

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 29 September 2022. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Henrickson, Convener; Councillor Bouse, Vice Convener; and Councillors Alphonse, Blake, Boulton, Clark (as substitute for Councillor Cormie), Cooke, Copland, Crockett, Houghton, MacKenzie, McRae 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.

MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 1 SEPTEMBER 2022

1. The Committee had before it the minute of the previous meeting of 1 September 2022, for approval.

The Committee resolved:-

to approve the minute as a correct record, subject to the amendment to Councillor Bonsell's name, which had been stated as Councillor Boswell.

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.

54 CLAREMONT STREET ABERDEEN - 220640

3. 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 change of use from class 1 (retail) to class 11 (assembly and leisure) at 54 Claremont Street Aberdeen, be approved subject to the following conditions:-

Conditions

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

29 September 2022

- 1) That the hours of operation for the Class 11 use hereby approved shall be limited to between 08:00 and 22:00 on any given day between Monday and Saturday and to between 10:00 and 21:00 on Sundays.

Reason: In the interests of the amenity of the neighbouring properties.

- 2) That no cooking, frying or baking operations (including, but not limited to: deep fat frying, shallow frying, oven cooking, boiling, stewing, grilling or broiling) shall be carried out on the premises.

Reason: In the interests of preventing malodour and ensuring the existing level of residential amenity afforded to the neighbouring properties is retained.

- 3) That the use hereby approved shall not be implemented unless the waste storage area identified on the submitted floor plan (Ref: 004 Rev A), has been completed in its entirety, unless details of a variation have been submitted to, and approved in writing by the Planning Authority.

Reason: To ensure bins are not stored on the street, in the interests of pedestrian accessibility and safety.

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

The Committee resolved:--

to approve the application conditionally. Conditions amended to read:-

1. That the hours of operation for the Class 11 use, and any activities for the preparation, cleaning and clearing required for the Class 11 use activities hereby approved, shall be limited to between 08:00 and 22:00 on any given day between Monday and Saturday and to between 10:00 and 21:00 on Sundays.

Reason: In the interests of the amenity of the neighbouring properties.

2. That notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 or the Town and Country Planning (Use Classes) (Scotland) Order 1997 or any order amending, revoking or re-enacting these Orders, the premises hereby approved shall be not used for any purpose within Use Class 11 (Assembly and Leisure) comprising:

- (a) a cinema;
- (b) a concert hall;
- (c) a bingo hall or casino;
- (d) a dance hall or discotheque; or
- (e) a gymnasium,

without the express grant of planning permission from the planning authority.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

29 September 2022

Reason: To protect the amenity of the surrounding area.

3. That no cooking, frying or baking operations (including, but not limited to: deep fat frying, shallow frying, oven cooking, boiling, stewing, grilling or broiling) shall be carried out on the premises.

Reason: In the interests of preventing malodour and ensuring the existing level of residential amenity afforded to the neighbouring properties is retained.

4. That the use hereby approved shall not be implemented unless the waste storage area identified on the submitted floor plan (Ref: 004 Rev A), has been completed in its entirety, unless details of a variation have been submitted to, and approved in writing by the Planning Authority.

Reason: To ensure bins are not stored on the street, in the interests of pedestrian accessibility and safety.

SITE OP51 OFF CORNYHAUGH ROAD, PERTERCULTER, ABERDEEN - 190314

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

that the application for planning permission in principle for a proposed residential development including mix of private, affordable and retirement housing consisting of approximately 44 homes with associated access roads and landscaping, at site OP51 off Cornyhaugh Road, Perterculter, Aberdeen, be approved subject to the following conditions and with a legal agreement:-

Conditions

1. Detailed design

No development in connection with the planning permission hereby approved shall take place unless the following details have been submitted to the Planning Authority and agreed in writing by way of a formal application for the approval of matters specified in conditions. Thereafter, development shall be implemented in full accordance with the approved details.

Unless otherwise agreed in writing with the planning authority, MSC applications shall include:

- a) siting, design and external appearance of the built development;
- b) a detailed landscape plan and strategy;
- c) details of the means of access, including junction design and trigger points for delivery;
- d) A detailed levels survey of the site and cross sections showing proposed finished ground and floor levels relative to existing ground levels and a fixed datum point;

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

29 September 2022

- e) A detailed Drainage Plan, including details of the proposed means of disposal of surface water, including how surface water run-off shall be addressed during construction, incorporating the principles of pollution prevention and mitigation measures. The final location of SUDs, including ponds, should be appropriately positioned in accordance with an agreed flood risk assessment;
- f) Details of the connection to the existing Scottish Water foul water drainage network;
- g) Details of all cut and fill operations;
- h) The details of all roads, footpaths, cycleways and car parking provision;
- i) Details of any screen walls/fencing/boundary enclosures;
- j) Details of all landscaping, planting and screening;
- k) Details of the layout, siting, design, materials and finishes of all residential and non-residential buildings; and,
- l) Details of waste/recycling storage and collection points, for residential properties, including swept-path analysis of refuse collection vehicles.

Reason: In order to secure the requisite information for assessment of detailed proposals and ensure compliance with the relevant policies of the Aberdeen Local Development Plan.

2. Landscaping information

No development pursuant to this grant of planning permission shall be undertaken unless full details of hard and soft landscaping for the site have first been submitted to and approved by the planning authority by way of a formal application for the approval of matters specified in conditions. For the avoidance of doubt, the required scheme shall include:

- a) Existing and proposed finished ground levels relative to a fixed datum point;
- b) Existing landscape features and vegetation to be retained.
- c) Tree survey, Arboricultural Impact Assessment (AIA) and Tree Protection Plan (TPP) (undertaken to BS5837:2012);
- d) Existing and proposed services including cables, pipelines and substations;
- e) The location of new trees, shrubs, hedges, grassed areas and water features;
- f) A schedule of plants to comprise species, plant sizes and proposed numbers and density;
- g) The location, design and materials of all hard landscaping works including walls, fences, gates, street furniture and play equipment;
- h) An indication of existing trees, shrubs and hedges to be removed;
- i) A programme for the completion and subsequent maintenance of the proposed landscaping;
- j) A statement setting out how the proposed landscaping measures have demonstrated regard for the findings of the Landscape and Visual Impact Assessment (LVIA) required by condition 15 of this consent, including any recommendations made therein for landscape planting to mitigate identified impacts.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

29 September 2022

All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following completion of the development or such other date as may be agreed in writing with the Planning Authority. Any planting which, within a period of 5 years from the completion of each phase 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.

Reason: in the interests of protecting trees and ensuring a satisfactory quality of environment.

3. Street Design, Car Parking etc.

No development pursuant to this grant of planning permission shall be undertaken unless details of the proposed street design, which shall contain but not be limited to:

- a) a parking strategy (including provision for accessible spaces, motorcycle and bicycle spaces and Electric Vehicle charging points and infrastructure);
- b) road geometry, dimensions and swept-path analysis;
- c) site access junctions (including secondary/emergency access and installation of demountable bollards or similar) and visibility splays;
- d) traffic calming measures;
- e) footway and cycleway provision;
- f) gradient;
- g) level details;
- h) finishing/surfacing materials; and
- i) crossing points;

have been submitted to and approved in writing by the Planning Authority in consultation with the Roads Authority, by way of a formal application for the approval of matters specified in conditions.

No building shall be occupied unless the access junctions, streets and parking areas serving the respective block are complete and available for use (with works completed to an adoptable standard where applicable).

Reason: in the interests of road safety and to ensure compliance with policies T2 and T3 of the Aberdeen Local Development Plan.

4. Safe Routes to School

That no development shall be undertaken unless details of safe routes to school have been submitted to and agreed in writing by the planning authority by way of a formal application for the approval of matters specified in conditions. This shall include details of measures, including a timetable for implementation, required to help ensure safe travel to school.

Thereafter, no units shall be occupied unless the approved routes are laid out and available for use.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

29 September 2022

Reason: In order to provide safe routes for travelling to local schools by sustainable means.

5. Residential Travel Pack

That no residential unit within the development shall be occupied unless a Residential Travel Pack, expanding on the principles set out in the agreed Travel Plan Framework and containing proposals for reducing dependency on the private car and details of the identified safe route(s) to Culter Primary School, has been submitted to and approved in writing by the Planning Authority, by way of a formal application for the approval of matters specified in conditions, and thereafter any approved travel pack has been provided to residents on first occupation.

Reason: to be consistent with the requirements of Scottish Planning Policy (SPP) and PAN 75 Planning for Transport – in the interests of reducing travel by private car.

6. Noise Assessment and Mitigation Measures

No development pursuant to this grant of planning permission shall be undertaken unless a further Noise Impact Assessment, based on the final design and layout approved via condition 1 (Detailed Design) and including details of any necessary noise mitigation measures, has first been submitted to and agreed in writing by the planning authority by way of a formal application for the approval of matters specified in conditions.

For the avoidance of doubt, this assessment shall include consideration for noise emanating from the nearby commercial garage and from Culter YFC (e.g. crowd noise, ball strikes).

Thereafter, no residential unit within the development shall be occupied unless the approved mitigation measures for that unit have been implemented in full.

Reason: To ensure that a suitable residential environment is provided, and that potential noise impact is mitigated as necessary.

7. Contaminated Land (A)

No development shall take place unless it is carried out in full accordance with a scheme to address any significant risks from contamination on the site that has been approved in writing by the planning authority by way of a formal application for the approval of matters specified in conditions.

The scheme shall follow the procedures outlined in “Planning Advice Note 33 Development of Contaminated Land” and shall be conducted by a suitably qualified person in accordance with best practice as detailed in “BS10175 Investigation of Potentially Contaminated Sites - Code of Practice” and other best practice guidance and shall include:

1. an investigation to determine the nature and extent of contamination

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

29 September 2022

2. a site-specific risk assessment
3. a remediation plan to address any significant risks and ensure the site is fit for the use proposed
4. verification protocols to demonstrate compliance with the remediation plan

Reason: to ensure that the site is suitable for use and fit for human occupation.

8. Contaminated Land (B)

No building(s) on the development site shall be occupied unless:

1. any long-term monitoring and reporting that may be required by the approved scheme of contamination or remediation plan or that otherwise has been required in writing by the planning authority is being undertaken; and
2. a report specifically relating to the building(s) has been submitted and approved in writing by the planning authority (by way of a formal application for the approval of matters specified in conditions) that verifies that remedial works to fully address contamination issues related to the building(s) have been carried out, unless the planning authority has given written consent for a variation.

The final building on the application site shall not be occupied unless a report has been submitted and approved in writing by the planning authority (by way of a formal application for the approval of matters specified in conditions) that verifies that the remedial works have been carried out in full accordance with the remediation plan, unless the planning authority has given written consent for a variation.

Reason: to ensure that the site is suitable for use and fit for human occupation.

9. CEMP

No development shall be carried out within any individual phase of the development hereby approved unless a site-specific Construction Environmental Method Plan (CEMP) for that phase of works has been submitted to, and approved in writing by, the Planning Authority in consultation with SEPA, by way of a formal application for the approval of matters specified in conditions. Thereafter, all works on site must be undertaken in accordance with the approved CEMP unless otherwise agreed in writing with the Planning Authority.

For the avoidance of doubt, this CEMP shall also include the following measures identified in the submitted Phase 1 Habitat Survey:

- a. Provision of silt fencing or a similar barrier, placed between any exposed ground and soil heaps present on the site and the Culter Burn, unnamed ditch and swamp habitats, to avoid sediment washing downstream to the River Dee SAC in heavy rainfall;
- b. Appointment of an Ecological Clerk of Works to oversee ground clearance work and move any protected species found to a safe area of the site – due to

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

29 September 2022

confirmed presence of common lizard and potential presence of adder, slow worm and hedgehog;

- c. During construction, any excavations such as trial pits or trenches created should not be left open for mammals such as otter or badger to fall into. Appropriate covers should be fitted at the end of each working day. If it is not possible to cover excavations, some form of ramp should be placed to allow animals to climb out. All exposed pipe systems should be capped;
- d. Employment of screen fencing or planting between the development site and water courses to reduce noise and visual disturbance to otter;
- e. Temporary lights used during construction should be fitted with shades to prevent light spilling outside of the working area. Temporary lights should not illuminate tree lines or the Culter Burn as lighting can affect foraging and commuting of mammals such as bats, otter and badger.
- f. No trees or scrub shall be removed during summer months (April-Oct) unless a pre-works check for nesting birds has been made by a suitably qualified ecologist (within 24 hours of any planned removal of trees or scrub).

Reason: In order to minimise the impacts of necessary demolition and construction works on the environment.

10. Blue-Green Infrastructure

No development pursuant to this grant of planning permission shall be undertaken unless a scheme detailing the inclusion of blue-green infrastructure within the development (including timetable for completion of works) has first been submitted to and approved in writing by the planning authority, by way of a formal application for the approval of matters specified in conditions.

Thereafter, any measures for the provision of blue green infrastructure shall be implemented in full accordance with the approved scheme of works and its accompanying timetable.

Reason: To ensure that the site incorporates natural and semi-natural areas and contributes to the biodiversity value of the Culter Burn Local Nature Conservation Site and associated habitats.

11. Replacement Football Pitch

That no development pursuant to this grant of planning permission shall be undertaken unless planning permission has first been obtained for a replacement football pitch of comparable or greater benefit for sport in a location that is convenient for its users – for the avoidance of doubt, the required replacement pitch shall be designed and constructed by a recognised (e.g. SAPCA* registered) specialist pitch contractor(s) and details of contractor(s) and pitch specification (dimensions and construction) shall be

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

29 September 2022

submitted to the planning authority for its consideration as part of any application for planning permission.

Thereafter, no flat or dwellinghouse within the development hereby approved shall be occupied unless the replacement football pitch has been provided and made available for use in full accordance with the planning permission so obtained and to the specification approved.

*SAPCA is The Sports and Play Construction Association (www.sapca.org.uk)

Reason: To ensure compliance with Aberdeen Local Development Plan (policy NE3) and Scottish Planning Policy as regards the safeguarding of outdoor sports facilities.

12. Retained Sports Pitches – Safeguarding Scheme

That no development pursuant to this grant of planning permission shall be undertaken unless a safeguarding scheme which protects the existing pitches area to the north of the application site during the construction period has first been submitted to and approved in writing by the planning authority, by way of a formal application for the approval of matters specified in conditions. The approved scheme shall thereafter be implemented for the duration of the construction period.

Reason: To ensure compliance with Aberdeen Local Development Plan (policy NE3) and Scottish Planning Policy as regards the safeguarding of outdoor sports facilities.

13. Surface Water Drainage

No development pursuant to this grant of planning permission shall be undertaken unless a scheme detailing levels of sustainable drainage (SUDS) surface water treatment has been submitted for the written approval of the planning authority (via a formal application for the approval of matters specified in conditions), in consultation with SEPA. Thereafter all works shall be carried out in accordance with the approved scheme.

Reason: To ensure adequate protection of the water environment from surface water run-off and to ensure compliance with policy NE6 (Flooding, Drainage and Water Quality) of the ALDP.

14. Lighting Impact Assessment

No development pursuant to this grant of planning permission shall be undertaken unless a Lighting Impact Assessment, carried out by a suitably qualified consultant and considering the potential for impact on dwellings from artificial light sources at Culter YFC, has first been submitted to and approved in writing by the planning authority, by way of a formal application for the approval of matters specified in conditions.

Thereafter, any mitigation measures shall be implemented in full accordance with the approved assessment prior to first occupation.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

29 September 2022

Reason: To ensure that the site incorporates natural and semi-natural areas and contributes to the biodiversity value of the Culter Burn Local Nature Conservation Site and associated habitats.

15. Landscape and Visual Impact Assessment (LVIA)

No development pursuant to this grant of planning permission shall be undertaken unless a detailed Landscape and Visual Impact Assessment (LVIA), based on any final designed layout, has been submitted and approved in writing by the planning authority, by way of a formal application for the approval of matters specified in conditions. The requisite assessment should be carried out by qualified Landscape Architect in accordance with *Guidelines for Landscape and Visual Impact Assessment Edition 3 (GLVIA3)* and it should include assessing impacts on the Dee Valley Special Landscape Area (SLA) in Aberdeenshire.

Reason: To ensure that the visual impacts of the proposal are fully understood and, where possible, mitigated.

16. Carbon Reduction and Water Efficiency

No units within the development shall be occupied unless a scheme detailing measures to ensure compliance with the Council's 'Resources for New Development' Supplementary Guidance (including water efficiency measures) has first been submitted to and agreed in writing by the planning authority (by way of a formal application for the approval of matters specified in conditions), and any recommended measures specified within that scheme for the reduction of carbon emissions and reduction in water use have been implemented in full.

Reason: To ensure that this development complies with the requirements for carbon emission reductions and water saving measures set out in the Council's 'Resources for New Development' Supplementary Guidance.

17. Digital Infrastructure

No unit shall be occupied unless all units have first been provided with a full fibre broadband connection, in accordance with a scheme which has been submitted to and approved in writing by the planning authority via a formal application for the approval of matters specified in conditions.

Reason: In order to provide all homes with access to high-speed communications infrastructure, in accordance with the requirements of Policy CI1 (Digital Infrastructure) of the Aberdeen Local Development Plan.

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

The Committee resolved:-

to approve the recommendation and therefore approve the application conditionally with a legal agreement.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE
29 September 2022

BANK COTTAGE, 6 SUNNYBANK ROAD ABERDEEN - 220896

5. 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 a garden shed (retrospectively) at Bank Cottage, 6 Sunnybank Road Aberdeen, be refused for the following reasons:-

The proposal had failed to consider the context of the site and its surrounding area, and on the basis that the shed would occupy a prominent location within the rear curtilage which – despite existing and proposed screening – would still be visible, particularly in the winter months. Additionally, from a design perspective, the proposal failed to relate to the original dwelling or surrounding area. It was considered that such development would be incompatible with the original dwelling and have an adverse effect on the character of the existing built environment. The proposal was therefore considered to be contrary to the requirements of Policies CF1 (Existing Community Sites and Facilities) and D1 (Quality Placemaking by Design) of the adopted Aberdeen Local Development Plan 2017; the Supplementary Guidance: ‘The Householder Development Guide’; and Policies CF1, D1 and D2 of the Proposed Aberdeen Local Development Plan 2020.

The proposal would fail to preserve the character and appearance of the Old Aberdeen Conservation Area in line with the legislative requirements of Scottish Planning Policy and Historic Environment Policy Scotland and would therefore also fail to address the requirements of Policy D4 (Historic Environment) of the adopted Aberdeen Local Development Plan 2017 and Policy D6 of the Proposed Aberdeen Local Development Plan 2020.

Taking the above into account and following on from the evaluation under policy and guidance, it was considered that there were no material planning considerations of sufficient weight that would warrant approval of the application in this instance.

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

The Convener, seconded by Councillor Crockett, moved:-

that the Committee refuse the application in line with the officer recommendation.

Councillor Boulton moved as an amendment, seconded by Councillor Alphonse:-

that the application be approved for the following reasons:-

Although the shed would occupy a prominent elevated position the amendments to the design by way of removal of part of the roof and the incorporation of

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

29 September 2022

additional landscaping by way of an additional condition were considered sufficient to adequately mitigate its visual impact. As such the proposal was considered compatible with the original dwelling and would not have an adverse effect on the character of the existing built environment. The proposal was therefore considered to be meet the requirements of Policies CF1 (Existing Community Sites and Facilities) and D1 (Quality Placemaking by Design) of the adopted Aberdeen Local Development Plan 2017; the Supplementary Guidance: 'The Householder Development Guide'; and Policies CF1, D1 and D2 of the Proposed Aberdeen Local Development Plan 20.

On a division, there voted:- for the motion (7) – the Convener, the Vice Convener and Councillors Blake, Copland, Crockett, Houghton and Thomson; for the amendment (6) – Councillors Alphonse, Boulton, Cooke, Clark, MacKenzie and McRae.

The Committee resolved:-

to adopt the motion and therefore refuse the application.

- **COUNCILLOR DELL HENRICKSON, Convener**