

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 12 January 2023. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Bouse, Convener; and Councillors Alphonse (for all items except article 8) , Blake, Boulton, Clark, Cooke, Copland, McRae, Thomson and van Sweeden (as substitute for Councillor Henrickson, the Convener).

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. Councillor Alphonse advised in relation to item 7.2 on the agenda, 26 Hollybank Place (article 8 refers) that she knew the agent for the application, who was due to make a presentation to the Committee and therefore would leave the meeting when the application was being considered and would take no part in the deliberation or determination of the application.

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

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

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

The Committee resolved:-

to approve the minute as a correct record.

COMMITTEE PLANNER

3. The Committee had before it the committee business planner, as prepared by the Interim Chief Officer – Governance.

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The Committee resolved:-

to note the business planner.

NOTICE OF MOTION BY COUNCILLOR BOULTON

4. The Committee had before it a notice of motion by Councillor Boulton in the following terms:-

that the Committee:-

request that the Chief Officer – Strategic Place Planning, in consultation with the Interim Chief Officer – Governance, submit a report to this Committee in two cycles, which reviews the constitution and operation of the Local Review Body to include all matters.

The Committee resolved:-

to approve the motion.

45 STOCKETHILL WAY ABERDEEN - 221055

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 formation of a driveway to the front and alterations to a boundary wall at 45 Stockethill Way Aberdeen, be approved subject to the following conditions:-

Conditions

1. DURATION OF PERMISSION

The development to which this notice relates must be begun not later than the expiration of 3 years beginning with the date of this notice. If development has not begun at the expiration of the 3 year period, the planning permission lapses.

Reason - in accordance with section 58 (duration of planning permission) of the 1997 act.

2. BIN STORE RELOCATION

That the driveway hereby approved shall not be constructed unless the bin store has been moved in agreement with the Council's Waste and Recycling Service away from the edge of the pavement adjacent to the existing parking bay.

Reason - in the interest of improving visibility entering the proposed driveway.

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The Committee heard from Samuel Smith, Planner, who spoke in furtherance of the application and answered questions from members.

The Committee resolved:-

to approve the application conditionally.

FIRST ABERDEEN, 395 KING STREET ABERDEEN - 221328

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 installation of electric substations, transformers, feeder pillars, chargers, acoustic fences and associated works at First Aberdeen, 395 King Street, be approved subject to the following conditions:-

Conditions

01. DURATION OF PERMISSION

The development to which this notice relates must be begun not later than the expiration of 3 years beginning with the date of this notice. If development has not begun at the expiration of the 3 year period, the planning permission lapses.

Reason - in accordance with section 58 (duration of planning permission) of the 1997 act. Page 38 Application Reference: 221328/DPP

02. TREE PROTECTION

No development shall take place in relation to construction works authorised by this permission unless the proposed tree protection fencing as identified in drawing number: WC-127.1c.5 of the approved arboricultural assessment report dated 02/12/22 (Woodsage Consulting ref: WC-127.1 rev C), or such other drawings as may be approved, has been implemented on site and is retained for the duration of construction works on site. Evidence of implementation of such fencing and related signage shall be submitted to the Planning Authority in advance of commencement of development. No excavation, storage of materials, supplies, plant, machinery, spoil, changes in ground levels or other construction activities shall take place within the protected areas within the site.

Reason – In order to ensure the amenity of the area is protected and to minimise impact on trees due to root severance / soil compaction.

03. SOFT LANDSCAPING / TREE PLANTING

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All soft landscaping / planting proposals on site as identified in drawing number 1176-003 rev. K shall be carried out in accordance with the approved landscape / maintenance scheme and shall be completed during the first planting season immediately following the commencement 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 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: To ensure the implementation of a satisfactory scheme of soft landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

04.NOISE ATTENUATION MEASURES

The electric vehicle (EV) charging facilities hereby approved shall not be used unless the specific noise mitigation measures have been installed in complete accordance with the approved Noise Impact Assessment (NIA) dated 0/11/22 (Environmental Noise Solutions Limited ref. NIA/10512/22/10699/v2/395 King Street, Aberdeen), or such other mitigation measures as may be agreed in writing with the Planning Authority. Installation of the following specific noise mitigation measures is required :

- a) The proposed fixed plant items and the associated calculated sound power levels, based on manufacturer's data, shall not exceed that advised within Section 4.1 of the report namely, 64 Heliox battery charger units – 73 dB LwA and the noise rating level detailed within tables 4.2 and 4.3;
- b) Installation of 4.0 m and 2.4 m high noise barriers, the specification and location of which are detailed within the relevant drawings (reference: 1176-003, Title: Proposed Site Plan – Full EV, dated May 22, Revision J) also presented in figure 1.1 of the report and fence drawings (reference: 1176-014, Revision B, Acoustic fence Page 1 of 2, dated May 22 and 1176-015, Revision A, Acoustic fence Page 2 of 2, dated May 22), namely, close boarded timber fence, with low level gravel board to ensure there are no gaps at the foot of the fence. Timber should be minimum 10kg/m², and should be overlapped to ensure there are no gaps between the fence slats;
- c) Installation of the glass reinforced plastic (GRP) plant housings to the required transformers and RMU units as detailed within the relevant drawings (reference: 1176-011, Title: Typical Substation / Charger / Feeder Pillar Elevations, dated May 22, Revision A and reference: 1176- Page 39 Application Reference: 221328/DPP 013, Title: Propose RMU Building, dated May 22).

The physical measures identified above, once installed, shall subsequently be retained on site for the duration of the use of the EV equipment.

Reason: In the interests of protection of the residential amenity of nearby residents.

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

The Committee also heard from the agent for the application, Mr Duncan Cameron, who spoke in support of the application.

The Committee resolved:-

to approve the application conditionally.

SITE WEST OF NORTHCOTE LODGE CARE HOME, CRAIGTON ROAD, ABERDEEN - 220772

7. 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 the erection of a nursery, including car parking, landscaping and associated infrastructure at site west of Northcote Lodge Care Home, Craigton Road Aberdeen, be refused for the following reasons:-

1. That the proposed development would not be for purposes considered essential for agriculture, woodland, or forestry, it would not be a recreational use associated with the existing agricultural or rural setting and would not be associated with mineral extraction or landscape renewal, nor would the proposal meet any of the exception criteria for development in the Green Belt. Additionally, it is considered that the development would represent an impact on the landscape setting of the Green Belt. Furthermore, the development is considered to represent the erosion of the character and function of the designated existing Green Space Network, as such it is considered that the development has the potential to impact existing habitats, especially given the Green Space Network has been designated to protect, promote and enhance wildlife value. As such, the development is contrary to Policy NE2 - Green Belt and Policy NE1 - Green Space Network of the Aberdeen Local Development Plan 2017, would represent a departure from the adopted Development Plan Strategy, Scottish Planning Policy and National Planning Framework 4. Page 55 Application Reference: 220772/PPP

2. That the development would result in a change of the existing rural landscape character of the site to its detriment. As such, the proposal is contrary to Policy D2 - Landscape of the Aberdeen Local Development Plan 2017 and the associated Children's Nurseries Supplementary Guidance.

3. Due to the site's location within the Pitfodels Conservation Area, while no finalised details of the development have been submitted for assessment, it is considered that a development of any nature would interrupt the open views of this vista which is noted as being a key characteristic of the area within the Pitfodels Conservation Area Character Appraisal. As such, there is a risk that the development would interrupt these

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views to the detriment of the conservation area, which is contrary to the requirements of Policy D4 - Historic Environment.

4. That due to its location, which is considered removed from the established residential area, the proposal does not constitute sustainable development and is therefore considered contrary to Policy T2 - Managing the Transport Impact of Development and Policy T3 - Sustainable and Active Travel of the Aberdeen Local Development Plan 2017.

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

The Committee then heard from Ms Kerry Robertson, applicant, who spoke in support of the application.

The Convener, seconded by Councillor Copland, moved:-

that the application be refused in line with the officer recommendation.

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

that the application be approved subject to conditions to be delegated to officers for the following reasons:-

- Acknowledges conflict between Policies NE1 and NE2 insofar that this is not one of the forms of development which is allowable within the Green belt; however
- Given the level of residential development in local area, pressure on other nursery facilities within the area and siting of this piece of land adjoining the built area and the proximity of local public transport links and cycle lanes and pedestrian footpaths. these considerations outweigh the conflict with Policies NE1 and NE2 and does not consider there to be a conflict with Policies T2 and T3; and
- Do not consider there to be a conflict with Policy D2 and D4 given the current mix of development within the area.

On a division, there voted – for the motion (5) – the Convener and Councillors Blake, Copland, Clark and Thomson – for the amendment (5) – Councillor Alphonse, Boulton, Cooke, McRae and van Sweeden.

There being an equality of votes, in terms of Standing Order 32.7 the Convener used his casting vote in favour of the motion.

The Committee resolved:-

to adopt the motion and therefore refuse the application.

At this juncture, in accordance with article 1 of the minute, Councillor Alphonse left the meeting.

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26 HOLLYBANK PLACE ABERDEEN - 211807

8. 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 demolition of an existing commercial unit and erection of 9 residential apartments over 3 storeys with associated cycle storage and hard and soft landscaping works at 26 Hollybank Place Aberdeen, be refused for the following reasons:-

In the context that there has never been a building of the scale proposed on the application site and that the existing building is single storey, the proposed building of 9 flats, which would be 3 storeys in form, height and scale, would have a significant adverse impact on the existing (and long-standing) levels of background daylight and sunlight afforded to the ground floor flats of 21, 23, and 25 Hollybank Place to the north and northeast of the development, to the significant detriment of the amenity afforded to those flats. It would, consequently, adversely affect the residential amenity of the surrounding area and, in its context, would constitute overdevelopment. It would also for the same reasons conflict with Policies H1 – Residential Areas and D1 – Quality Placemaking by Design of the Aberdeen Local Development Plan 2017 and Policies H1 – Residential Areas, D1 – Quality Placemaking and D2 – Amenity of the Proposed Aberdeen Local Development Plan 2020.

In reaching this recommendation, it is recognised that this residential development would be located in an accessible location in an inner-city residential area near the city centre. Had it not been for this adverse impact on the amenity of the surrounding area due to its scale, height and massing, the development could have otherwise been supported, subject to appropriately worded planning conditions and registration of the Legal Agreement to satisfy matters regarding transportation, cycle infrastructure, design, amenity, sustainability, drainage, waste storage and developer obligations. The justification raised in the Design & Access Statement, that the building would replicate the scale and form of the historic tenement buildings on the street is not sufficient to warrant such an adverse impact on the neighbouring residential properties because an alternative residential development of lesser scale and height that would be complementary to the surrounding area could have been submitted which may not have had such an adverse impact to the amenity of the surrounding area.

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

The Committee then heard from Mr Stewart Brodie who was an interested party to the application, having submitted a timely representation in regard to the proposed application and in line with the procedure note for the Committee. Mr Brodie objected to the proposal. The Committee also heard from the agent for the application, Mr Richard Tinto, who spoke in support of the application.

The Committee resolved:-

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to approve the application conditionally and a legal agreement, subject to the following conditions, for the following reasons:-

The application was considered to be compliant with the relevant planning policies of the Adopted Local Development Plan and national policy in as far as it constituted sustainable city centre development on brownfield land in a site that was easily accessible by sustainable means of transportation and within easy reach of a wide range of city centre amenities. It would be compatible in design terms and mass and scale with surrounding tenement flats and adequately mitigate its impact on infrastructure by way of developer obligations. It was acknowledged that there would be an adverse impact on the amenity of flats on the north side of the street in terms of reduction in daylight and sunlight but, on balance, these do not outweigh the material considerations weighing in favour of the development. It was therefore considered compliant with relevant policies including Policy H1 – Residential Areas, Policy D1 – Quality Placemaking by Design and Policies T2 (Managing Transport Impact) and T3 Sustainable and Active Travel of the Adopted Local Development Plan.

Head of terms of legal agreement

Contributions are required towards the car club, primary education, secondary education, the core path network, healthcare facilities, open space and community facilities. Additionally, affordable housing contributions are required by way of commuted payments or on-site or off-site provision.

Conditions

- 1) That no development pursuant to this planning permission shall take place unless a scheme detailing dust suppression measures to be employed during demolition and construction, which includes the use of water sprays, has been submitted to, and approved in writing by the Planning Authority. Thereafter, all measures shall be implemented in accordance with this approved scheme during demolition and construction.

Reason - In the interests of protecting residential amenity.

- 2) That no demolition, site preparation and construction operations pursuant to this planning permission that creates noise audible at the site boundary shall take place outside the hours of:
 - (a) 0700 Hrs to 1900 Hrs from Mondays to Fridays; and
 - (b) 0800 Hrs to 1300 Hrs on Saturdays.

Reason - In the interests of protecting residential amenity.

- 3) That no development pursuant to this planning permission shall take place unless samples of materials and a scheme of the finalised details of the finishes

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to the walls of both the principal and rear elevations, wallhead gable, pitched roof dormers and roof of the approved residential building has been submitted to, and approved in writing by the Planning Authority. The scheme shall include the details of materials, texture, colours, dimensions and detailing. Thereafter, the development shall be implemented in accordance with these approved details.

Reason - In the interests of the character and visual amenity of the surrounding area.

- 4) That the approved development shall not be brought into residential use unless the following alterations to the public road have been implemented in their entirety:
- (a) The existing dropped kerb to the immediate northeast of the building has been replaced with a footway level with the existing footway; and
 - (b) The Controlled Parking Zone parking restrictions to the north of the building have been altered to remove the 'no waiting' restrictions to the north of the building and increase the on-street parking spaces adjacent to the site.

Reason - To minimise the impact of this development on the availability of public parking provision in the surrounding area, to minimise the impact of the development on the local transport network and to protect residential amenity .

- 5) That the approved development shall not be brought into residential use unless a Residential Travel Pack has been submitted to, and approved in writing by the Planning Authority. This Residential Travel Pack shall include:
- (a) local walking, cycling and bus infrastructure / facilities;
 - (b) car club car information; and
 - (c) a walking map which shows local schools and amenities.

Thereafter, the approved Residential Travel Pack shall be distributed to all new residents of the approved development.

Reason - To encourage sustainable and active travel and minimise impact on the local transport network.

- 6) That the approved building shall not be brought into residential use unless the cycle storage infrastructure has being implemented in accordance with the approved plans (with reference: 3882 P(04)003 B and 3882 PL(00)004 A), confirmation of which shall be submitted in writing with the Planning Authority upon their implementation.

Reason - To encourage sustainable and active travel and minimise impact on the local transport network.

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- 7) That no development shall take place unless a scheme detailing how surface water will be handled to prevent water discharging onto the public road has been submitted to, and approved in writing by the Planning Authority and thereafter all identified necessary mitigation measures have been implemented in accordance with this scheme.

Reason - To prevent water discharging onto the road, in the interests of public safety.

- 8) That the building shall not brought into residential use unless confirmation of the implementation of additional on-street communal bin storage has been submitted to, and approved in writing by the Planning Authority. This shall include confirmation from the Aberdeen City Council Waste and Recycling Team.

Reason - To ensure that the development has sufficient waste storage and ensure to offset any impact on existing on-street communal bin storage.

- 9) That no development relating to this planning permission shall take place unless a scheme detailing:
- (a) the Standard Assessment Procedure Assessment Procedure energy rating (SAP) in accordance with the Resources for New Development Supplementary Guidance; and
 - (b) details and plans of all proposed low and zero carbon generating technology,

has been submitted to, and approved in writing by the Planning Authority, which demonstrates that the development would achieve:

- (i) At least 25% of the building regulations carbon dioxide emissions reduction target;
- (ii) A 'Platinum Standard for Energy' Building Standards Sustainability Label; and
- (iii) A 'Platinum Standard' for Domestic Buildings Building Standards Sustainability Label for Water Usage.

Thereafter, the development and all low and zero generating technology shall be implemented in accordance with this approved scheme prior to the building being brought into residential use.

Reason - To ensure that the development meets current water and energy efficiency targets.

Advisory Note

Section 56 Roads Consent and changes to the Controlled Parking Zone Traffic Regulation Order are required separately for the works specified in Condition (4) (a) and (b).

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- **Councillor Desmond Bouse, Convener**