

## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 26 May 2022. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Henrickson, Convener; Councillor Bouse, Vice Convener; and Councillors Alphonse, Blake, Clark (as substitute for Councillor Mcrae), Copland, Cooke, Cormie, Crockett, Houghton, MacKenzie, McLeod (as substitute for Councillor Boulton) and Thomson.

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.

### DECLARATIONS OF INTEREST OR CONNECTIONS

1. At this juncture, Councillor Cooke advised that in the interest of transparency, that he had previously stated an opinion on the decision from Historic Environment Scotland to make the various buildings listed. Councillor Cooke advised that he would not withdraw from the meeting during consideration of the report.

### MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 21 APRIL 2022

2. The Committee had before it the minute of the previous meeting of 21 April 2022, for approval.

#### **The Committee resolved:-**

to approve the minute as a correct record.

### COMMITTEE PLANNER

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

#### **The Committee resolved:-**

to note the information contained in the Committee business planner.

### OLD FERRYHILL HOUSE, 70 PROSPECT TERRACE ABERDEEN - 220032

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

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That the application for Listed Building Consent for the erection of a single storey extension to the side and internal alterations at Old Ferryhill House, 70 Prospect Terrace Aberdeen, be approved unconditionally.

The Committee heard from Ms Aoife Murphy, Senior Planner, who spoke in furtherance of the application and answered questions from Members.

**The Committee resolved:-**

to approve the application unconditionally.

**MILLBANK HOUSE, 139 HARDGATE ABERDEEN - 211430**

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

That the application for Detailed Planning Permission for the change of use from Class 8 (residential institution) to form 10 flats (sui generis), erection of single storey extension to the rear, formation of terraces and balconies with associated balustrades, alterations to existing openings and other associated works at Millbank House, 139 Hardgate Aberdeen, be approved conditionally with a legal agreement.

**Conditions**

## 1. Tree Protection

No development shall take place pursuant to the planning permission hereby approved unless a further scheme for the protection of all trees to be retained on the site during construction works has been submitted to and approved in writing by the Planning Authority and such scheme as may have been approved has been implemented in full for the duration of the site works. 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.

## 2. Tree Management

The flats hereby approved shall not be occupied unless a plan and report illustrating appropriate management proposals for the care and maintenance of all existing trees on the site 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.

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Reason - In order to preserve the character and amenity of the area and ensure continuity of tree cover on the site.

**3. Landscape and Amenity Space**

No development pursuant to the planning permission hereby approved shall take place unless a detailed scheme of landscaping and amenity space for the site has been submitted to and approved in writing for the purpose by the Planning Authority. This scheme shall include details of the proposed grassed / herbaceous areas, areas of any tree/shrub /climber planting including details of numbers, densities, locations, species, sizes, stage of maturity at planting and establishment / protection measures and management arrangements. 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 planted areas which within a period of 5 years from the completion of the development, are removed or become seriously damaged shall be replaced in the next planting season with others of an extent 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 the interests of protection of the amenity of the area and ensure a suitable landscape treatment and amenity for occupants.

**4. Ecology Enhancement**

No development shall take place pursuant to this permission unless details of proposed ecological enhancement measures on site (including provision of bird and bat boxes) and native planting has been submitted to and agreed in writing by the planning authority. The flats shall not be occupied unless such measures have been implemented in accordance with the approved details.

Reason - In the interests of protection of natural heritage and ensure suitable mitigation measures.

**5. Surface Water Drainage**

No development shall take place pursuant to this planning permission unless the proposed surface water drainage system for the site has been submitted to and approved in writing by the Planning Authority. This shall include details of surface water SUDS measures and associated maintenance measures as required on site. The building hereby approved shall not be occupied unless the approved surface water drainage system has been implemented in full and is permanently retained thereafter in accordance with the approved maintenance scheme. For the avoidance of doubt, no surface water shall discharge from the site onto the public road or connect to the foul sewer.

Reason: In order to ensure that adequate drainage facilities are provided, and retained, in the interests of the amenity of the area.

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**6. Cycle Storage / Parking**

No development shall take place pursuant to this permission unless details of secure cycle storage for all occupants and visitor cycle parking at the site frontage has been submitted to and approved in writing by the Planning Authority. The flats hereby approved shall not be occupied unless the approved cycle storage facilities, including those shown on drawing no. 11 B, or such other drawings as may be approved, have been provided. The secure store shall be demonstrated to be secure/lockable, via submission of such details.

Reason: In the interests of encouraging more sustainable modes of travel and the objective of ALDP policy T2.

**7. Granite Re-use**

No development shall take place pursuant to this planning permission, nor shall any demolition works commence, unless a scheme for the sensitive downtaking, storage and subsequent re-use on site of existing granite walling, gatepost and setts within the site has been submitted to and agreed in writing by the planning authority. Thereafter, the development shall be implemented in complete accordance with the approved scheme.

Reason: In order to secure appropriate re-use of granite within the development in accordance with the expectations of ALDP policy D5 and sustainability objectives.

**8. Boundary Wall / Site Entrance**

No development shall take place pursuant to this planning permission, unless a detailed scheme for the retention and alteration of the existing granite boundary wall at the site frontage and the retention, downtaking and subsequent reinstatement of the existing granite entrance pillars has been submitted to and approved in writing by the Planning Authority. The development hereby approved shall not be occupied unless such scheme as may be approved and the site entrance as shown on drawing 17, or such other drawing as may be approved in writing by the Planning Authority, have been implemented in their entirety, unless otherwise agreed in writing.

Reason: In the interest of visual and residential amenity / privacy and to ensure a satisfactory finish of the development.

**9. Privacy**

Notwithstanding drawing 15 hereby approved, flat 9 hereby approved shall not be occupied unless additional glazed screening has been provided on the south elevation of the proposed external terrace at the roof level of the proposed extension, in accordance with additional construction details to be agreed.

Reason – In the interest of the protection of the residential amenity (privacy) of the adjacent house and private garden ground at 15 Bethany Gardens.

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**10. Building Construction Details**

No development shall take place pursuant to this planning permission unless construction details of the proposed windows /doors, balconies / terraces and associated glazed screens; external vents / ducts; including detailed cross sections demonstrating the relationship with masonry, have been submitted to, and approved in writing, by the Planning Authority. For the avoidance of doubt all ventilation pipes and services shall be directed to the rear of the building / roof and any interventions on the granite façade shall be minimised. Thereafter the development shall be carried out in accordance with the details so agreed.

Reason: In the interest of visual amenity and to ensure a satisfactory finish of the development.

**11. Vehicle Parking / Servicing / Layout / Turning arrangements**

The development hereby approved shall not be occupied unless the vehicle parking area hereby granted planning permission has been constructed, drained, laid-out and demarcated in accordance with a detailed approved scheme which shall be 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 ancillary vehicle parking / provision of access to / servicing the development and use hereby granted approval. For the avoidance of doubt, a minimum of one electric vehicle (EV) parking space shall be provided within the site, together with associated EV charging infrastructure.

Reason – in the interests of public safety and residential amenity.

**12. Footway Crossing**

No development shall take place pursuant to this planning permission unless a detailed scheme for the proposed footway crossing / reinstatement at the site frontage has been submitted to and approved in writing by the Planning Authority.

Reason: In the interests of encouraging sustainable modes of travel and the objective of sustainable development and ALDP policy T3.

**13. Bin Storage**

The flats hereby approved shall not be occupied unless provision has been made within the application site for the storage of refuse disposal and recycling facilities in accordance with a scheme which has been submitted to and approved in writing by the Planning Authority. For the avoidance of doubt such storage shall include suitable screening, ventilation and wash down / drainage facilities.

Reason: In order to preserve the amenity of the neighbourhood and in the interests of public health.

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

### **The Committee resolved:-**

to approve the application conditionally with a legal agreement, in line with the officer recommendation. Condition 11 was amended to read:-

#### “11. Vehicle Parking / Servicing / Layout / Turning arrangements

The development hereby approved shall not be occupied unless the vehicle parking area hereby granted planning permission has been constructed, drained, laid-out and demarcated in accordance with a detailed approved scheme which shall be 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 ancillary vehicle parking / provision of access to / servicing the development and use hereby granted approval. For the avoidance of doubt, all seven parking spaces shall be provided within the site, together with associated electric vehicle (EV) charging infrastructure, to be agreed in writing by the planning authority.

Reason – in the interests of public safety and residential amenity.”

### **SITE TO THE NORTH WEST OF HELIX HOUSE, KIRKTON DRIVE ABERDEEN - 220026**

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

That the application for Detailed Planning Permission for the erection of an energy storage facility including containers of batteries, power converters, transformers, stores, meter building, security fencing and associated infrastructure at site to the north west of Helix House, Kirkton Drive Aberdeen, be approved subject to the following conditions.

### **Conditions**

1. That in the event that any battery installed and commissioned fails to commercially operate as intended for a continuous period of six-months and there is no plan in place to bring the battery in to operation within a further period of six-months, then unless agreed in writing with the Planning Authority, the facility will deemed to have ceased to be required. If deemed to have ceased to be required, the battery, battery storage container and its ancillary equipment will be dismantled and removed from the site, with the cells being appropriately disposed and/ or recycled/ re-purposed, and the ground being re-instated to the specification and satisfaction of the Planning Authority by the operator within the following three-month period.

Reason: to ensure that any redundant facilities are removed from the site, in the interests of safety, amenity and environmental protection.

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2. That in the event of the development hereby approved not operating on a commercial basis to the grid network for a continuous period of 12 months, the company must immediately notify the Planning Authority in writing of the situation and shall, if directed by the Planning Authority decommission the development and reinstate the site to the specification and satisfaction of the Planning Authority. The Planning Authority shall have due regard to the circumstances surrounding the failure to store electricity.

Reason: to ensure the decommissioning and removal of the development in an appropriate and environmentally acceptable manner and the restoration of the site. In the interests of safety, amenity and environmental protection.

3. That no development shall take place other than in accordance with the plans unless and until full details of the proposed battery storage containers (and ancillary infrastructure) hereby permitted has been submitted to and approved in writing by the Planning Authority. These details shall include:
  - (a) design, power rating, sound power level modelled at the most sensitive receptor (if deviating from the Noise Impact Assessment accompanying the application), layout and dimensions of the battery storage containers (and ancillary infrastructure) and the metering building to be installed.
  - (b) detailed site layout plan, including surfacing materials, boundary treatment, surface water drainage measures and planting.

Thereafter, the battery storage containers and associated infrastructure shall be installed and operate in accordance with these approved details.

Reason: to protect the visual amenity of the area.

4. That no development shall commence until details of the final drainage design has been submitted to and approved in writing by the Planning Authority. The development shall be constructed in accordance with the approved details and thereafter maintained in perpetuity.

Reason: in order to ensure that the site is adequately drained.

5. That no trees shall be removed during the bird nesting season (beginning of April to end of August) unless there has been carried out a nesting bird survey by a suitably qualified specialist, and that specialist remains on site for the duration of the removal operation.

Reason: in the interests of the protection of breeding birds.

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6. That no development shall take place unless tree protection fencing is in place on site. This shall be in accordance with a scheme that has been submitted to and approved in writing by the planning authority.

Reason: In the interests of biodiversity and visual amenity.

7. That no development shall commence until details of the final landscaping and drainage design has been submitted to and approved in writing by the Planning Authority. The development shall be constructed in accordance with the approved details and thereafter maintained in perpetuity.

Reason: in order to ensure that the site is adequately drained.

8. That prior to the commencement of development, the Fire Safety Management Procedure shall be submitted to, and agreed in writing by the Planning Authority. Thereafter the plan shall be implemented and retained in perpetuity, unless otherwise agreed in writing by the Planning Authority.

Reason: in the interests of fire safety and in the amenity of the surrounding area.

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

**The Committee resolved:-**

to approve the application conditionally in line with the officer recommendation and an Informative added to read:-

**SAFEGUARDING OF ABERDEEN INTERNATIONAL AIRPORT (CRANES)**

Attention is drawn to the requirement within the British Standard Code of Practice for the Safe Use of Cranes (BS7121), specifically section 9.9.3 (Crane Control in the Vicinity of Aerodromes) which requires the responsible person to consult the aerodrome manager for permission to work if a crane is to be used within 6km of an aerodrome and its height would exceed 10m or that of surrounding trees and structures.

Use of cranes, or other tall construction equipment must be notified to Aberdeen International Airport Safeguarding Manager ([abzsafeguard@aairport.com](mailto:abzsafeguard@aairport.com) / 01224 725756) at least one month prior to use. Failure to do so may result in any responsible person being guilty of an offence under Article 137 (Endangering Safety of Aircraft) of the Air Navigation Order (CAP 393) which states that a person must not recklessly or negligently act in a manner likely to endanger an aircraft.

**7 LOCHSIDE DRIVE ABERDEEN - 220278**



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

That the application for Detailed Planning Permission for the erection of a log cabin to the side (part retrospective) at 7 Lochside Drive Aberdeen, be **refused** for the following reasons:-

The proposal, its scale and design has failed to consider the context of the site and its surrounding area, and on the basis that the log cabin would occupy a prominent location within the rear curtilage to the side elevation of the existing property it is considered to have an overbearing and negative visual impact on the surrounding area. The proposal is therefore considered to be contrary to the requirements of Policies H1 (Residential Areas) and D1 (Quality Placemaking by Design) of the adopted Aberdeen Local Development Plan 2017; the ‘Householder Development Guide’ Supplementary Guidance and Policies H1, D1 and D2 of the Proposed Aberdeen Local Development Plan 2020.

The Committee heard from Ms Rebecca Kerr, Planner, who spoke in furtherance of the application and answered various questions from Members.

**The Committee resolved:-**

to refuse the application in line with the officer recommendation.

### PLANNING ENFORCEMENT ACTIVITY REPORT - PLA/22/072

8. The Committee had before it a report by the Interim Chief Officer – Strategic Place Planning, which informed Members of the Planning Enforcement work that had been undertaken by the Planning Service from 1 April 2021 to 31 March 2022.

Mr Gavin Clark, Senior Planner, spoke in furtherance of the report and answered questions from Members. Mr Clark advised that a new Planning Inspector had recently commenced employment in April 2022 and that 261 new cases had been investigated since 1 April 2021 with 68 still under investigation.

**The Committee resolved:-**

- (i) to thank officers for their continued hard work and efforts in relation to Enforcement; and
- (ii) to otherwise note the contents of the report.

### A REVISED GUIDE TO PLANNING CONSENTS FOR THE ABERDEEN INNER-CITY MULTIS - PLA/22/085

9. The Committee had before it a report by the Interim Chief Officer – Strategic Place Planning, which presented a revised guide on Planning Consents for the Aberdeen Inner-City Multis which had been listed as Category A by Historic

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Environment Scotland. The report also sought approval to adopt the revised document which reflected the changes to the buildings list descriptions by Historic Environment Scotland as Aberdeen Planning Guidance (non-statutory planning guidance).

**The report recommended:-**

that the Committee approve the content of the revised 'Guide to Planning Consents for the Aberdeen Inner-City Multis' (Appendix 1) as Aberdeen Planning Guidance (non-statutory planning guidance).

The Committee heard from Ms Sepi Hajisoltani, Planner, who spoke in furtherance of the application and answered questions from members.

**The Committee resolved:-**

to approve the recommendation.

**AFFORDABLE HOUSING WAIVER EXTENSION - PLA/22/091**

10. The Committee had before it a report by the Interim Chief Officer – Strategic Place Planning, which sought to extend the current Affordable Housing waiver which was due to expire in June 2022, until the formal review of the waiver be reported to Full Council in August 2022, as part of the City Centre Masterplan Review.

**The report recommended:-**

that the Committee agree to extend the Affordable Housing Waiver until September 2022, or until such time as Council determine the future of the waiver.

The Committee heard from the Interim Chief Officer – Strategic Place Planning, who spoke in furtherance of the report and answered various questions from Members.

**The Committee resolved:-**

to approve the recommendation.

- **Councillor Dell Henrickson, Convener**