

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)

ABERDEEN, 28 September 2017. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS). Present:- Councillor Boulton, Convener; Councillor Jennifer Stewart, Vice Convener; Councillor Donnelly, the Depute Provost, and Councillors Alphonse, Cooke, Copland, Cormie, Greig, Hutchison, McLellan, Sandy Stuart and Wheeler.

The agenda and reports associated with this minute can be found at:-
<https://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=152&MId=5922&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.

PINEWOOD ZONE F, COUNTESWELLS ROAD - ERECTION OF 116 DWELLINGS COMPRISING OF 2 APARTMENT BLOCKS, 35 HOUSES AND RETIREMENT APARTMENT BLOCK, WITH AMENITY SPACE AND ASSOCIATED INFRASTRUCTURE

1. With reference to Article 1 of the minute of meeting of the Planning Development Management Committee (visits) of 28 July 2017, wherein it had been agreed to defer the site visit for further information to be received, the Committee had before it a report by the Interim Head of Planning and Sustainable Development **which recommended:-**

That the application for the erection of 116 dwellings comprising 2 apartment blocks, 35 houses and retirement apartment block, with amenity space and associated infrastructure, be approved conditionally, subject to the completion of a Section 75 agreement to include

- Securing affordable housing against the mainstream housing units in accordance with the terms of the S75 attached to the overarching PPiP
- Controlling occupancy of Over 55 units to people 55 years old or older into perpetuity;
- Payment of Core Path contributions (£16,963); and
- Payment of Healthcare contributions (£46,675).

Conditions

1) Prior to occupation of the first unit, the applicant/developer shall submit a Residential Travel Plan to the Planning Authority for approval in consultation with the Roads Service, and once approved shall be issued to the new owners of each unit prior to their occupation.

Reason: To ensure occupants are made aware of the different ranges of transport available to accessing the development.

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- 2) Prior to commencement of development, the applicant/developer shall provide evidence to the Planning Authority, for their approval, that they have reached an agreement with a public transport operator in which to provide a bus service from the bus stop shown on the approved Site Plan within a time period to be agreed with the Planning Authority after the first unit is occupied.

Reason: To ensure the development can be served by a sustainable means of transport.

- 3) Prior to commencement of development, the applicant/developer shall provide full details of traffic-calming measures to be implemented within the development to the Planning Authority for approval in consultation with the Roads Service. Once approved, the traffic-calming measures shall be implemented in a timescale to be agreed with the Planning Authority.

Reason: To ensure the development complies with Designing Streets guidance and minimizes the risk of road safety issues.

- 4) Prior to commencement of development, the applicant/developer shall submit details of how a temporary turning-circle could be provided allow to refuse vehicles and visitors to turn within the prior to the internal road layout is connected to the zone to the north of the site. Once approved, the turning circle shall be implemented until the internal road network is connected to the adjoining phase of development.

Reason: To ensure visiting vehicles have sufficient space in which to safely manoeuvre within the site in order to minimise road safety risk.

- 5) Prior to commencement of development, the applicant/developer shall provide full details/ samples of all external finishes to the hereby approved building including downpipes, roofing materials, doors, windows and balustrade for approval by the Planning Authority.

Reason: To ensure that the development would remain in-keeping with the character and appearance of the surrounding area/

- 6) Prior to occupation of the first unit, the applicant/developer shall provide full details of secure storage for motorcycles and bicycles within the site for the approval by the Planning Authority. Once approved, the secure storage facilities shall be implemented in full prior to occupation of the first unit.

Reason: To ensure occupants means of transport can be securely stored thus minimizing the opportunity for crime.

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- 7) Prior to commencement of development, the applicant/developer shall provide full details of the energy efficiency rating of each individual habitable building within the development for approval by the Planning Authority. Once approved, the construction of each building should be carried out to ensure that the approved energy efficiency levels are achieved.

Reason: To ensure compliance with Policy R7 in the ALDP 2017 and its associated Supplementary Guidance.

- 8) Prior to commencement of development, the applicant/develop shall submit details of water-saving technologies and techniques to be incorporated into the design of each new building within the site for approval by the Planning Authority. Once approved, all water-savings measures shall be implemented in full prior to the occupation of each unit.

Reason: In order to minimise water abstraction from the River Dee and to comply with the requirements of Policy R7 in the ALDP 2017 and its associated supplementary guidance.

- 9) Prior to commencement of development, protective fencing shall be placed around the Root Protection Areas (RPAs) pertaining to each tree to be retained outlined in the 'Tree Survey Drawing' which accompanies the submitted Tree Survey and shall remain in-situ until all buildings work associated with the buildings closest to each fence has been completed.

Reason: To ensure that existing trees of high landscape character and amenity value are not damaged or removed during the construction phase of development.

- 10) No materials, supplies, plant, machinery, spoil, changes in ground levels or construction activities shall be permitted within the Root Protection Areas of each tree identified on the submitted 'Tree Survey Drawing' 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 trunk.

Reason: In order to ensure adequate protection for trees adjacent to the site during the construction of the development.

- 11) Prior to commencement of development, the applicant/developer shall submit details a Lighting Strategy which outlines where they intend to position lights within the site during the construction phase of development. Once approved, the Lighting Strategy shall strictly be adhered to throughout the course of construction to minimise disturbance to bats roosting in the area.

Reason: To ensure bats likely to be roosting within trees in the surrounding area are not unduly disturbed.

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- 12) Prior to commencement of development, the applicant/developer shall submit a Construction Environment Management Plan (CEMP) for approval by the Planning Authority in consultation with SEPA which details how the existing water environment will be protected during construction and how materials and waste will be managed on site. Once approved, the CEMP shall be adhered to in full for the timeline set out in the approved document unless otherwise agreed in writing by the Planning Authority.

Reason: To ensure the construction phase of development does not give rise to any undue adverse impacts on the natural water environment.

- 13) Prior to occupation of the first unit, the developer shall implement the proposed SuDS scheme in full unless otherwise agreed in writing with the Planning Authority.

Reason: To ensure the development does not give rise to any undue localised flooding.

- 14) Prior to commencement of development, the applicant/developer shall submit a statement to the Planning Authority for approval, detailing how the development shall have/ provide access to modern, up to date high speed communications infrastructure. Thereafter each phase of development shall be supported by a detailed statement setting out how such measures have been designed into the built form and what standards of digital connectivity this will bring. The approved measures shall thereafter be implemented in accordance with the approved details.

Reason: To ensure compliance with Policy CI1 in the ALDP 2017 and Scottish Planning Policy.

- 15) All hard and soft landscaping proposals shall be carried out in accordance with the approved Landscaping Strategy and Planting Schedule, which shall be completed during the planting season immediately following the commencement of the development or as otherwise agreed in writing with the Planning Authority. 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. In addition, prior to the commencement of the implementation of the approved scheme, detailed proposals for a programme for the long term management and maintenance of all the approved landscaped and open space areas within the development shall be submitted for the further written approval of the Planning Authority. Thereafter, all management and maintenance of the landscaped and open space areas shall be implemented, in perpetuity, in accordance with the approved programme.

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Reason: To ensure the implementation 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 and to ensure that the landscaping is managed and maintained in perpetuity.

ADVISORY NOTE FOR APPLICANT

- 1) Any engineering works within the water environment will require authorisation from the Scottish Environment Protection Agency (SEPA) under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended). SEPA are contactable on: 01224 266609.
- 2) Prior to making a connection to the public water supply and sewerage system, maintained by Scottish Water, the applicant/developer shall need to obtain the separate prior approval from Scottish Water in order to legally do this. Scottish Water is contactable on: 0800 389 778.
- 3) The applicant/developer should contact ACC Waste Service a minimum of 2 months prior to occupation of each unit.

The Committee heard from Jamie Leadbeater, Planner, who spoke in furtherance of the report and answered various questions from members. Miquel Vinyals, Engineer, also answered questions in regards to flooding issues. The following information was noted:-

- Rain/surface water would not be dispersed into resident's gardens but into the SUDS, which had enough capacity to deal with rainfall;
- Broadband provision was now a requirement in the new Local Development Plan;
- The application was granted planning permission in principle when the old LDP was in operation and as a result there was no requirement for an affordable housing element with the retirement apartment block;
- The section 75 legal agreement would control the sale of any property to anyone not over 55;
- Local residents had major concerns in regards to flooding in the area which they felt was a result of the development of new properties in the area;
- Drainage was redirected as to not have an effect on the residents in the area;
- There would be a new drainage system on site and it was not anticipated that there would be any problems with this;

Councillor Donnelly, seconded by Councillor Cormie, moved a procedural motion:-

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that no more questions be allowed in regards to this application and that the Committee move to determination of the application.

On a division, there voted for the procedural motion (3) – Councillor Donnelly, the Depute Provost and Councillors Alphonse and Cormie; against the procedural motion (9) – the Convener, the Vice Convener and Councillors Cooke, Copland, Greig, Hutchison, McLellan, Sandy Stuart and Wheeler.

As the Committee resolved not to adopt the procedural motion, questions on the application continued and the following was noted:-

- SEPA previously had concerns in regards to the application however after a meeting with officers the concerns were resolved;
- Any aspect contained within the section 75 legal agreement could be open for challenge and needs to meet the condition test;

The Convener moved, seconded by Councillor Donnelly:-

that the application be approved in accordance with the recommendation contained within the report.

Councillor Hutchison, seconded by Councillor McLellan, moved as an amendment:-

that the application be approved as contained within the report with an extra condition that sought a payment of 10% for Affordable Housing against the over 55 accommodation units.

Councillor Greig, seconded by Councillor Cooke, moved as a further amendment:-

that the application be refused due to concerns relating to the negative impact on residential amenity, the visual impact and being out of character for the area, public transport and connectivity issues and drainage problems.

There being a motion and two amendments, the Committee first divided between the amendment by Councillor Hutchison and the amendment by Councillor Greig.

For the amendment by Councillor Hutchison (5) - Councillors Alphonse, Copland, Hutchison, McLellan and Sandy Stuart.

For the amendment by Councillor Greig (3) - the Vice Convener and Councillors Cooke and Greig.

Abstained from the vote (4) - the Convener and Councillors Cormie, Donnelly and Wheeler.

The Committee then divided between the motion by the Convener and the successful amendment by Councillor Hutchison.

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On a division there voted:- for the motion (4) – the Convener and Councillors Cormie, Donnelly and Wheeler; for the amendment (7) – Councillors Alphonse, Cooke, Copland, Greig, Hutchison, McLellan and Stuart.

Abstained from the vote (1) – the Vice Convener.

The Committee resolved:-

to agree the amendment, and approve the application conditionally subject to the completion of a section 75 legal agreement, with an extra condition seeking payment of 10% for Affordable Housing against the over 55 accommodation unit.

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

2. With reference to article 5 of the minute of meeting of the Planning Development Management Committee of 21 September 2017, wherein it had been agreed to visit the site, 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 for the erection of a care home and four dwellings, subject to the conclusion of a legal agreement securing the following developer obligations:-

- Core Path Network - £18079
- Open Space - £8894 and
- Healthcare £49746 – to contribute towards a new health centre at Countesswells

Conditions

1. Finishes/Materials

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.

2. Boundary Enclosures

that no development shall take place unless a scheme detailing the proposed site and plot boundary enclosures for the development site has been submitted to the planning authority and subsequently approved in writing. Thereafter no building shall be occupied unless boundary enclosures have been provided in accordance with the agreed scheme, or such other drawing as may subsequently be submitted and approved in writing by the planning authority – in order to ensure appropriate

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distinction between public and private spaces, and to ensure that the enclosures are compatible with the character and appearance of the area.

3. Refuse Scheme

that no development shall take place unless a further detailed scheme of refuse and recycling storage has been submitted to and approved in writing by the planning authority. Thereafter no unit within a given phase shall be occupied unless the refuse and recycling storage for that phase has been provided in accordance with the said scheme – in order to preserve the amenity of the neighbourhood and in the interests of public health.

4. Footpath links

That the residential care home hereby approved shall not be brought into use unless the following pedestrian routes have been laid out in full and made available for use: A footpath within the site, providing a connection to the Care Home's main entrance from the newly constructed pedestrian footway on Hazledene Road. The details of this route must be submitted to and agreed in writing by the planning authority prior to works commencing; and

The path to the south of the care home, shown on drawing *A_APL_112-Rev L*, which shall be constructed to 3m width, surfaced and lit.

Reason: To ensure that adequate provision is made for safe pedestrian routes, and to promote sustainable travel, as required by policy T3 (Sustainable and Active Travel) of the Aberdeen Local Development Plan.

5. Visibility Splay

That the residential care home hereby approved shall not be brought into use unless the visibility splay demonstrated on drawing *ABR_HAZ_001-Rev A* has been provided. Thereafter, the land falling within that visibility splay shall be kept clear of any obstacles (including buildings, structures, trees or shrubs) exceeding 1m in height – in the interests of ensuring appropriate visibility for vehicles at the site access.

6. Parking provision

That the residential care home hereby approved shall not be brought into use unless the car, motorcycle (including a secure fixed point) and bicycle parking areas serving the building have been constructed, drained, laid-out and demarcated in accordance with drawing *A_APL_112-Rev L* 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

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of the parking of vehicles ancillary to the development hereby granted approval - in the interests of public safety and the free flow of traffic.

7. Local Extract Ventilation (LEV) system

that no building within the development hereby approved shall be occupied unless (A) the following information has been submitted to and agreed in writing by the planning authority, and (B) any LEV scheme and noise mitigation measures so agreed have been installed and are fully operational.

Required information:

- (i) full details of proposed cooking activities;
- (ii) an assessment of the requirements for extract ventilation in accordance with relevant guidance (for example: DEFRA document 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems' and associated references);
- (iii) proposals for an appropriate system of Local Extract Ventilation (LEV) system; and
- (iv) a noise assessment by a suitably qualified noise consultant have been submitted to and agreed in writing by the planning authority.

Reason: in order to ensure that cooking fumes are adequately filtered and dispersed and that residential amenity is protected.

8. Restriction to Care Home use

Notwithstanding the terms of use class 11 (Assembly and Leisure), the Care Home building hereby approved shall be used only for this specified purpose and no other purpose within Class 10 (non-residential institutions) of the Town and Country Planning (Use Classes) (Scotland) Order 1997 without a further grant of planning permission – on the basis that the proposal has been assessed on this specific basis, with developer obligations established on the basis of the age demographic associated with such premises.

9. Deliveries and Servicing

That service deliveries and collections to the premises and the disposal of refuse to receptacles outwith the fabric of the building shall not take place outwith the hours of 0700 to 1900 Monday to Saturday and 1000 to 1900 on Sundays - in order to protect surrounding residents from noise disturbance at unreasonable hours.

10. Upgrading of Hazledene Road to adoptable standard

That no development shall be undertaken unless a finalised scheme of works necessary to bring Hazledene Road up to adoptable standard has been submitted to, and approved in writing by, the planning authority. Thereafter, no building within the site shall be occupied until works for the upgrading of Hazledene Road have been implemented in full, in accordance with the scheme so agreed - in order that the road improvement works necessary to provide appropriate access to the site have been carried out in advance of occupation.

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11. Landscaping – Management and Maintenance of Trees/Landscaped areas

that no part of the development hereby approved shall be occupied unless a plan and report illustrating appropriate management proposals for the care and maintenance of all trees to be retained and any new areas of planting (to include timing of works and inspections) has been submitted to and approved in writing by the Planning Authority. The proposals shall be carried out in complete accordance with such plan and report as may be so approved, unless the planning authority has given prior written approval for a variation - in order to preserve the character and visual amenity of the area.

12. Scheme of Tree Protection

That no development shall take place unless the scheme for the protection of all trees to be retained during construction works – Struan Dalgleish Arboriculture, May 2017 - has been implemented in full - in order to ensure adequate protection for the trees on site during the construction of the development.

13. Implementation of the approved Landscaping Scheme

that all planting, seeding and turfing comprised in the approved scheme of landscaping shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority - in the interests of the amenity of the area.

14. Drainage

That in the event that any land drainage is encountered during excavations these drains will be diverted round any excavations that block their original line and redirected to their original outlet. Any groundwater spring which becomes evident during construction which cannot be controlled by existing land drains shall be captured and piped to the most appropriate watercourse. – in the interests of ensuring adequate drainage for the site.

15. Low and Zero Carbon Policy Compliance

that none of the buildings hereby approved shall be occupied unless a scheme detailing compliance with the Council's 'Low and Zero Carbon Buildings' policy, as contained in the 'Resources for New Development' 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 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.

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16. Construction Environment Management Plan

No development shall be undertaken until such time as a site specific environmental management plan (EMP), incorporating detailed pollution prevention and mitigation measures for all construction elements potentially capable of giving rise to pollution during all phases of construction, has been submitted to and approved in writing by the planning authority, in consultation with SEPA. Thereafter all work shall be carried out in accordance with the approved plan - in order to control pollution of air, land and water.

Note: full details of matters to be included in the EMP can be found on SEPA's website.

17. Details of Rooftop Plant

That no development shall be undertaken unless the full details of any rooftop plant have been submitted to, and approved in writing by, the planning authority - in the interests of ensuring that any such plant equipment is accommodated without undue prominence or visual impact.

Advisory Notes

1. Recommend that hours of construction are restricted to 7am-7pm Mon-Fri and 8am-1pm Sat in order to avoid adverse impact on amenity.
2. Recommend that measures to mitigate impact arising from dust during construction are considered prior to commencement of works.

The Committee then heard from Jamie Leadbeater, Planning Officer, who spoke in furtherance of the report and answered various questions from members. Kamran Syed, Engineer, also answered various questions in regards to traffic and road issues and the following was noted:-

- In regards to the proposed car parking spaces, there was a requirement for 26 spaces and the proposal was for 28;
- There was no requirement for affordable housing as the limit is in regards to 5 properties and the application was for four proposed properties;
- An extra condition could be added in regards to public transport provision;
- Features like double yellow lines could be used in order to mitigate road concerns on the access road;

Councillor Boulton, seconded by Councillor Donnelly, moved:-

that the application be approved in accordance with the recommendation contained within the report.

Councillor Greig, seconded by the Vice Convener, moved as an amendment:-

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that the application be refused due to the visual impact which would be out of character for the surrounding area, which would include a mass of buildings being visible from Hazledene Park, road safety concerns, parking overspill concerns and the lack of bus service for the area.

Councillor Hutchison, seconded by Councillor Copland, moved a further amendment:-
that the application be approved conditionally, with an extra condition added seeking 10% affordable housing contribution in regards to the four proposed housing properties.

There being a motion and two amendments, the Committee first divided between the amendment by Councillor Greig and the amendment by Councillor Hutchison.

For the amendment by Councillor Greig (3) - the Vice Convener and Councillors Cooke and Greig.

For the amendment by Councillor Hutchison (4) - Councillors Alphonse, Copland, Hutchison and McLellan.

Abstained from the vote (5) - the Convener and Councillors Cormie, Donnelly, Sandy Stuart and Wheeler.

The Committee then divided between the motion by the Convener and the successful amendment by Councillor Hutchison.

On a division there voted:- for the motion (8) – the Convener, the Vice Convener; and Councillors Alphonse, Cooke, Cormie, Donnelly, Sandy Stuart and Wheeler; for the amendment (4) – Councillors Copland, Greig, Hutchison and McLellan.

The Committee resolved:-

(i) to agree that two extra conditions be added, to read:-

(a) Prior to first occupation of any dwellings, a Residential Travel Pack must be submitted to and approved in writing by the Planning Authority in consultation with the Roads Development Management Team, and once approved shall be issued to the new occupants of each house on occupation.

Prior to first occupation of the Care Home, a Travel Plan - including identification of mode share targets for staff, along with clear aims and objectives, and provisions for monitoring and review - shall be submitted to and approved in writing by the Planning Authority in consultation with the Roads Development Management Team, and once approved shall be operated in accordance with the details so agreed.

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Reason: To ensure occupants are made aware of the different ranges of transport available to accessing the development and to encourage sustainable travel.

(b) Prior to commencement of development, the applicant/developer shall provide evidence to the Planning Authority, for their approval, that they have reached an agreement with a public transport operator in which to provide a bus service from the bus stop shown on the approved Site Plan within a time period to be agreed with the Planning Authority after the first unit is occupied.

Reason: To ensure the development can be served by a sustainable means of transport; and

- (ii) to otherwise adopt the motion and to approve the application conditionally, subject to the conclusion of a legal agreement securing developer obligations for the core path network (£18,079), open space (£8,894) and healthcare (£49,746).

- **Councillor Marie Boulton, Convener**

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