

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 14 July 2016. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Milne, Convener; Councillor Finlayson, Vice Convener; and Councillors Boulton, Corall, Cormie, Councillor Donnelly, the Depute Provost,, Greig, Hutchison, Jaffrey, Lawrence, Malik, Jean Morrison MBE, Nicoll and Sandy Stuart.

The agenda and reports associated with this minute can be found at:-
<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=348&MIId=3844&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.

AGENDA RUNNING ORDER

1. The Convener provided various updates in regards to the agenda and advised that (a) in regards to item 6, Jesmond Drive, a replacement report had been issued and (b) item 7 Foresterhill Court, had been withdrawn. The Convener then proposed an amended running order of the agenda.

The Committee resolved:-

- (i) to note the various updates;
- (ii) to agree the revised running order of the agenda - items 1, 2, 9, 11, 3, 4, 5, 6, 8 and 10;
- (iii) and to note the information provided.

MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 16 JUNE 2016

2. The Committee had before it the minute of its previous meeting of 16 June 2016 for approval.

The Committee resolved:-

to approve the minute as a correct record.

26 LOIRSTON ROAD, ALLAN PARK, COVE - PROPOSED CHANGE OF USE FROM SPORTS FACILITY TO RESIDENTIAL DEVELOPMENT OF 48 UNITS - 160241

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

That the Committee show **a willingness to approve** the application for a proposed change of use from sports facility to a residential development of 48 units at 26 Loirston

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Road, to include associated parking and landscaping subject to a section 75 Planning Obligation relating to affordable housing, community facilities, open space, and the provision of the replacement football stadium at Calder Park, together with local roads improvements including a replacement bus shelter, and also subject to the following conditions:-

(1) that the development hereby approved shall not be occupied unless the car parking areas hereby granted planning permission have been constructed, drained, laid-out and demarcated in accordance with drawing No. 10173 / PL-02 A 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 cars ancillary to the development and use thereby granted approval - in the interests of public safety and the free flow of traffic.

(2) that no development shall take place unless a scheme of all drainage works designed to meet the requirements of Sustainable Urban Drainage Systems has been submitted to and approved in writing by the Planning Authority and thereafter no part of the development shall be occupied unless the drainage has been installed in complete accordance with the said scheme - in order to safeguard water qualities in adjacent watercourses and to ensure that the development can be adequately drained.

(3) 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.

(4) that no development pursuant to this planning permission shall take place, nor shall any part of the development hereby approved be occupied, 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 entire development hereby granted planning permission. None of the buildings hereby granted planning permission shall be occupied unless the said scheme has been implemented in its entirety - in order to preserve the amenity of the neighbourhood.

(5) that no dwellings hereby granted planning permission shall be occupied unless the area/areas of public open space as identified on Drawing No. 415.20.01 of the plans hereby approved (or such other drawing as may be subsequently approved) have been laid out in accordance with a scheme which shall be submitted to and approved in writing by the Planning Authority. No development pursuant to this planning permission shall take place unless such a scheme detailing the manner in which the open space is to be managed and maintained has been submitted to and approved in writing by the planning authority. Such scheme shall include provision for a play area comprising at least

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five items of play equipment and a safety surface - in order to preserve the amenity of the neighbourhood.

(6) that all planting, seeding and turfing comprised in the approved scheme of landscaping (as shown on plan 415.20.01) 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 none of the units hereby granted planning permission shall be occupied unless a scheme detailing cycle storage and motor cycle parking provision has been submitted to, and approved in writing by the planning authority, and thereafter implemented in full accordance with said scheme - in the interests of encouraging more sustainable modes of travel.

(8) that no individual development plot shall be occupied unless there has been submitted to, and approved in writing by, the planning authority, a comprehensive Residential Travel Pack for that development plot, setting out proposals for reducing dependency on the private car, in particular single occupant trips and provides detailed monitoring arrangements, modal split targets and associated penalties for not meeting targets. This should also include information on external connectivity to key facilities, and, in consultation with local schools and the planning authority, information on safer routes to schools - in order to encourage more sustainable forms of travel to and from the development, and in the interests of the safety of pupils traveling to and from local schools.

(9) Notwithstanding the details shown on the approved plans, no residential unit shall be occupied until such time as the disabled car parking spaces are relocated to parts of the site, with better accessibility to the built form as part of a scheme to be submitted to and approved in writing by the planning authority. Thereafter, the approved scheme shall be implemented in full - in order to ensure that the disabled spaces are provided in the most accessible position.

(10) That no development shall take place unless there has been submitted to and agreed in writing by the planning authority schemes for improvements to the local road network including existing and proposed traffic calming and build out features. Thereafter the development shall not be occupied unless the said improvements have been implemented in full - in the interests of road safety and the free flow of traffic.

(11) that the building hereby approved shall not be occupied unless a scheme detailing compliance with the Council's 'Low and Zero Carbon Buildings'

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supplementary guidance has been submitted to and approved in writing by the planning authority, 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'.

The Committee heard from Paul Williamson, Senior Planner, who spoke in furtherance of the report and answered various questions from members. Mr Williamson advised that an extra condition would be added regarding a bin storage plan.

The Committee also heard from Gregor Whyte, who answered various questions in regards to road issues.

The Committee resolved:-

- (i) to request that an extra condition be added, to read "that no development shall take place unless there has been submitted to and approved in writing, a scheme / plan for the storage of refuse/recycling. Thereafter such provision shall be implemented in full accordance with said scheme. Such areas shall not thereafter be used for any other purpose other than the purpose of the storage of refuse/recycling - in the interests of public health, the amenity of the neighbourhood, and the suitable disposal of refuse"; and
- (ii) to otherwise agree the recommendation and approve the application conditionally subject to the Section 75 agreement.

OLDFOLD FARM MILLTIMBER - APPLICATION RELATING TO CONDITION 19 (BUS STOPS) - 160422

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

That the Committee **approve the application** for matters specified in conditions and application relating to condition 19 (bus stops) from PPIP consent 130378, subject to the following condition:-

RAISED KERB PROVISION

The raised kerbs shall be installed in accordance with Fairhurst drawings 83744/sk1803 and 87344/SK1804 within 3 months from the date of this decision notice or otherwise agreed in writing with the planning authority.

Reason – in order to ensure that accessibility to the bus stops is enhanced and that the development is carried out in accordance with the requirements of the Planning Permission in Principle.

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The Committee resolved:-

to approve the application conditionally.

ABERDEEN SOUTH SUPPLY BASE, SOUTER HEAD ROAD ALTENS - KEEPING OF HAZARDOUS SUBSTANCES INCLUDING THOSE WHICH ARE FLAMMABLE OR HAZARDOUS TO THE AQUATIC ENVIRONMENT - 160334

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

That the Committee **approve the application** for the keeping of hazardous substances including those which are flammable or hazardous to the aquatic environment, subject to the following condition:-

(1) The hazardous substances shall not be kept or used other than in accordance with the particulars provided on the application form, nor outside the areas marked for storage of the substances on the plans which formed part of the application, specifically Substance Location Map – Application by REDA Oilfield UK Ltd, Concorde House, Westhill, AB32 6UF.

Reason – To ensure that all parties recognise the scale and extent of the consent being granted.

INFORMATIVE NOTE

In accordance with the provisions of section 28 of the Planning (Hazardous Substances) (Scotland) Act 1997, nothing in this hazardous substances consent hereby granted shall require or allow anything to be done in contravention of any of the relevant statutory provisions or any prohibition notice or improvement notice served under or by virtue of any of those provisions. To the extent that such a consent or notice purports to require or allow any such thing to be done, it shall be void.

"Relevant statutory provisions", "improvement notice" and "prohibition notice" have the same meanings as in Part I of the [1974 c. 37.] Health and Safety at Work etc. Act 1974.

The Committee resolved:-

to approve the application conditionally.

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11 BAILLIESWELLS ROAD BIELDSIDE - ERECTION OF A 5 BEDROOM DETACHED HOUSE - 160583

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

That the Committee approve the application for the erection of a 5 bedroom detached house with associated access and landscaping at 11 Baillieswells Road, subject to the following conditions:-

- (1) 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.
- (2) No materials, supplies, plant, machinery, spoil, changes in ground levels or construction activities shall be permitted within the protected areas specified in the aforementioned scheme of tree protection 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 trunks – in order to ensure adequate protection for trees adjacent to the site during the construction of the development.
- (3) Any tree work which appears to be necessary during the implementation of the development shall not be undertaken without the prior written consent of the planning authority; any damage caused to trees growing on land adjacent to the site shall be remedied in accordance with British Standard 3998: 1989 'Recommendation for Tree Works' before the buildings hereby approved are first occupied. Reason: In order to preserve the character and visual amenity of the area.
- (4) The development shall not be occupied unless the driveway hereby granted planning permission has been constructed, drained and laid out in accordance with the plans hereby approved, or such other drawing as may subsequently be submitted and approved in writing by the planning authority. Such area shall not thereafter be used for any purpose other than the purpose of the parking/turning of vehicles ancillary to the development and use thereby granted approval. Reason: In the interests of public safety and the free flow of traffic.
- (5) That notwithstanding the provisions of Article 2(4), Schedule 1, Part 1, Classes 1A, 1B, 1C, 1D, 3A and 3B of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 as amended by the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011, no extensions, alterations or improvements which materially affect the external appearance of the dwellinghouse, nor any

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means of enclosure shall be erected or carried out either on, or in the curtilage, of the dwellinghouse hereby approved without a further grant of planning permission from the planning authority - in the interests of visual amenity.

The Committee resolved:-

to approve the application conditionally.

MATTER OF URGENCY

The Convener intimated that he had directed in terms of Section 50(B)(4)(b) of the Local Government (Scotland) Act 1973 that the following item be considered as a matter of urgency to enable the item to be considered timeously.

JESMOND DRIVE - CONSTRUCTION OF 15 RESIDENTIAL UNITS WITH ASSOCIATED CAR PARKING AND LANDSCAPED AMENITY AREAS - 160376

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

That the Committee show a **willingness to conditionally approve** the application for the construction of 15 residential units with associated car parking and landscaped amenity areas, subject to a legal agreement, or other suitable arrangement, to secure developer obligations towards community facilities and to secure the delivery and retention of the site as affordable housing, subject to the following conditions:-

- (1) No development shall take place unless a Matters Specified in Conditions application has been submitted to and approved by the planning authority comprising details of layout, detailed design and external appearance of:
 - (i) buildings and any ancillary structures;
 - (ii) plot and site layout, including boundary enclosures;
 - (iii) storage areas for waste and recyclables;
 - (iv) vehicular/cycle/pedestrian access;
 - (v) vehicle (including cycle and motorcycle) parking; and
 - (vi) Surface Water Drainage arrangements.

- in order to ensure a satisfactory design and a layout of development that respects the character and built form of the area.

- (2) In respect of condition 1.i. no development pursuant to the planning permission hereby approved shall be carried out unless a Matters Specified in Conditions application has been submitted to and approved by the planning authority comprising full details of all: external materials, including windows/ doors/ rainwater goods/ etc; sustainable design

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standards, demonstrating the use of low / zero carbon technologies in achieving at least a 15% reduction in carbon emissions when measured against the 2007 building standards – in the interests of a suitable quality of materials, sustainability and to address the requirements of Policy R7 of the Aberdeen Local Development Plan 2012.

- (3) In respect of condition 1.ii. no development pursuant to the planning permission hereby approved shall be carried out unless a Matters Specified in Conditions application has been submitted to the planning authority and approved by detailing the site layout, including private, communal and public areas, which shall incorporate children's play facilities and areas of both shared and public open space; and all plot and site boundary enclosures – in the interests of appropriate design quality and to address the requirements of Policy D1 of the Aberdeen Local Development Plan 2012.
- (4) In respect of condition 1.iii. no development pursuant to the planning permission hereby approved shall be carried out unless a Matters Specified in Conditions application has been submitted to and approved by the planning authority detailing how waste and recyclables storage and collection arrangements shall be dealt with, in line with the requirements of the Waste Authority – in the interests of ensuring appropriate arrangements for waste, a suitably high quality design solution, and to address the requirements of Policy R6 of the Aberdeen Local Development Plan 2012.
- (5) In respect of condition 1.iv. and v. no development pursuant to the planning permission hereby approved shall be carried out unless a Matters Specified in Conditions application has been submitted to the planning authority and approved by comprising details of:
 - i. The relocation of the existing southbound bus stop immediately to the east of the site and north of the indicatively proposed road junction off the bus layby to a position which would avoid any conflicts between buses and other vehicles using that proposed junction. Details showing the solution shall be submitted to and approved in writing by the Planning Authority. Thereafter such approved details shall be implemented prior to the occupation of any of the hereby approved residential units;
 - ii. An appropriate level of parking and adequate pathways and turning space within the site, based on the standards set in association with the indicative layout accompanying this application, which shows: 15 'affordable housing' flats (9x 1 bed, 5x 2 bed and 1x 3 bed) and 17 car parking spaces (1x disabled); 2 motorcycle parking spaces; 16 secure cycle parking spaces; 2 visitor cycle parking spaces; and
 - iii. Details of Residential Travel Packs (RTP) are submitted to and approved in writing by the Planning Authority, any such approved

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RTP shall thereafter be made available to residents of the hereby approved residential units, including at any change in tenancies, and updated on an annual basis thereafter – in the interests of ensuring appropriate arrangements for access and parking, a suitably high quality design solution, and to address the requirements of Policies T2 and R6 of the Aberdeen Local Development Plan 2012.

- (6) In respect of condition 1.vi. no development pursuant to the planning permission hereby approved shall be carried out unless a Matters Specified in Conditions application has been submitted to and approved by the planning authority comprising a Drainage Impact Assessment (DIA) detailing the proposed drainage design, which should incorporate SuDS measures and indicate on layouts existing sewers/ watercourses within the vicinity of the site – in the interests of appropriate surface water drainage arrangements, for the avoidance of pollution and to address the requirements of Policy NE6 of the Aberdeen Local Development Plan 2012.
- (7) No development pursuant to the planning permission hereby approved shall be carried out unless a Matters Specified in Conditions application has been submitted to and approved by the planning authority setting out details of measures designed to address any impacts on badgers, bats and birds, such details shall be based on advice from a suitably qualified person, the details of which shall be agreed in advance with the Planning Authority – to ensure that works are undertaken such that protected species (including) birds are suitably protected.
- (8) No development pursuant to the planning permission hereby approved shall be carried out unless a Matters Specified in Conditions application has been submitted to and approved by the planning authority comprising full details of hard and soft landscaping covering all areas of private/shared/public amenity areas, including children's play facilities, has been submitted to and approved in writing by the planning authority. The scheme shall include details of –
 - a) Existing and proposed finished ground levels;
 - b) Existing and proposed services and utilities, including: cables, pipelines, and any substations;
 - c) An Arboricultural Impact Assessment (AIA) to show how trees (particularly Wych Elm) either within or in close proximity to the site will be dealt with both during and after the development phase;
 - d) Proposed tree and shrub numbers, densities, locations, species, sizes and stage of maturity at planting;
 - e) Arrangements for the management and maintenance of all proposed open space, woodlands and landscaped areas; and
 - f) Proposed hard surface finishing materials.

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- (9) All soft and hard landscaping proposals approved via condition 8 shall be carried out in accordance with the approved scheme, which may include phasing, and shall be completed at the latest during the planting season immediately following the commencement of each respective phase of the development or other such date as may be agreed in writing with the planning authority. Any planting which, within a period of 5 years from the completion of each phase 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 order to integrate the development into the surrounding landscape, increasing the biodiversity value of the site and creating a suitable environment for future residents.

The Committee heard from Kristian Smith, Team Leader Development Management, who spoke in furtherance of the report and answered various questions from members.

The Committee resolved:-

to approve the application conditionally.

NORTH LINN PETERCULTER - ERECTION OF AGRICULTURAL BUILDING ON AGRICULTURAL LAND - 160571

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

That the Committee **refuse** the application for the erection of an agricultural building at North Linn, Peterculter.

The Committee resolved:-

to approve the recommendation and therefore refuse the application.

UNION STREET ENFORCEMENT REPORT - PDMC/16/111

9. The Committee had before it a report by the Director of Communities, Housing and Infrastructure, which informed members of the extent and nature of potential planning enforcement action required in relation to Union Street and to seek authority to pursue potential enforcement action where considered necessary and expedient in order to rectify specific breaches of control.

Robert Forbes spoke in furtherance of the report and provided information in regards to an additional case that was not included on the list at 333 Union Street, in relation to enforcement action to seek removal of the marquee. Mr Forbes also highlighted that the City Centre Director was currently working on a strategic vision for Union Street and this would be incorporated. He also advised that a task group had been set up to look at Union Street and ways to improve it and planning officers had input to this group.

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Members asked a number of questions of Mr Forbes and asked for clarification on various issues.

The Committee resolved:-

to agree that members note the content of the report and instruct officers to undertake such action as considered appropriate.

PLANNING PERFORMANCE FRAMEWORK ANNUAL REPORT - CHI/16/68

10. The Committee had before it a report by the Director of Communities, Housing & Infrastructure, which provided an introduction to the Council's draft Planning Performance Framework (PPF).

The report recommended:-

that the Committee notes and takes the opportunity to comment on performance levels and service improvements that had taken place during 2015-16 and approve the PPF and action plan proposed for the coming year, for submission to the Scottish Government.

Pauline Wilkinson, Support Manager, spoke in furtherance of the report and noted that the overall aim was to improve the performance of the planning service and to reduce the amount of time it currently took to progress applications. Ms Wilkinson advised that various measures had been taken to improve the service including the use of "Stop the Clock" facility and the use of planning applications being submitted electronically. Ms Wilkinson noted that there had been an 11.4% drop in income generated and also a 5% drop in the number of applications submitted due to the recent economic downturn.

Members then asked a number of questions in regards to the performance report. Councillor Boulton queried whether Section 75 agreements could be issued quicker. However it was noted that significant efforts had been made by both the planning and legal services to speed up the process, although this had seen limited success in timeframes, although officers continue to look at the issue with applicants/ agents and their legal representatives."

The Committee resolved:-

to approve the recommendation.

KINCARDINE OFFSHORE WINDFARM ENVIRONMENTAL STATEMENT - CHI/16/125

11. The Committee had before it a report by the Director of Communities, Housing and Infrastructure, which sought approval for the issue of the Council's response, as a statutory consultee, to Marine Scotland in regards to the Kincardine Offshore Windfarm.

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The Committee heard from Deb Munro and Morag McCorkindale who spoke in furtherance of the report and provided information to members on the windfarm. Ms Munro advised that the environmental statement failed to address the cumulative landscape and visual impacts of the proposals with Nigg Harbour and Aberdeen Offshore Windfarm and also intimated that these effects are an issue. However she explained that in principle officers were supportive of the project.

Ms Munro and Ms McCorkindale then answered a number of questions from members.

**The report recommended:-
that the Committee -**

- (a) approves the response as contained within the report;
- (b) instructs officers to submit the response to Marine Scotland as detailed in appendix to the report;
- (c) instructs officers to seek to work with the developer to promote local supply chain and employment opportunities.

The Committee resolved:-

- (i) to request that an additional section in regards to the potential for a hydrogen station be included with the response as well as highlighting the various concerns covered in the report; and
 - (ii) to otherwise approve the recommendations.
- **Councillor Ramsay Milne, Convener**

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