

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 24 September 2020. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Boulton, Convener; Councillor Stewart, Vice Convener; and Councillors Allan (for all items except item 5), Cooke, Copland, Cormie, Greig, MacKenzie and Malik.

The agenda and reports associated with this minute can be found [here](#).

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 20 AUGUST 2020

1. The Committee had before it the minute of the previous meeting of 20 August 2020, for approval.

The Committee resolved:-

to approve the minute as a correct record.

COMMITTEE PLANNER

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

The Committee resolved:-

to note the information contained in the Committee business planner.

BINGHILL HOUSE - PRE DETERMINATION HEARING - 200750

3. The Committee had before it a report by the Chief Officer – Strategic Place Planning, which considered whether an application for Bingham House, Bingham Road Aberdeen, which triggered the statutory criteria to require that a Pre Determination hearing be held, should be determined by the Planning Development Management Committee or if it would be advisable for the Pre Determination hearing and subsequent determination to be carried out by Full Council.

The report recommended:-

that the Committee –

- (a) notes the contents of the report; and
- (b) agrees that the application be the subject of a statutory Pre Determination hearing by a special meeting of the Planning Development Management

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

24 September 2020

Committee (PDMC) and that the application then be determined at a subsequent scheduled PDMC meeting.

The Committee resolved:-

to approve the recommendations as contained in the report.

ANNUAL COMMITTEE EFFECTIVENESS REPORT FOR PDMC - GOV/20/111

4. The Committee had before it a report by the Chief Officer – Governance, which presented the annual report of the Planning Development Management Committee to enable Members to provide comment on the data contained within.

The report recommended:-

that the Committee -

- (a) provide comments and observations on the data contained within the annual report; and
- (b) note the annual report of the Planning Development Management Committee.

The Committee resolved:-

to approve the recommendations contained in the report.

LAND NORTH OF KIRK BRAE - FRIARSFIELD, CULTS, ABERDEEN - 200171

5. The Committee had before it a report by the Chief Officer – Strategic Place Planning, **which recommended:-**

That there be a willingness to approve the application subject to conditions and a legal agreement to secure developer obligations towards the provision of affordable housing, the core path network, secondary education, healthcare facilities and open space for the application for detailed planning permission for the residential development of 78 dwellings with associated access, parking, landscaping and other associated works at land to the north of Kirk Brae, Friarsfield, Cults Aberdeen.

Conditions

1. ENHANCEMENT OF THE WATER ENVIRONMENT

Prior to commencement of any work [in any phase/on site] a detailed scheme for the protection and enhancement of the water environment shall be submitted to, and approved in writing by, the Planning Authority in consultation with SEPA, SNH or other agencies as appropriate. Without prejudice to the foregoing generality, and as a minimum, this shall include:

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

24 September 2020

- a) Confirmation of the location of all existing water bodies on site and demonstration of how they have been incorporated into the layout of the development, including appropriate buffer zones;
- b) Investigation of and where viable, detailed information relating to the realignment of any watercourses on site including the Cults Burn;
- c) Full details relating to any other proposed engineering activities in the water environment, including the location and type of any proposed watercourse crossings. Any proposed watercourse crossings shall be designed to accept the 1 in 200-year flow unless otherwise agreed with the Planning Authority in consultation with SEPA. All works on site must be undertaken in accordance with the approved scheme unless otherwise agreed in writing with the Planning Authority.

Reason: to improve and protect the water environment and to prevent an increase in flood risk.

2. GREEN MEASURES

No development (including site stripping, service provision or establishment of site compounds) shall commence on site unless a schedule of green measures, in line with SEPA's response PCS/170155 of 09 03 20 has been submitted to the Planning Authority. The schedule, detailing the measures that have been investigated and will be implemented on site, should be submitted prior to the commencement of development on site for the written approval of the Planning Authority, in consultation with SEPA and implemented in full.

Reason: to ensure adequate protection of the water environment and contribute to and enhance the natural environment in accordance with Scottish Planning Policy.

3. CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN

No development (including site stripping, service provision or establishment of site compounds) shall commence on site until a site-specific Construction Environmental Management Plan(s) (the "CEMP") has been submitted to and approved in writing by the Planning Authority in consultation with SEPA. The CEMP must address the following issues:-

- (i) surface water management including construction phase SUDS; and
- (ii) site waste management including details of re-use on-site and off-site disposal of demolition materials.

Thereafter development shall be undertaken in accordance with the approved CEMP.

Reason - In order to minimise the impacts of necessary demolition / construction works on the environment.

4. DRAINAGE ASSESSMENT COMPLIANCE

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

24 September 2020

No unit within the hereby approved development shall be occupied unless all drainage works detailed in the approved Drainage Assessment (128386-DA Issue 3) produced by Fairhurst or such other plan/ document as may subsequently be approved in writing by the planning authority for the purpose of detail have been installed in complete accordance with the said plan for that phase / unit.

Reason - In order to safeguard water qualities in adjacent watercourses and to ensure that the proposed development can be adequately drained.

5. LOW AND ZERO CARBON

No development associated with any residential dwelling shall take place unless a scheme detailing compliance with the Council's Resources for New Development Supplementary Guidance has been submitted to and approved in writing by the Planning Authority. Thereafter no units shall be occupied unless any recommended measures specified within that scheme for that unit for the reduction of carbon emissions have been implemented in full.

Reason - to ensure that the development complies with requirements for reductions in carbon emissions specified in the City Council's relevant published Supplementary Guidance: Resources for New Development.

6. LANDSCAPING – APPROVED SCHEME

All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme (as shown on Drawings No: 423.03.01D, 423.03.02D and 423.03.03D) and 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.

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.

7. PLAY AREA PROVISION

No residential unit shall be occupied unless

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

24 September 2020

- (i) finalised details of the proposed play area;
- (ii) details of the boundary treatments for the proposed play area and;
- (iii) a phasing plan for their provision, have been submitted to and approved in writing by the Planning Authority. In designing the scheme reference should be made to Part 8 of the Council's Open Space Supplementary Guidance.

Reason - In order to ensure satisfactory provision of play facilities.

8. TREE PROTECTION

The tree protection measures shall be carried out in complete accordance with the approved scheme (Ref: 0117(116)-02 – PROT).

Reason: In order to preserve the character and visual amenity of the area.

9. STORAGE OF MATERIALS

That no materials, supplies, plant, machinery, spoil, changes in ground levels or construction activities shall be permitted within the protected areas specified in the aforementioned scheme of tree protection without the written consent of the Planning Authority and no fire shall be lit in a position where the flames could extend to within 5 metres of foliage, branches or trunks.

Reason - in order to ensure. adequate protection for the trees on site during the construction of the development.

10. AIR QUALITY (DUST) RISK ASSESSMENT

No development (including site stripping or service provision) shall take place unless an Air Quality (Dust) Risk Assessment for the construction phase of development has been submitted to and approved in writing by the Planning Authority. Such risk assessment shall be carried out by a suitably qualified consultant in accordance with the Institute of Air Quality Management document "Guidance on the Assessment of Dust from Demolition and Construction 2014". Thereafter development shall be carried out in accordance with the approved plan.

Reason: in order to control air pollution from dust associated with the development in accordance with Policy T4 – Air Quality.

11. DUST MANAGEMENT PLAN

No development (including site stripping or service provision) shall take place unless a Dust Management Plan for the construction phase of development has been submitted to and approved in writing by the planning authority. Such management plan shall specify dust mitigation measures and controls, responsibilities and any proposed monitoring regime. Thereafter development (including demolition) shall be undertaken in accordance with the approved plan.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

24 September 2020

Reason - In order to control air pollution from dust associated with the construction of the development in accordance with Policy T4 - Air Quality.

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

The Convener, seconded by the Vice Convener, moved:-

That the application be approved in line with the recommendation contained in the report.

Councillor Greig moved as an amendment, seconded by Councillor Copland:-

That the application be refused as the development would result in Cults Primary School and Cults Academy going over capacity and would therefore cause an undue pressure on educational provision in contravention of Policy I1 - Infrastructure and Developers Obligations, and secondly that the proposal did not provide sufficient Affordable Housing on site in contravention of Policy H5 - Affordable Housing.

On a division, there voted:- for the motion (5) - the Convener, the Vice Convener and Councillors Cormie, MacKenzie and Malik; for the amendment (3) – Councillors Cooke, Copland and Greig; absent from the vote (1) Councillor Allan.

The Committee resolved:-

to adopt the motion and therefore approve the application conditionally in line with the recommendation.

LAND AT COUNTESWELLS ROAD ABERDEEN - 200659

6. The Committee had before it a report by the Chief Officer – Strategic Place Planning, **which recommended:-**

That the application for detailed planning permission for the erection of Class 1 (shops), retail unit with associated car parking, access, landscaping and associated works at land at Counteswells Road Aberdeen, be approved conditionally with a legal agreement.

Conditions

1. MATERIALS/FINISHES

That no development shall take place unless a scheme detailing all external finishing materials to the roof and walls of the development hereby approved (including a physical sample board) 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.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

24 September 2020

Reason: in the interests of visual amenity and to ensure compliance with policy D1 (Quality Placemaking by Design) of the Aberdeen Local Development Plan.

2. CONVENIENCE FLOORSPACE

No more than 25% of the net sales floorspace of the store hereby approved shall be dedicated to the sale and display of comparison goods.

Reason: In order to ensure that the store is principally meeting the convenience needs of the local community and to ensure compliance with policy NC4 (Sequential Approach and Impact) of the Aberdeen Local Development Plan.

3. DELIVERY TIMES

No deliveries shall be made to the store hereby approved outwith the hours from 06.00 and 22.00

Reason: In order to protect the residential amenity of those resident in the surrounding area.

4. DEPOSIT RETURN SCHEME (DRS) HOURS OF USE

The Deposit Return Scheme (DRS) approved as part of this proposal shall not be made available for use outwith store opening hours.

Reason: In order to protect nearby residents from adverse noise impact.

5. CONNECTION TO PUBLIC SEWER

That the store hereby approved shall not be brought into use unless connection has been made to the public sewer system.

Reason: In order to ensure compliance with policy NE6 (Flooding, Drainage and Water Quality) of the Aberdeen Local Development Plan, which does not permit connection to private wastewater systems in sewered areas.

6. SURFACE WATER DISCHARGE

That the store hereby approved shall not be brought into use unless a scheme detailing appropriate surface water drainage arrangements has been submitted to and agreed in writing by the planning authority, in consultation with ACC's Structures, Flooding and Coastal Engineering Team, and subsequently implemented, all prior to first occupation of the building.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

24 September 2020

Reason: In order to ensure compliance with policy NE6 (Flooding, Drainage and Water Quality) of the Aberdeen Local Development Plan and to ensure that surface water is dealt with in the most appropriate way.

7. ARBORICULTURAL CONSTRUCTION METHOD STATEMENT

No development pursuant to this grant of planning permission shall be undertaken until such time as a detailed Arboricultural Construction Method Statement, which includes details of construction access, vehicle movements, storage of materials and phasing as well as measures to avoid impact on the canopy of existing trees along the eastern boundary of the site, has first been submitted to and approved in writing by the planning authority. Thereafter, all works should be carried out in full accordance with the Method Statement so agreed.

Reason: In order to ensure that construction works do not adversely affect those trees to be retained along the eastern boundary of the site, the canopies of which are in close proximity to the north-eastern corner of the building.

8. TREE PROTECTION

No development shall take place other than in accordance with the hereby approved scheme of tree protection (Donald Rodger Associates Ltd., Tree Proposals and Protection (TPP) Drawing no. 20472/1, within report dated July 2020) or such other TPP as has been submitted to and approved by the planning authority prior to commencement of works.

Reason: In order to secure adequate protection for all trees to be retained on the site during construction works and to ensure compliance with Policy NE5 (Trees and Woodlands) of the Aberdeen Local Development Plan.

9. LANDSCAPING WORKS

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.

Reason: In order to ensure that the approved landscaping works are carried out at an appropriate time and to offset the impact of tree losses necessary for development to occur.

10. FURTHER ARBORICULTURAL WORKS

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

24 September 2020

Any tree work not specified in the submitted '*Tree Survey, Arboricultural Constraints and Arboricultural Implication Assessment*', dated July 2020, which appears to become necessary during the implementation of the development shall not be undertaken without the prior written consent of the Planning Authority; any damage caused to trees growing on the site shall be remedied in accordance with British Standard 3998: 2010 "Recommendations for Tree Work" before the building hereby approved is first occupied.

Reason: In order to ensure that existing trees are appropriately retained and protected where practicable.

11. BOUNDARY ENCLOSURES

That the store hereby approved shall not be brought into use unless the boundary treatments shown on drawing SS_45_35_00-0001 REV P04 have been delivered in full accordance with that plan, or any such substitute as has been submitted to and approved in writing by the planning authority for that purpose.

Reason: To ensure that boundary enclosures of an appropriate design, scale and materials to the local context are provided prior to first occupation, and to ensure compliance with policy D1 (Quality Placemaking by Design) of the Aberdeen Local Development Plan.

12. EXTERNAL LIGHTING

No development pursuant to this grant of planning permission shall be undertaken unless a scheme of external lighting for the building and car park has first been submitted to and approved in writing by the planning authority. Thereafter, development shall be carried out in full accordance with the scheme so agreed.

Reason: In order to ensure that lighting for the development does not result in significant impact on the amenity afforded to neighbouring residents.

13. CAR PARKING

That the store hereby approved shall not be brought into use unless the approved areas of car parking have been constructed, drained, laid-out and demarcated in accordance with drawing No. Zz_70_60_00 0002 Rev-P07 of the plans hereby approved or such other drawing as may subsequently be submitted and approved in writing by the planning authority. Such areas shall not thereafter be used for any other purpose other than the purpose of the parking of cars ancillary to the development and use thereby granted approval.

Reason: in the interests of public safety and the free flow of traffic, and to ensure compliance with policy T2 (Managing the Transport Impact of Development) of the Aberdeen Local Development Plan and the associated 'Transport and Accessibility' Supplementary Guidance.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

24 September 2020

14. ELECTRIC VEHICLE (EV) SPACES AND INFRASTRUCTURE

That the development hereby granted planning permission shall not be occupied unless Electric Vehicle spaces and associated infrastructure has been constructed, drained, laid-out and demarcated as shown on the approved site plan drawing No. Zz_70_60_00 0002 Rev-P07.

Reason: in order to promote the decarbonisation of road transport and to ensure compliance with the Council's 'Transport and Accessibility' Supplementary Guidance.

15. CYCLE PARKING (SHORT AND LONG STAY)

That the development hereby granted planning permission shall not be brought into use unless the cycle storage facilities as shown on drawing no. Zz_70_60_00 0002 Rev-P07 have been fully installed and made available for use.

Reason: in the interests of encouraging sustainable travel, as required by policy T3 (Sustainable and Active Travel).

16. CARBON REDUCTION AND WATER EFFICIENCY

The building hereby granted planning permission shall not be occupied unless an Energy Statement and Water Efficiency Statement applicable to that building has been submitted to and approved in writing by the planning authority, and thereafter any measures agreed within that submission have been implemented in full. The Energy Statement shall include the following items:

- Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the development;
- Calculations using the SAP or SBEM methods which demonstrate that the reduction in carbon dioxide emissions rates for the development, arising from the measures proposed, will enable the development to comply with Policy R7 of the Aberdeen Local Development Plan 2017.

The Water Efficiency Statement shall include details of all proposed water saving technologies and techniques, along with evidence that the required BREEAM standard has been achieved.

Reason: to ensure this development complies with the on-site carbon reductions required in Scottish Planning Policy and Policy R7 of the Aberdeen Local Development Plan 2017.

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

The Convener moved, seconded by Councillor Allan:-

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

24 September 2020

That the application be approved in line with the recommendation contained in the report, with an extra condition (17) to read:-

“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. Reason - in the interests of ensuring adequate drainage for the site.”

Councillor Greig moved as an amendment, seconded by Councillor Cooke:-

That the application be refused for the following reasons:-

1. In regards to the Pinewood and Hazledene Planning brief, the proposed retail development is considered to be contrary to D1 Quality Placemaking by Design in that the proposed retail development is considered to be out of scale to the residential development which it is intended to serve;
2. The proposed retail development is contrary to policy T2 Managing Transport Impact of Development by virtue of generating additional traffic which would create an adverse impact on existing residential amenity and road safety;
3. The proposed retail development is considered to be contrary to policy D2 in that Landscaping along Countesswells Road would not adequately mitigate the visual impact to the amenity; and
4. In regards to the Pinewood and Hazledene planning brief, the proposed retail development is considered to be contrary to NC1, NC2 and NC4 by virtue that the scale of development is more appropriately located within a regional local neighbourhood centre.

On a division, there voted:- for the motion (8) – the Convener, the Vice Convener and Councillors Allan, Cooke, Copland, Cormie, MacKenzie and Malik; for the amendment (1) – Councillor Greig.

The Committee resolved:-

to adopt the motion and therefore approve the application conditionally.

STONEWOOD PARK ABERDEEN - 200656

7. The Committee had before it a report by the Chief Officer – Strategic Place Planning, **which recommended:-**

That the application for detailed planning permission for the installation of a security fence (retrospectively) at Stonewood Park Aberdeen, be refused.

The Committee heard from Robert Forbes, Senior Planner, who spoke in furtherance of the application and answered questions from members.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE
24 September 2020

The Committee resolved:-

to refuse the application.

- **Councillor Marie Boulton, Convener**