

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 25 May 2017. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor , Convener; Councillor Jennifer Stewart, Vice Convener; and Councillors Allan, Allard (as substitute for Councillor Alphonse), Cameron (as substitute for Councillor Cormie), Cooke, Copland, Donnelly, Lesley Dunbar, Greig, Hutchison, John, Malik, McLellan, Noble (as substitute for Councillor Sandy Stuart), Sellar and Wheeler.

The agenda and reports associated with this minute can be found at:-

<https://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=348&MId=4365&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.

DECLARATIONS OF INTEREST

1. Councillor Allard declared a personal interest in regards to item 2.1 on the agenda (Maidencraig mixed use development) by virtue of him knowing the applicant. Councillor Allard considered that the nature of his interest required him to leave the meeting and he intimated that he would depart the meeting at the appropriate time and take no part in the Committee's deliberation.

INTRODUCTION

2. The Vice Convener welcomed everyone to the first meeting of the Planning Development Management Committee following the local government election.

The Vice Convener advised that (a) there would be a one minute silence at 11am to remember the victims of the Manchester terror attack, (b) that in regards to the new Standing Orders, if members declared an interest and felt that they should leave the room for consideration of the item, they must leave the room immediately and take no part in the consideration or discussion of the item and (c) the revised Standing Order stated that for quasi-judicial items of business, members must be present for all part of the discussion for the item, and should they leave, would not be permitted to participate in the determination of the item nor any vote.

MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 20 APRIL 2017

3. The Committee had before it the minute of its previous meeting of 20 April 2017 for approval. The Vice Convener advised that the three returning members who had

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been in attendance at that meeting were required to approve the minute, given the changes to the Committee membership following the local government election.

Councillor Hutchison requested that in regards to item 10 of the minute, Former Royal Cornhill Hospital, that the amendment from Councillor Nicoll be altered as follows:-

“that the application be refused on the grounds that it was contrary to the Local Development Plan as affordable housing should be on site, in order to create a sustainable mixed use community”.

The Committee resolved:-

- (i) to agree the amendment to item 10 as outlined above; and
- (ii) to otherwise note that the minute was approved by returning Councillors Jennifer Stewart, Greig and Hutchison.

DECLARATION OF INTEREST

As above, Councillor Allard declared a personal interest in regards to the following item by virtue of him knowing the applicant. Councillor Allard considered that the nature of his interest required him to leave the meeting and he took no part in the Committee’s deliberation thereon.

MIXED USE DEVELOPMENT INCORPORATING RESIDENTIAL, COMMERCIAL USES, COMMUNITY FACILITIES, OPEN SPACE, LANDSCAPING AND ASSOCIATED INFRASTRUCTURE AT MAIDENCRAIG, NORTH AND SOUTH OF A944 - 130265

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

That there be a willingness to approve conditionally, but to withhold the issue of the consent document until the applicant has entered into a Legal Agreement to deliver (a) affordable housing, (b) developer contributions towards primary education, community facilities, recreation facilities, library facilities, core path networks, healthcare facilities, flood prevention scheme and road improvement to mitigate the impact of the development and (c) entitling the Council to acquire land as reasonably required for upgrading/dualling works to the A944.

The Vice Convener advised that this application was back before members due to the legal position regarding the Strategic Transport Fund and not to reconsider the application which had already been approved.

Fiona Closs, Solicitor, provided information in regards to the Strategic Transport Fund (STF) and advised that the Strategic Development Planning Authority (SDPA) adopted supplementary guidance in respect of a Strategic Transport Fund (STF), however this is

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subject to a legal challenge. Following this challenge, the Court of Session quashed the STF in April 2016. The SDPA appealed the Court of Session's decision and this hearing will take place at the Supreme Court (sitting in Edinburgh) in June 2017. As a result the planning authority cannot take payments for STF at this time. In the absence of STF the interim position is to be adopted.

Scott Lynch, Senior Engineer, also provided an update in regards to the STF, and advised that since STF was quashed, a new mechanism was introduced in order to calculate payments due in lieu of STF. As a result, the Council and the applicants had agreed appropriate mitigation measures and contributions to cover the following:-

- A944 Skye Road/Lang Stracht signalised junction refurbishment;
- B9119 Skene Road – Springfield Road bus priority measures and pedestrian linkages to south end of development;
- Aberdeen City Car Club contribution for two vehicles located within the development; and
- Cycle share scheme located within the development.

Members then asked a number of questions of officers.

The Committee resolved:-

to approve the recommendation contained within the report; and thereby show a willingness to approve conditionally subject to a legal agreement with revised strategic transport contribution.

NETHER ANGUSTON - CONVERSION OF FARM STEADING TO FORM FOUR DWELLINGS, CHANGE OF USE OF AGRICULTURAL LAND TO INCLUDE STABLES AND OUTDOOR RIDING MANÈGE - 170142

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

That the application be approved, subject to the following conditions:-

CONDITIONS

- (1) That no development relating to this planning permission shall take place unless a Drainage Impact Assessment in line with SUDS principles 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 agreed details - in order to safeguard water qualities in adjacent water courses and to ensure that the development can be adequately drained.

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- (2) That prior to occupation of any part of the development hereby approved, a scheme for the provision of mains water supply has been submitted to and approved in writing by the Planning Authority and the said scheme has been implemented in full, unless the planning authority has given written consent for a variation – in the interests of public health.
- (3) That no development shall take place unless a scheme detailing all external finishing materials to the roof, walls, windows and doors 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 notwithstanding the provisions of Article 3 and Schedule 1, Class 1A through to Class 1D, Class 3A and Class 3E of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992 (as amended) no extensions, alterations or improvements which materially affect the external appearance of the hereby approved dwelling house, or the residential curtilage, shall be constructed without a further grant of planning permission from the Local Planning Authority - to safeguard the visual amenity of the overall site and the traditional character of the steading building.
- (5) That no demolition of any part of the original steading, other than that shown in the plans hereby granted planning permission, shall take place unless details of such additional demolition have been submitted to, and approved in writing, by the planning authority - in the interests of preserving the original character of the steading and the amenity of the green belt.
- (6) That no development shall commence on site unless a plan has been submitted for the further written approval by the Planning Authority, in consultation with the Roads Authority, which shows how the access track leading to the application site will be upgraded. Thereafter, no residential unit shall be occupied unless the access track upgrades have been implemented in full accordance with the approved details - in the interests of road safety.
- (7) That no development pursuant to the planning permission hereby approved shall be carried out unless a scheme of hard and soft landscaping works has been submitted to and approved in writing by the planning authority.

Details of the scheme shall include:

- An indication of any existing trees to be removed;

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- Appropriate protection measures for any trees being retained;
 - The location of new planting (trees, shrubs, hedges, grassed areas, etc);
 - A schedule of planting to comprise species, tree/plant sizes and proposed numbers and density;
 - The location, design and materials of any hard landscaping works (including all boundary enclosures (ie walls, fences, gates, etc) and furniture);
 - A programme for the implementation and completion of the proposed soft and hard landscaping;
 - in the interests of the visual amenity of the area.
- (8) That all soft and hard landscaping proposals shall be carried out in accordance with the approved scheme, and in any event prior to occupation of any part of the development hereby approved. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the planning authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted. The approved scheme of planting associated to the semi-natural landscaped areas which lie beyond the formal garden ground shall be permanently retained. Once provided, all hard landscaping works, including all boundary treatment, shall thereafter be permanently retained - to ensure the implementation of a satisfactory scheme of landscaping, and that an appropriate level of semi-natural landscape which is suitably in-keeping with the rural location is retained, in the interests of the visual amenity of the area.
- (9) That the areas demarcated as "informal/wild landscaped ground" on Drawing No. GG001 Rev 3 shall remain as such and at no time shall be incorporated into the formal garden ground of the dwelling-houses hereby granted planning permission - in order to comply with the Policy NE2 Green Belt of the Aberdeen Local Development Plan and to preserve the character and landscape setting of the green belt

ADVISORY NOTE FOR APPLICANT

- (1) In the event of any ground contamination being discovered during development work, the Planning Authority should be notified immediately. The extent and nature of the contamination should then be investigated and a suitable scheme for the mitigation of any risks arising from the contamination should be agreed and implemented to the satisfaction of the Planning Authority.
- (2) ACC's Flooding & Coastal team has advised that in order to minimise surface water run-off, consideration should be given to the incorporation within the proposed development of rain water attenuation storage, such as water butts, and to the use of permeable block paving.

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The Committee heard from Daniel Lewis, Development Management Manager, who spoke in furtherance of the application and members asked various questions.

The Committee resolved:-

to approve the recommendation and therefore approve the application conditionally.

LAND AT BAY OF NIGG - PARTIAL APPROVAL OF MATTERS SPECIFIED IN CONDITION 4 (TEMPORARY VISITOR CENTRE) OF PPIP REF NO: P151742 (ABERDEEN HARBOUR EXPANSION PROJECT)

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

That the application be approved with a time limited period.

Andrew Miller, Senior Planner, spoke in furtherance of the application and answered a number of questions from members, whereby it was noted that there was provision for a toilet that would be wheelchair accessible along with appropriate parking measures.

The Committee resolved:-

- (i) to request that it be suggested to the appropriate officers that the visitor centre be promoted for the Doors Open Day;
- (ii) to request that details of opening hours and the proposed volunteering programme be reported back to the next Committee for information; and
- (iii) to otherwise approve the application with a time limited period.

LAND AT BAY OF NIGG - APPROVAL OF MATTERS SPECIFIED IN CONDITIONS 7 (CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN) AND 9 (SSSI ENGINEERING ASSESSMENT) OF PPIP REF NO: 151742 (ABERDEEN HARBOUR EXPANSION PROJECT)

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

That the application be approved unconditionally.

Andrew Miller, Senior Planner, spoke in furtherance of the application and also answered a number of questions from members, in regards to the traffic route used by the heavy goods vehicles as well as the new breakwaters and the hours of operation for undertaking the work.

The Committee resolved:-

to approve the application unconditionally.

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DUNMAIL, 3 SOUTH AVENUE - PROPOSED DEVELOPMENT OF 21 SHELTERED APARTMENTS (RETIREMENT LIVING) WITH ASSOCIATED LANDSCAPING AND PARKING - 170087

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

That the application be refused.

Andrew Miller, Senior Planner, spoke in furtherance of the application and answered a number of questions from members. It was noted that a previous planning application for the site was refused by the Committee and the application was currently with Scottish Ministers due to an appeal by the applicant.

The Vice Convener, seconded by Councillor Cameron moved:-

That the application be refused, in line with the recommendation contained within the report.

Councillor John, seconded by Councillor Donnelly moved as an amendment:-

That the application be approved due to there not being a detrimental impact on the residential amenity of the area, or an adverse effect on the trees, and that it was not an intensification of the density of the plot.

On a division, there voted:- for the motion (13) – the Vice Convener and Councillors Allan, Allard, Cooke, Copland, Cameron, Lesley Dunbar, Greig, Hutchison, Malik, Noble, Sellar and Wheeler; for the amendment (3) – Councillors Donnelly, John and McLellan.

The Committee resolved:-

to adopt the motion and therefore refuse the application.

INCHGARTH HOUSE, INCHGARTH ROAD - FORMATION OF NEW ACCESS AND DRIVEWAY WITH GATE, WALL, PILLARS AND LANDSCAPING (PART RETROSPECTIVE)

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

That the application be refused and to instruct enforcement action within the site, as appropriate, in order to ensure removal of the existing unauthorised driveway works, reinstatement of appropriate topsoil, site landscaping and replanting of new trees on site and other works as may be required to reinstate the original ground condition. This was required in the interest of preservation of the setting of the listed building,

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preservation of the character of the conservation area and to mitigate the adverse tree impact of the unauthorised site works.

The Vice Convener advised members that the applicant had withdrawn the application and therefore could not be considered. However members agreed to determine whether enforcement action should be undertaken for the unauthorised works.

Members heard from Sepi Hajisoltani, Planner and Robert Forbes, Senior Planner Enforcement Officer, who provided information on the unauthorised works that had been carried out. It was noted that the application site was within the Pitfodels Conservation Area, and noted that Inchgarth House was a listed building.

Fiona Closs, Solicitor, also provided information to members and advised that no discussion should take place around the withdrawn application, and should focus only on whether or not to proceed with enforcement action.

Members asked a number of questions to officers, whereby it was noted that (a) the applicant had stopped the ground works voluntarily, after officers raised concerns at the unauthorised works, so no stop notice was served, (b) there was an existing driveway on the site which would be acceptable for access to the property and (c) around 150 trees had been removed without permission, and the site was classified as ancient woodland.

The Committee resolved:-

- (i) to instruct enforcement action within the site, as appropriate, in order to ensure removal of the existing unauthorised driveway works, reinstatement of appropriate topsoil, site landscaping and replanting of new trees on site and other works as may be required to reinstate the original ground condition. This being required in the interests of preservation of the setting of the listed building, preservation of the character of the Conservation area and to mitigate the adverse tree impact of the unauthorised site works; and
- (ii) to request that a briefing note be prepared by Legal Services in advance of the next Committee and circulated around Members of this Committee outlining the possible routes of enforcement the Planning Authority could undertake.

CONSERVATION AREA CHARACTER APPRAISALS AND MANAGEMENT PLAN - ROSEMOUNT AND WESTBURN CONSULTATION RESPONSES

10. The Committee had before it a report by the Interim Director of Communities, Housing and Infrastructure, which outlined the results of the public consultation exercise undertaken on the draft Rosemount and Westburn Conservation Area Character Appraisal.

The report recommended:-

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that the Committee approves the draft Rosemount and Westburn Conservation Area Character Appraisal as Planning Advice for inclusion in the Conservation Area Character Appraisals and Management Plan Local Planning Advice suite of documents.

Members asked a number of questions in regards to the Character Appraisal. Councillor Cooke enquired about the removal of street trees. Daniel Lewis advised that Richard Nicholson was the appropriate Council officer to liaise with in regards to street trees.

The Committee resolved:-

- (i) to note that should Councillors have any concerns with street trees or otherwise in Council ownership within their ward, to contact Richard Nicholson on richardn@aberdeencity.gov.uk; and
- (ii) to otherwise approve the recommendation contained within the report.

PLANNING APPEALS PANEL

11. The Committee heard from the Vice Convener who advised that this Committee was required to appoint five members to the Planning Appeals Panel, which would comprise one member from each party. The nominees must also be a member of PDMC.

The Committee resolved:-

to appoint Councillors Boulton, Cooke, Lesley Dunbar, Greig and John to the Planning Appeals Panel.

- **Councillor Jennifer Stewart, Vice Convener**

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