy and Traveller Caravan Sites

Sites for Gypsies and Travellers should provide a residential environment and follow the same principle as mainstream housing developments. Applications for permanent or transit sites for Gypsies and Travellers will be supported in principle if:

1. Access to local services and schools can be provided.
2. The development can be made compatible with the character and appearance of the surrounding area.
3. The development makes provision for essential infrastructure such as water, sewage disposal and electricity. Provision of electricity and heat through sustainable means will be encouraged.
4. It can be demonstrated that the site will be properly managed.

Policy H7: Gypsy and Traveller Requirements for New Residential Developments

Sites listed below are required, as a part of the 25% affordable housing contribution, to make contributions towards the provision of sites for Gypsies and Travellers. The contribution will be for small sites of six pitches, with a net area of approximately 0.5ha.

- Grandhome
- Newhills Expansion (Craibstone, Rowett South and Greenferns Landward)
- Countesswells
- Greenferns
- Loirston

Within Grandhome, the Newhills Expansion and Loirston sites, the provision must be provided on-site. Further guidance on the delivery of sites for Gypsies and Travellers is contained within Supplementary Guidance.

Policy T2 (Managing the Transport Impact of Development)

New developments will need to demonstrate that sufficient measures have been taken to minimise the traffic generated. Transport Assessments and Travel Plans will be required for developments which exceed the thresholds set out in the Transport and Accessibility Supplementary Guidance. Planning conditions and/or legal agreements may be imposed to bind the targets set out in the Travel Plan and set the arrangements for monitoring, enforcement and review. Maximum car parking standards are set out in Supplementary Guidance on Transport and Accessibility and detail the standards that different types of development should provide.

Policy D1 (Architecture and Placemaking)

To ensure high standards of design, new development must be designed with due consideration for its context and make a positive contribution to its setting. Factors such as siting, scale, massing, colour, materials, orientation, details, the proportions of building elements, together with the spaces around buildings, including streets, squares, open space, landscaping and boundary treatments, will be considered in assessing that contribution.

Policy D6 (Landscape)

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

Supplementary Guidance

Gypsy and Traveller Sites SG

This document provides guidance on the required specification for Gypsy & Traveller sites. This includes the following relevant points:

- The road to and from the site must be of sufficient quality and size to enable access onto and off the site by heavy vehicles such as trailers.
- There must be a clear barrier around the emergency stopping place to discourage unauthorised expansion of the site.
- Each pitch should provide space for: One towing caravan; One parking space; Easy manoeuvrability
- It is essential that the following services and facilities are provided: A cold water supply to be provided for the use of site residents which may be by use of water standpipe; Portable toilets must be provided for the use of residents; Refuse disposal facilities must be provided; Drainage infrastructure; Appropriate lighting to enable safe movement, but minimise light pollution
- Landscaping should be used to reduce the visual and noise impact from any adjacent uses and ensure that the site is inconspicuous and does not detract from the amenity of adjacent businesses.

Loirston Development Framework SG

Section 5.5.7 'Gypsy and Travellers' site' states as follows:

“Several potential sites have been identified within OP77 for a potential Gypsy and Travellers' site of around 0.5 hectares, following guidance contained within ACC's Gypsy and Travellers' Site Supplementary Guidance, 2010. The potential sites have been identified with the following criteria:

- *They have an existing access;*
- *They can accommodate appropriate screening and landscape buffers to provide privacy and security whilst integrating the site into the surrounding landscape; and*
- *They are less than 800m from the core of the settlement.*

These sites will be considered in more detail in conjunction with ACC and local residents as the masterplanning process progresses Such a site could be either transit or permanent, with detailed aspects of design, location, delivery and

phasing to be agreed with ACC through the Phase 1 masterplanning process.”

Proposed Aberdeen Local Development Plan

Policies H6 and H7 are restated in the proposed ALDP without change, meaning that the requirement for on-site delivery of a Gypsy & Traveller site within the Loirston Development Framework area will remain applicable.

EVALUATION

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.

Principle of use

Local and national policy recognises that Gypsies and Travellers have specific housing needs, and those needs have been identified through an assessment of housing needs and demand. The Loirston Development Framework area includes opportunity site OP77, which the Aberdeen Local Development Plan (ALDP) identifies as one of three allocated sites where provision for a Gypsy Traveller site must be made on-site, rather than through any commuted sum. Policy H7 (Gypsy and Traveller Requirements for New Residential Developments) highlights that provision must be made for a small site of six pitches, with a net area of approximately 0.5ha, and that the provision of such a site will contribute towards the affordable housing requirements, with each 0.5ha site being equivalent to 15 affordable housing units.

Having included requirements for the delivery of new sites through the Local Development Plan, the need for a site and the general principle of a site being located within the OP77 site are well established. As the principle of this development in this location is supported by the ALDP, assessment of this application should principally focus on the specifics of this particular proposal.

Relationship with wider PPiP application

As outlined above, committee's decision to express a willingness to approve the wider application for Planning Permission in Principle across the Loirston Development Framework site was subject to the conclusion of both a s75 planning agreement and the imposition of various conditions. One of those conditions required that the applicant submit details of how a Gypsy & Traveller site would be provided, either via an application for the approval of matters specified in conditions (AMSC) or a standalone application for detailed planning permission. No development pursuant to the PPiP may be undertaken until any such details have been agreed. The applicants have opted to pursue the latter option, which allows for a standalone application to come forward in advance of the s75 agreement being concluded to release the PPiP consent.

The condition agreed by committee and to be placed on any PPiP consent states that any application should include details of the transit site itself, arrangements for access, timescale for delivery, and a mechanism to ensure that delivery would

happen in the envisaged timescale. It further stipulates that no more than 500 units within the PPIp site shall be occupied unless any agreed scheme has been implemented.

This application includes details of the transit site itself and arrangements for access. A timescale for delivery is not explicitly set out, however it is noted that the condition itself stipulates that the site must be delivered prior to the occupation of the 500th home within the PPIp area, so further details are arguably not required. Similarly, the mechanism to ensure delivery of the site will happen within the envisaged timescale has not been detailed, but the planning authority's enforcement of that condition can ensure that no further works could continue beyond the occupation of the 500th home unless the agreed provision had been made.

Relationship with Loirston Development Framework

The Loirston Development Framework (LDF), which has been adopted by the Council as supplementary guidance to the Local Development Plan, identified 5 potential options (A-E) for the location of a Traveller Site. The application put forward for PPIp did not specify a preferred site, citing difficulties in finding a site which would be acceptable to both new and existing local residents and suggesting that payment of a commuted sum may be a more suitable approach. This was rejected as being contrary to the aims of the ALDP and the associated Loirston Development Framework, and led to officers recommending that any approval be conditioned to require delivery of a site. This recommendation was accepted by Committee, where members expressed a willingness to approve the PPIp application, subject to (including others) a condition requiring on-site delivery of a Gypsy Traveller site. The site currently under consideration is 'site C', as shown in the LDF.

The LDF stated that the Council's Gypsy and Traveller Sites supplementary guidance informed the selection of those 5 potential sites, and that each would benefit from the following characteristics:

- They have an existing access;
- They can accommodate appropriate screening and landscape buffers to provide privacy and security whilst integrating the site into the surrounding landscape; and
- They are less than 800m from the core of the settlement.

As the site currently proposed was among those identified through the LDF, this application is considered to be consistent with the LDF in principle. Accordingly, the particular details of the proposal will determine its acceptability.

Location and Accessibility

The supporting statement submitted alongside this proposal highlights the merits of site C over other potential locations identified in the Loirston Development Framework as follows:

- *'This site is in the ownership of the applicants and Aberdeen City Council;*
- *The site is conveniently located for the proposed new primary and secondary schools at Loirston and the recreational and community facilities that will be available at the schools;*
- *The site is conveniently located for a proposed bus route to serve the Loirston development and for health service provision within the proposed High Street;*
- *The site can easily be accessed from Wellington Road via Wellington Circle and is already familiar to travellers who have pitched at Calder Park previously'*

Locating any Gypsy Traveller site within easy reach of schools and other community facilities is consistent with the stated aims of policy H6 (Gypsy and Traveller Caravan Sites) of the ALDP. Such siting is also consistent with the aims of policy T2 (Managing Transport Impact of Development), as it would minimise vehicle trips associated with accessing local schools and community facilities. As the current proposal relates to a site previously identified as one of 5 potential options in the Loirston Development Framework, there is no fundamental conflict with that supplementary guidance document.

The road accessing the site would form part of the road network serving the wider Development Framework Area, and would be sufficient to meet the needs of the Gypsy Traveller site. Each pitch is of appropriate dimensions to satisfy the specifications set out in the relevant Gypsy and Traveller Sites supplementary guidance, and pitches arranged in a manner which allows for ease of access and manoeuvrability.

In terms of its relationship with adjacent land uses, the Gypsy Traveller site would be sited to the west of land to be used as car parking for the AFC stadium proposal. To the south lies Balmoral Park, a business and industrial park, and to the west would be medium-density residential development as part of the wider development of the OP77 Loirston site. Its boundaries would be well enclosed, allowing for privacy and a degree of buffering from any noise arising from the adjacent business/industrial uses. Taking account of the enclosed and screened nature of the site, it is not considered that there is any fundamental conflict between the proposed transit site and the surrounding land uses.

The proposed site lies approximately 1.4km from the existing Cove community centre; 1.2km from existing shops; and 1.7km from the existing primary school at Cove. These distances are generally within the 1600m desirable for pedestrian accessibility, with the primary school exceeding that distance. Nevertheless, it is recognised that the longer term development of the Loirston Development Framework area would provide shops, community facilities and schools much closer to the site. Furthermore, the delivery of the traveller site is required prior to occupation of the 500th unit within the PPIp area, so it may be the case that the period when occupants are reliant on existing facilities at Cove would be limited. Taking account of these points, it is concluded that the proposed site would be suitably accessible to existing community facilities, and that its relationship to

such facilities within the LDF area would be improved as that development progresses.

Football Stadium

There is a degree of overlap between this proposal for a Gypsy Traveller site and AFC's proposal for a new stadium at Loirston. The boundary of the Gypsy Traveller site would incorporate land which has been identified in the AFC proposal as providing a road access to the north-western corner of the stadium, via Wellington Circle, with an associated lay-by parking for coaches.

Members will be aware that the planning authority's role involves balancing competing interests, with a view to making a decision based on the wider public interest. In this case, there is conflict between the AFC proposal (which Council resolved to approve subject to conclusion of a s75 agreement, still outstanding) and this proposal. It would not be considered reasonable to oblige any developer to work exclusively around another scheme which has not yet been consented, never mind implemented. Nevertheless, it is recognised that both the ALDP (through its OP77 allocation) and Strategic Development Plan identify the potential for a new community stadium in this location. The SDP refers to this being a *'regionally important facility which will bring economic, social and cultural benefits'*.

It is clear that the Development Plan recognises a wider public interest in the delivery of a new community stadium, and it is reasonable to ensure that any subsequent consent would not preclude the possibility of a stadium being delivered at Loirston.

It is noted that the approved Loirston Development Framework, which is supplementary guidance to the ALDP and carries the same weight as its policies in decision-making, demonstrated some areas of conflict with the AFC proposals which would potentially require reconfiguration of car parking, but nevertheless would not prejudice delivery of a stadium in principle.

The Local Development Plan identifies the potential for a new community stadium within the OP77 Loirston site. Whilst the conflict between these two proposals may give rise to difficulties for AFC in implementing the scheme which has been proposed to Council, it appears that there would be scope for alternative access arrangements by simply branching off towards the stadium from the Wellington Circle access at a different point. On that basis, it does not appear that this proposal would jeopardise the delivery of a stadium on this site, but merely that it would require access arrangements to be revisited. It is therefore not considered that the current proposal for a Gypsy Traveller Site would jeopardise the delivery of the envisaged OP77 and OP80 allocations in the ALDP.

Design and layout of site

The layout of the site allows for appropriate enclosure, removing scope for extension of the site boundaries, and incorporates appropriate landscaping around its edges, which can assist in providing privacy for users of the site,

acting as a barrier to noise and ensuring that the site is both inconspicuous and integrated into the surrounding landscape. The internal arrangement demonstrates due regard for the specifications set out in the Council's relevant supplementary guidance, with pitches arranged of the requisite size and capacity arranged around a central open/play space which benefits from passive surveillance. Individual pitches would have access to water standpipes, as stipulated by the relevant supplementary guidance. Office and toilet facilities are shown indicatively on the submitted plans, however final details of these facilities will be required prior to any works commencing. Landscaping has been used to provide a degree of buffering along site boundaries, assisting to reduce visual and noise impact from adjacent uses. Taking these matters into account, it is considered that the proposal would demonstrate due regard for its context and make a positive contribution to its setting, as required by policy D1 (Architecture and Placemaking) of the ALDP, and that it would accord with the specifications for such facilities which are set out in the Council's Gypsy and Traveller Sites supplementary guidance.

Trees and landscaping

There are no existing trees within the site, however landscaping is proposed around its boundaries, with larger specimen trees incorporated along its road frontage. Further details of these landscaping proposals will be required, including details of species, volume of planting, size of specimens at time of planting, etc. That information can be secured through the use of a planning condition. This new planting will be of benefit in providing privacy and screening to the site, whilst also acting as a buffer between pitches and the industrial uses at Balmoral Park, to the south.

It is noted that the Loirston Development Framework identified drystone dykes at site C as providing an interesting boundary feature. The submitted layout plan indicates boundary walls along the northern edge of the site, however little additional detail is provided. It would be beneficial for existing drystone dykes to be retained and/or re-sited where possible, so it is recommended that a condition be used to secure details of a scheme for the retention/reuse of existing boundary walls in the new proposal prior to commencement of any works on the transit site.

Taking these points into account, it is considered that the proposal demonstrates accordance with policy D6 (Landscape) and the Council's Gypsy and Traveller Sites supplementary guidance.

Drainage

Details of surface water drainage have not been provided as part of this application, however these can be secured through the use of an appropriately worded condition, attached to any grant of planning permission.

Archaeology

It has been recommended that a condition be attached to secure a written scheme of archaeological investigation, along with any works recommended as a result such investigation. The wider area subject to an application for Planning

Permission in Principle would require a condition to this effect, and therefore investigation of this site would be included as part of any wider investigation. It is technically possible for the applicants to implement this consent in advance of commencing works on the PPIp, however there is not considered to be any realistic prospect of this happening, particularly given the Council's ownership of land at Loirston and role as joint venture partner. On that basis, a condition attached to this consent would be unnecessary, simply resulting in duplication.

Matters Raised by Local Nigg Community Council

The points raised by the local Community Council are addressed as follows:

- *The site is considered to be too close to the new housing development at Loirston;*

This suggests that traveller sites should be remote from existing residential communities, however that would not be consistent with the Council's supplementary guidance or the provisions of policy H6 (Gypsy and Traveller Caravan Sites), which encourage integration of such sites with local communities.

- *The site is considered to be too close to the sites identified for new primary and secondary schools; - this suggests that traveller sites should be remote from schools and educational establishments – that is not consistent with Policy H6, which requires that sites are accessible to local services and schools*

This suggests that traveller sites should be remote from existing residential communities, however that would not be consistent with the Council's supplementary guidance or the provisions of policy H6 (Gypsy and Traveller Caravan Sites), which require that sites are accessible to local schools and services.

- *Wellington Circle is not considered to be suitable to give access to the site for vehicles and trailers.*

No details are given as to why Wellington Circle would not be suitable for providing access to the proposed Gypsy Traveller transit site. As the site would provide 6 pitches, the level of traffic generated directly by the proposal would be minimal. Colleagues in the Council's Roads Development Management Team have raised no concerns in relation to this access being used to serve the development.

- *In addition, allowing a traveller site in this location is considered to contradict an earlier ACC decision to abandon a site at Howes Road for this purpose on the basis that it would be too close to an existing school and new housing development.*

The planning authority is obliged to consider this application on its own merits. It should be noted that no planning application was ever lodged for a site at Howes Road, with that site being identified by the Council and subsequently recognised in the LDP Main Issues Report for consideration as a potential allocation in the Proposed Local Development Plan. Regardless of the Council's decision to reconsider inclusion of that site in the Proposed Plan, this proposal must be assessed against the provisions of the current Development Plan and any other material considerations, of which the Proposed Plan is one. The current Local Development Plan requires provision of a Gypsy Traveller site within the Loirston Area, and this requirement is restated in the Proposed Plan. Consequently, the Howes Road site is of limited relevance in considering this proposal.

Matters raised in written representations

Many of the representations received make reference to problems associated with unauthorised traveller encampments. Such concerns are not material to assessment of this proposal, as they make assumptions about anti-social behaviour. It should be noted also that anti-social behaviour associated with unauthorised encampments can be in part attributed to a failure to make adequate provision for sites to meet the needs of the Gypsy Traveller community. Authorised sites can ensure that Gypsy Travellers have places to go which have the necessary facilities, reducing the likelihood of unauthorised encampments and the associated tensions with local communities.

Concerns relating to the proximity of the site to schools and housing have been addressed previously in response to the Community Council's response, above. The perception that the Gypsy/Traveller community does not want sites such as that proposed and will not make use of it is noted, however this report has established that national policy requires the planning authority to identify any requirement for sites through an assessment of housing needs and demand. An assessment has identified a shortage of sites, which has led to the Local Development Plan's requirements in policies H6 and H7. This proposal is therefore consistent with the ALDP and is addressing a recognised shortage in sites for the Gypsy Traveller community.

Statements that crime rates would rise in the local area or that Travellers using the site would *'cause trouble and shout abuse at children going to school'* are not material to determination of this application, and are considered to be potentially discriminatory. It is well established that any perceived impact on property values is not a material planning consideration. Consideration has been given to the relationship between this site and surrounding land uses, but it must be recognised that opposition in the local community in itself, without good reason based on material planning considerations, would not outweigh the requirements of the Development Plan that a site be provided within OP77.

The applicants have intimated that the site would be laid out and its ownership transferred to the Council thereafter as part of the Joint Venture partnership for the development between Hermitson Securities and ACC. Thereafter, ongoing costs are a matter for the Council, and are not directly relevant to assessment of

this application, whose focus is to ensure that an appropriate management regime is in place.

As regards perceived procedural errors, this proposal has been submitted by a different applicant to the AFC stadium proposal, and it is quite legitimate for different parties to seek planning permission for the development of the same land, irrespective of its ownership. The applicants have submitted the necessary certification, which is understood to be correct.

It is recognised that there is a degree of uncertainty regarding timescales and prospects for implementation of the AFC stadium proposal, however the planning authority has a duty to determine this application. As noted previously in relation to the AFC proposals, it recognised that the degree of overlap between these proposals may require a redesign of car parking and/or access arrangements, but this would not appear to prejudice the potential for delivery of a stadium within the OP77 site, but rather presents difficulties for the current stadium proposal. On that basis, it is not considered that the degree of conflict between these two proposals would warrant refusal of this application.

Comments relating to a perceived lack of improvements in local community facilities and roads network are noted, however it should be borne in mind that any developer contributions or improvements to the local roads network must be related in 'scale and kind' to the impact of a given proposal, which in this case is for a Gypsy Traveller site comprising 6 pitches. The capacity of the proposed site is consistent with the requirements of the ALDP, which did not intend that one single site would meet the identified housing needs of the Gypsy Traveller community.

A lack of information on the future management of the transit site is noted, however this can be secured through the use of a planning conditions. The degree of tension with the requirements of policy H6 is considered to be minor, with no consent being capable of implementation until a scheme for future management has been agreed formally with the planning authority.

It is noted that some respondents express a preference for other sites among those identified in the Loirston Development Framework (sites A-E), however the planning authority's role is to determine this proposal on its own merits, rather than to decide which of those sites (or any other alternative) is best. Conflict with match-day traffic is unlikely to be significant, given the site's capacity extends to only 6 pitches.

Comments relating to the Council's decision not to take forward a site at Howes Road as part of the Proposed Local Development Plan are noted, and have been addressed in the response to the Community Council's response, above.

It is recognised that the 1700m separating the site from community facilities at Cove would exceed the 1600m recommended in Planning Advice Note 75 (Planning for Transport), however this is not considered to be excessive. It is noted also that the delivery of the traveller site is required prior to the occupation

of the 500th house within the PPIp area, so there is a reasonable expectation that the transit site would not be laid out immediately, and that there may be more convenient access to local facilities within the Loirston Development Framework by that point, but if not in due course thereafter. Considering this transit site in the context of the wider development proposal, local facilities would be located within the required distances on delivery of the wider development. Similarly, existing bus services lie just outwith the recommended 800m, however it is anticipated that the location of the transit site close to a route into the wider Loirston Development Framework area is such that it would be well located in relation to future bus routes serving the development.

Matters relating to the landscaping of the site and its relationship to its surroundings have been addressed previously in this report. Concerns relating to the sufficiency of the facilities on the transit site can be addressed through conditions, requiring further information on proposals for sewage disposal, portable toilets and on-site office facilities.

Proposed Aberdeen Local Development Plan

The Proposed ALDP was approved at the meeting of the Communities, Housing and Infrastructure Committee of 28 October 2014. It constitutes the Council's settled view as to what should be the content of the final adopted ALDP and is now a material consideration in the determination of planning applications, along with the adopted ALDP. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether:

- these matters have been subject to public consultation through the Main Issues Report; and
- the level of objection raised in relation these matters as part of the Main Issues Report; and
- the relevance of these matters to the application under consideration

The foregoing can only be assessed on a case by case basis. In relation to this particular application, there is no material change in the applicable policy context. Delivery of a site for use by Gypsy & Traveller communities remains a requirement for the OP77 Loirston site, and existing policies H6 and H7 are reiterated in the proposed plan.

Summary

The principle of a traveller site within the OP77 Loirston site is well established. The need for Gypsy Traveller sites generally in Aberdeen was identified through an accommodation needs assessment for the Grampian area. This general need for sites translated into a requirement for three specific development allocations, Loirston among them, to make on-site provision for one site each. That requirement was subsequently recognised in the Loirston Development Framework, adopted as Supplementary Guidance to the Local Development Plan. Thereafter, this Committee's decision to grant Planning Permission in Principle (subject to conclusion of s75) was conditional on a Gypsy Traveller site being provided on-site.

The current application represents the next logical step in that process. The proposed site would be located within reach of existing schools and local facilities, and would be conveniently located in relation to new schools and facilities as development progresses across the wider Loirston Development Framework area. The site incorporates the necessary facilities to serve its occupants, and further details of site management and utilities can be secured through the use of conditions.

The proposal, though involving an overlapping of boundaries with the AFC stadium proposal, would not preclude the possibility of a community stadium being delivered within the OP77 site. The site would be adequately screened and enclosed to ensure privacy for occupants and minimise conflict with adjacent land uses. Taking these matters into account, it is considered that the proposal is consistent with the allocation of the OP77 Loirston site and its associated requirement for the on-site delivery of a site for use by the Gypsy and Traveller community. The siting, design and landscaping of the site is consistent with the guidance contained in the Council's Gypsy and Traveller Sites supplementary guidance. The proposal is therefore considered to accord with the provisions of the Development Plan, and no matters raised in representations or other material considerations are considered to be of sufficient weight to warrant determination other than in accordance with the Plan. It is therefore recommended that this proposal be approved subject to the conditions detailed below and subject to a s75 agreement relating to the transfer of the site to ACC.

RECOMMENDATION

Willingness to approve subject to conditions and subject to s75 requiring transfer of site ownership to Aberdeen City Council

REASONS FOR RECOMMENDATION

The proposed development is consistent with Scottish Planning Policy (SPP), the Aberdeen and Aberdeenshire Strategic Development Plan and the Aberdeen Local Development Plan (ALDP), in that it relates to addressing an identified housing need. The proposed transit site satisfies the requirements of policy H7 (Gypsy and Traveller Requirements for New Residential Developments) and is consistent with the zoning of the OP77 (Loirston) opportunity site and the associated policy LR1 (Land Release).

Areas of conflict with a separate proposal for a community stadium at Loirston are noted, however those conflicts are not considered to be sufficient to preclude the possibility of a stadium being delivered within the OP77 site, but rather are areas of localised conflict which could readily be addressed through reconfiguration of access and parking arrangements. The selection of a site previously identified in the Loirston Development Framework ensures that this proposal remains consistent with that supplementary guidance.

The site will be readily accessible within the context of the wider Loirston Development Framework area, however should it come forward in advance of school and community facilities within that area, it is within reasonable distance of existing facilities at Cove in the short term. The proposal is therefore considered to accord with the aims of policy T2 (Managing the Transport Impact of Development).

The site is designed to meet the requirements of its occupants, but will nevertheless be well enclosed and screened to ensure that there is appropriate security and privacy within the site, whilst minimising the potential for conflict between the site and adjacent land uses. Its landscaped frontage is consistent with the character and appearance of the wider Loirston Development Framework area, and would present a pleasant frontage to the site, consistent with the aims of policies D1 (Architecture and Placemaking) and D6 (Landscape) of the ALDP.

Taking account of the site's accessibility to local services and facilities; its compatibility with the character and appearance of the surrounding area; its provision for essential utilities, consistent with a transit site; and the requirement that the developer agree details of ongoing management prior to commencement; the proposal is considered to be largely in accordance with the provisions of policy H6 (Gypsy and Traveller Caravan sites) and the associated 'Gypsy and Traveller Sites' supplementary guidance.

The proposal is therefore considered to accord with the provisions of the Development Plan. No material considerations, including matters raised in representations and potential changes to policy context through the Proposed Plan, are considered to be of sufficient weight to warrant determination other than in accordance with the Development Plan.

CONDITIONS

it is recommended that approval is granted subject to the following conditions:-

(1) Prior to the commencement of any works on site, a detailed scheme for surface water drainage shall be submitted to and agreed in writing by the Planning Authority. Thereafter, all work shall be carried out in accordance with the approved scheme, unless otherwise agreed in writing by the planning authority - to ensure adequate protection of the water environment from surface water runoff.

(2) that no part of the development hereby approved shall be undertaken unless there has been submitted to and approved in writing by the Planning Authority a detailed scheme of site and plot boundary enclosures for the development. No part of the site shall be brought into use unless the said scheme has been implemented in its entirety - in order to ensure that the site is appropriately

enclosed and makes use of existing topographical features, such as dry stone dykes, where possible.

(3) That no part of the site shall be occupied for the approved use unless details of external lighting have been submitted to, and approved in writing by, the planning authority. Thereafter, the site shall not be brought into use unless the details as agreed have been implemented - in order to ensure that the site is appropriately lit to ensure safe movement but minimise light pollution, as required by the Council's 'Gypsy and Traveller Sites' supplementary guidance.

(4) That no development pursuant to this grant of planning permission shall be undertaken unless proposals for ongoing site management have been submitted to, and approved in writing by, the planning authority. Any such proposals should include the following;

- Details of any on-site management, including proposals for any office/security accommodation and staffing thereof, both when the site is occupied and when not in active use;

- Arrangements for sewage disposal and on-site toilet facilities;

- Details of a local first point of contact ('site manager');

Thereafter, all work shall be carried out in accordance with the approved scheme, unless otherwise agreed in writing by the planning authority - in order to ensure that the development is supported by appropriate long-term management.

(5) that no development pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing for the purpose by the planning authority a further detailed scheme of landscaping for the site, which scheme shall include indications of all existing trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of development, and the proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting - in the interests of the amenity of the area.

(6) 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.

(7) That no unit within the development hereby granted planning permission shall be occupied unless provision has been made within the application site for

refuse storage and disposal in accordance with a scheme which has 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.

Dr Margaret Bochel

Head of Planning and Sustainable Development.