

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

21 September 2017

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

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

<https://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=348&Mid=4369&Ver=4>

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

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

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

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

The Committee resolved:-

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

COMMITTEE TRACKER

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

The Committee resolved:

to note the information contained in the Committee report tracker.

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

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

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

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

Conditions

1. Temporary Permission

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

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

2. Restoration and Aftercare Plan

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

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

3. Updated Environmental Management Plan

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

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

4. Storage Capacity of Floodplain

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

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

5. Noise Levels

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

Reason: In the interests of minimising noise emission.

6. Blasting Operations

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

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

7. Restoration and Aftercare Guarantee

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

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

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

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

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

8. Hours of Operation

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

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

9. Wheel Cleaning Scheme

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

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

10. Dust Suppression Scheme

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

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

11. Sunday Working

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

Reason: In the interests of public and residential amenity.

12. European Protected Species

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

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

13. Cessation of Works

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

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above). The updated scheme of restoration as approved shall be carried out in a similar manner to that referred to in the Planning and Environmental Statement (Johnson, Poole and Bloomer, 2016) within a year of the aforementioned early cessation of extraction.

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

14. Annual Progress Plan

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

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

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

15. Landscaping Scheme (no details known)

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

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

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

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

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

16. Programme of Archaeological Works

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

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

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

17. Otter Protection

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

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

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

18. Dust Suppression Measures

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

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

19. Waste Management License

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

Reason: in order to control the deposition of waste.

20. Copy of Plans on Site

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

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

21. Driveway & Parking Provided

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

Reason: In the interests of road safety.

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

The Committee resolved:-

to approve the application conditionally.

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

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

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

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

Conditions

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

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implemented in full - to ensure that this development complies with requirements for reductions in carbon emissions specified in the City Council's relevant published Supplementary Guidance document, 'Low and Zero Carbon Buildings'.

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

ADVISORY NOTE FOR APPLICANT

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

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

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

The Committee resolved:-

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

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

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

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

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

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

The Committee resolved:-

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

- **COUNCILLOR MARIE BOULTON, Convener**