

## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)

ABERDEEN, 25 August 2016. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS). Present:- Councillor Milne, Convener; Councillor Finlayson, Vice Convener; and Councillors Cooney, Corall, Donnelly, Greig, Hutchison, Jaffrey, 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=152&MIId=3852&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.

### BURNSIDE GARDENS, FORESTERHILL COURT - 151842

1. With reference to Article 5 of the minute of meeting of the Planning Development Management Committee of 18 August 2016, wherein it had been agreed to undertake a **non-determining** visit of the site, 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 replacement NHS staff accommodation with new build key worker housing comprising of 110 units along with associated open space, parking and infrastructure.

The Committee heard from Nicholas Lawrence, Senior Planner who provided information on the design and layout of the proposed development and answered questions from members.

**At this juncture, the Convener indicated that for the next item, he would be speaking on behalf of Froghall, Powis and Sunnybank Community Council in support of their objections in relation to the following item of business, and therefore vacated the Chair in favour of the Vice Convener.**

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**FROGHALL TERRACE, RESIDENTIAL AND STUDENT ACCOMMODATION (PPIP) - 151772**

2. With reference to Article 4 of the minute of meeting of the Planning Development Management Committee of 18 August 2016, wherein it had been agreed to undertake a visit of the site, 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** subject to a section 75 Agreement addressing the provision of affordable housing, education contribution, car club space, associated Road Traffic Order, sport and recreation contribution, community facility contribution, together with appropriately worded planning conditions, as follows:-

1. that no development pursuant to the planning permission in principle hereby approved shall be carried out until such time as a further application has been made to the planning authority for approval of the matters specified in this condition and such approval has been granted; these matters being details of the:-
  - (a) detailed design and external appearance of the building(s) the height and roof form shall accord with the submitted drawings;
  - (b) landscaping of the site, including construction and laying out of the access and the installation of a swale or other measures in order to handle water from the former mill lade;
  - (c) details of the boundary treatments, including the hedge and temporary treatment to the boundary in the period before the hedge reaches its intended height;
  - (d) a construction method statement;
  - (e) full details of access junctions onto local road network; and
  - (f) the submission and agreement in writing from the local planning authority of an agreed phasing plan for the residential and student accommodation elements of the development hereby approved.

Reason: To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

2. The development hereby permitted is restricted to a maximum of 80 residential apartments, of which 20 will be affordable dwellings, and 425 student bed spaces;

Reason: To define the scope of the development applied for and in the interests of proper planning.

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3. The landscaping details to be submitted pursuant to Condition 1 above shall include:-
- (a) Existing and proposed finished ground levels relative to a fixed datum point;
  - (b) Existing landscape features and vegetation to be retained;
  - (c) The location of new trees, shrubs, hedges, grassed areas and water features;
  - (d) A schedule of plants to comprise species, plant sizes and proposed numbers and density;
  - (e) The location, design and materials of all hard landscaping works including walls, fences, gates, roads surfaces, street furniture and play equipment;
  - (f) An indication of existing trees, shrubs and hedges to be removed; and
  - (g) A programme for the completion and subsequent maintenance of the proposed landscaping.

All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of each respective phase of the development or such other 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.

Reason: In the interests of protecting trees and ensuring a satisfactory quality of environment and to comply with policies NE5 and NE8 of the Aberdeen Local Development Plan 2012.

4. No development shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority by way of a formal application for matters specified by condition. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to comply with policy D of the Aberdeen Local Development Plan 2012.

5. No development shall commence until details for the provision of dropped kerbs, footways, and footway crossings at the access junctions have been submitted to and approved in writing by the Local Planning Authority by way of a formal application for matters specified by condition.

Reason: In the interest of pedestrian and road safety.

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6. No part of the development hereby approved shall be occupied until details for the improvements to the bus stops on the Spital, including an implementation programme, have been submitted to and agreed in writing by the Local Planning Authority by way of a formal application for matters specified by condition.

Reason: To promote sustainable travel by means other than the private motor car and to comply with policy D3 of the Aberdeen Local Development Plan 2012.

7. No part of the student accommodation element of the development hereby approved shall be occupied until a student management plan, including car parking, has been submitted to and approved in writing by the Local Planning Authority by way of a formal application for matters specified by condition.

Reason: In the interests of amenity and proper planning.

8. No part of the development hereby permitted shall commence until details of secure parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and agreed in writing by the Local Planning Authority by way of a formal application for matters specified by condition. These facilities should be fully implemented and made available for use prior to the occupation of any part of the development, in accordance with the agreed phasing plan, hereby permitted and shall thereafter be retained for use at all times.

Reason To ensure satisfactory facilities for the parking of cycles is provided to encourage travel by means other than the private motor vehicle and to comply with policy D3 of the Aberdeen Local Development Plan 2012.

9. Prior to the commencement of the residential element of the development hereby approved a residential parking management plan shall be submitted to and agreed in writing by the local planning authority by way of a formal application for matters specified by condition and the development shall operate in full accordance with the agreed residential parking management plan from the first occupation of any part of the residential element of the development.

Reason: To ensure adequate levels of parking is provided allowing for the quantum of residential units provide.

10. No development shall commence until an internal road and layout parking plan has been submitted to and agree in writing with the local planning authority by way of a formal application for matters specified by condition.

Reason: To ensure adequate car parking and in the interest of safety for all users of the development.

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11. No part of the development hereby approved shall be occupied until such time as a user's Travel Plan has been submitted to and approved in writing by the Local Planning Authority by way of a formal application for matters specified by condition. The development shall operate in full accordance with all measures identified within the Travel Plan from the first occupation of any part of the development. The Travel Plan shall specify initiatives to be implemented by the development to encourage access to and from the site by a variety of non-car means, shall set targets and shall specify a monitoring and review mechanism to ensure compliance with the Travel Plan objectives. Within the agreed travel plan evidence shall be submitted to demonstrate compliance with the agreed monitoring and review mechanisms.

Reason: In order that both the local planning authority may be satisfied as to the practicality, viability and sustainability of the Travel Plan for the site and to comply with policy T2 of the Aberdeen Local Development Plan 2012.

12. Prior to occupation of any part of the development a scheme for any external lighting that is to be installed at the site, including measures to prevent light spillage, shall be submitted to and approved in writing by the Local Planning Authority by way of a formal application for matters specified by condition. Any approved external lighting shall be installed in accordance with the approved drawings and such directional hoods shall be retained permanently. The applicant should demonstrate that the proposed lighting is the minimum needed for security and working purposes and that the proposals minimise pollution from glare and spillage.

Reason: In order that the local planning authority may be satisfied that the lighting is installed and maintained in a manner which will minimise possible light pollution of the night sky and neighbouring properties and to comply with policy D2 of the Aberdeen Local Development Plan 2012.

13. Details for the on-site storage, disposal and collection of refuse and recycling facilities shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of each phase of development hereby approved. The approved details shall be carried out in full prior to occupation of each phase of development and retained thereafter.

Reason: In order that the local planning authority may be satisfied with the provisions for recycling facilities and refuse disposal, storage and collection, in the interest of safeguarding the amenities of neighbouring occupiers, occupiers of the approved development, and the area in general, in compliance with policy R6 of the Aberdeen Local Development Plan 2012.

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14. No development approved by this permission shall be commenced until a drainage impact assessment, including a scheme for the provision of surface water drainage works, has been submitted to and approved in writing by the Local Planning Authority by way of a formal application for matters specified by condition. The drainage works shall be completed in accordance with the details and timetable agreed.

Reason: To prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with policy NE6 of the Aberdeen Local Development Plan 2012.

15. If piling works are required in the construction of the development the method of piling shall be agreed in writing by the Local Planning Authority prior to those works commencing on site. There shall be no driven piling unless there are no other alternatives due to engineering considerations. The details of driven piling shall also be submitted to and agreed in writing by the Local Planning Authority and implemented in strict accordance with those details.

Reason: In order to safeguard the amenity of the local area and neighbouring residents at unsocial hours and to comply with policy H2 of the Aberdeen Local Development Plan 2012.

16. No unit of residential or student accommodation hereby permitted shall be occupied until written confirmation to the written satisfaction of the Local Planning Authority has been submitted demonstrating that the public foul sewerage network can cope with the flows from the proposed development.

Reason: In this interest of flood management and to comply with policy NE6 of the Aberdeen Local Development Plan 2012.

17. No development (including demolition of existing buildings and structures) shall commence until each of the following have been complied with:-

- (a) A desk top study and site assessment to survey and characterise the nature and extent of contamination and its effect (whether on or off-site) and a conceptual site model have been submitted to and approved in writing by the Local Planning Authority;
- (b) A site investigation report to characterise and risk assess the site which shall include the gas, hydrological and contamination status, specifying rationale; and recommendations for treatment for contamination encountered (whether by remedial works or not) has been submitted to and approved in writing by the Council; and
- (c) The required remediation scheme implemented in full.

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If during any works on the site, contamination is encountered which has not previously been identified (“the new contamination”) the Council shall be notified immediately and the aforementioned terms shall apply to the new contamination. No further works shall take place on that part of the site or adjacent areas affected, until the requirements set out above have been complied with in relation to the new contamination.

The development shall not be occupied until a closure report has been submitted to and approved in writing by the Local Planning Authority. This shall include verification of all measures, or treatments as required in (Section i & ii) and relevant correspondence (including other regulating authorities and stakeholders involved with the remediation works) to verify compliance requirements, necessary for the remediation of the site have been implemented in full.

The closure report shall include verification details of both the remediation and post-remediation sampling/works, carried out (including waste materials removed from the site); and before placement of any soil/materials is undertaken on site, all imported or reused soil material must conform to current soil quality requirements as agreed by the authority. Inherent to the above, is the provision of any required documentation, certification and monitoring, to facilitate condition requirements.

Reason: To ensure that the Local Planning Authority may be satisfied that potential site contamination is identified and remedied in view of the historical use(s) of the site, which may have included industrial processes and to comply with policy R2 of the Aberdeen Local Development Plan.

18. Prior to the commencement of development a walk-over survey strategy should be submitted to and agreed in writing with the Local Planning Authority, which for the avoidance of doubt shall be undertaken during and post-completion, that will allow agreed landscape and biodiversity enhancement proposals to be adjusted accordingly.

Reason: To comply with policy NE8 of the Aberdeen Local Development Plan.

As requested by the Committee at the meeting on 18th August 2016, they were given access to two properties by residents who had submitted letters of representation. The Committee were given access to 45H Sunnybank Road and 21 Froghall View which provided views across the site.

During the visit, the Committee heard from Nicholas Lawrence, Senior Planner, who provided information on the design and layout of the proposed development and answered questions from members.

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**DECLARATION OF INTEREST**

**The Convener addressed the Committee as indicated above and requested that the application be refused. Accordingly, in terms of Section 7.15 of the Councillors' Code of Conduct, the Convener declared an interest in the matter and withdrew from the meeting. The Vice Convener then took the Chair.**

Councillor Donnelly, seconded by Councillor Corall moved:-

That the application be approved in accordance with the recommendation set out in the report.

The Vice-Convener, seconded by Councillor Jean Morrison MBE, moved as amendment:-

That the application be refused on the following grounds:-

- that there would be an overdevelopment of the site in terms of the concentration of student accommodation in a residential area;
- that there would be insufficient parking on site and in the already congested surrounding area as a result of the large number of students proposed for the development; and
- there were concerns that the existing drainage system could not accommodate the flow arising from the proposed development.

On a division, there voted:- for the motion (2) – Councillors Donnelly and Corall; for the amendment (9) – the Vice Convener, and Councillors Cooney, Greig, Hutchison, Jaffrey, Malik, Jean Morrison MBE, Nicoll and Sandy Stuart.

**The Committee resolved:-**

to adopt the amendment and refuse the application.

**Ramsay Milne, Convener**