

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 5 November 2020. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Boulton, Convener; Councillor Stewart, Vice Convener, the Depute Provost; and Councillors Allan, Copland, Cormie, Delaney (as substitute for Councillor Greig), Henrickson (as substitute for Councillor Cooke), 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 24 SEPTEMBER 2020

1. The Committee had before it the minute of its previous meeting of 24 September, 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.

LAND SOUTH OF NORTH DEESIDE ROAD MILLTIMBER ABERDEEN - 200535

3. 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 for planning permission in principle for the construction of a residential led mixed-use development with associated infrastructure, access, landscaping, drainage, SUDS and open space at land south of North Deeside Road, Aberdeen, subject to conditions and a legal agreement to secure developer obligations towards the provision of affordable housing, the core path network, primary education, secondary education, healthcare facilities and community facilities.

Conditions:-

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1. STANDARD MATTERS REQUIRING FURTHER APPROVAL CONDITION FOR PLANNING PERMISSION IN PRINCIPLE

That application(s) for approval of matters specified in condition(s?) containing details of the specified matters listed below shall be submitted for consideration by the Planning Authority, in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended). No development within or outwith any particular block or area shall take place unless a matters specified in conditions application comprising the detailed layout and design of roads, buildings and other structures for that particular block or area has been submitted to and approved in writing by the Planning Authority. The application shall comprise:

- (i) A detailed levels survey of the site and cross sections showing proposed finished ground and floor levels of all buildings relative to existing ground levels and a fixed datum point.
- (ii) Details of the layout and finish of roads, visibility splays, footpaths, pedestrian connection across North Deeside Road, and cycle paths including the identification of safe routes to school from the development.
- (iii) Details of layout, design and external appearance of buildings and ancillary structures; vehicular and motorcycle parking; short and long term secure cycle parking; electrical vehicle charging facilities in accordance with the associated Supplementary Guidance; storage and collection arrangements for waste and recyclables; boundary enclosures around individual homes and other premises; and details of play zones and play equipment to be provided.

Reason: Permission for the development has been granted in principle only and subsequent approval is required for these matters in accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. ACCESS TO NORTH DEESIDE ROAD

No development shall take place unless a matters specified in conditions application comprising a detailed scheme showing the precise location, layout, design and construction method of the proposed access junctions to North Deeside Road (A93), including layouts, capacity, distribution, operational flow and detailed cross-sections has been submitted to and approved in writing by the Planning Authority; no individual residential property or commercial unit shall be occupied unless the relevant scheme is fully implemented in accordance with the approved plans, unless the Planning Authority has given written approval for a variation.

Reason: in the interests of road safety.

3. SCALE OF DEVELOPMENT (RESIDENTIAL)

That notwithstanding the description provisions of “up to 99 residential units” of the Planning Permission in Principle hereby approved, no more than 80 residential units shall be built on the development site and the detailed residential development

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proposals to be considered through any subsequent related applications for Matters Specified in Conditions shall not exceed a combined maximum of 80 residential units.

Reason: It has not been demonstrated that the site is capable of accommodating in excess of 80 residential units.

4. SCALE OF DEVELOPMENT (COMMERCIAL)

That notwithstanding the description provisions of “retail of up to 2,000 sqm” of the Planning Permission in Principle hereby approved, no more than 1,225 square metres gross floor area (GFA) of commercial use shall be built on the development site and the detailed commercial development proposals to be considered through any subsequent related applications for Matters Specified in Conditions (MSC) shall not exceed a combined maximum of 1,225 square metres gross floor area (GFA).

Reason: To ensure accordance with the OP114 Milltimber South allocation of the Aberdeen Local Development Plan 2017.

5. LANDSCAPING SCHEME

No development shall take place unless a matters specified in conditions application comprising a scheme of hard and soft landscaping works has been submitted to and approved in writing by the Planning Authority.

Details of the scheme shall include:

- (i) Existing landscape features and vegetation to be retained.
- (ii) The location of new (trees, shrubs, hedges, grassed areas and water features).
- (iii) A schedule of planting to comprise species, plant sizes and proposed numbers and density.
- (iv) The location, design and materials of all hard-landscaping works including (walls, fences, gates, street furniture and play equipment).
- (v) An indication of existing trees, shrubs, and hedges to be removed.
- (vi) A programme for the completion and subsequent maintenance of the proposed landscaping.

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 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. In addition, prior to the commencement of the implementation of the approved scheme, detailed proposals for a programme for the long term management and maintenance of all the approved landscaped and open space areas within the development shall be submitted for the further written approval of the Planning Authority. Thereafter, all management and maintenance of the landscaped and open space areas shall be implemented, in perpetuity, in accordance with the approved programme.

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Reason: To ensure the implementation of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area and to ensure that the landscaping is managed and maintained in perpetuity.

6. TREE PROTECTION MEASURES

No development shall take place unless a matters specified in condition application comprising a scheme/ details showing those trees to be removed and those to be retained and a 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 any such scheme as may have been approved has been implemented.

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

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

8. CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN

No development shall take place (including site stripping, service provision or establishment of site compounds) unless a matters specified in conditions application comprising 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.

9. LOW AND ZERO CARBON

No development shall take place unless a matters specified in conditions application comprising 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

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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.

10. NOISE ASSESSMENT

No development shall take place unless a matters specified in conditions application comprising a Noise Impact Assessment (NIA) has been submitted to and approved in writing by the Planning Authority. The NIA shall evaluate the impact on road traffic and quarrying operations on the development and shall be carried out in accordance with a methodology agreed with the Council's Environmental Health service. This assessment should:

- (i) Be in accordance with Planning Advice Note (PAN) 1/2011 Planning and Noise and its accompanying Technical Advice Note;
- (ii) Identify the existing sources of noise potentially impacting on the proposed development;
- (iii) Detail the noise mitigation measures to reduce noise from the existing noise sources to an acceptable level to reasonably protect the amenity of the occupants of the proposed residences;
- (iv) The methodology for the noise assessment should be submitted and agreed in writing with the Environmental Protection Team in advance of the assessment.

Reason: in order to protect residents of the development from roads and quarrying noise.

11. AIR QUALITY (DUST) RISK ASSESSMENT

No development shall take place (including site stripping or service provision) unless a matters specified in condition application comprising the submission of 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.

12. DUST MANAGEMENT PLAN

No development (including site stripping or service provision) shall take place unless a matters specified in condition application comprising the submission of a Dust Management Plan for the construction phase of development has been submitted to

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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.

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

13. ROUTE OF WATERCOURSE

No development shall take place unless a matters specified in conditions application comprising the results of an investigation to prove the existence and route of the watercourse/drain through the eastern part of the site. Details of such an investigation shall be submitted to, and approved in writing by the Planning Authority, in consultation with SEPA. Thereafter no development shall take place over any culverted watercourse/drain. Priority will be given to de-culverting any watercourse/drain and the creation of blue-green infrastructure along its route.

Reason: In order to protect and enhance the water environment.

14. ENHANCEMENT OF THE WATER ENVIRONMENT

No development shall take place unless a matters specified in conditions application comprising:

- a) An investigation of and where viable, detailed information relating to the realignment of any watercourses on site.
- b) 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.

15. GREEN AND BLUE MEASURES

No development (including site stripping, service provision or establishment of site compounds) shall commence on site unless an application for approval of matters specified on conditions comprising a schedule of green measures is 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

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environment and contribute to and enhance the natural environment in accordance with Scottish Planning Policy.

16. BIRD HAZARD MANAGEMENT PLAN

No development (including site stripping, service provision or establishment of site compounds) shall commence on site unless a matters specified in conditions application comprising a bird hazard management plan has been submitted to and approved in writing by the planning authority, in consultation with Aberdeen International Airport. The submitted plan shall include details of monitoring of any standing water within the site temporarily or permanently and management of any flat/ shallow/ pitched/ green roofs on buildings within the site which may be attractive to nesting, roosting and loafing birds. The management plan shall comply with Advice Note 8 "Potential Bird Hazards from Building Design" and thereafter the agreed measures shall be implemented in full.

Reason - to avoid endangering the safe movement of aircraft and the operation of Aberdeen Airport through the attraction of birds.

17. PROGRAMME OF ARCHAEOLOGICAL WORKS

No development shall take place unless a matters specified in conditions application comprising an archaeological written scheme of investigation (WSI) has been submitted to and approved in writing by the Planning Authority and a programme of archaeological works has been carried out in accordance with the approved WSI. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be occupied unless a post-excavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the Planning Authority. The PERD shall be carried out in complete accordance with the approved details.

Reason – to safeguard and record the archaeological potential in the area.

18. BADGER PROTECTION PLAN

No development shall take place unless a matters specified in conditions application comprising a badger survey and badger protection plan for that area has been submitted to and approved in writing by the Planning Authority. The protection plan must include

- (i) the measures required to protect badgers during development and any licensable activities required to allow the development to proceed;
- (ii) appropriate buffer zones to be established around any known active setts in order to avoid disturbance and;

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- (iii) details of how badger habitat (including foraging areas and connectivity between identified setts) shall be retained and/ or created as part of the development. Any required mitigation measures to minimise disturbance to badgers must be identified and be in accordance with Scottish Natural Heritage best practice guidance.

Reason – in order to mitigate any potential impact on protected species.

19.SURFACE WATER DRAINAGE

No development within any particular block or area shall take place unless a matters specified in conditions application comprising a detailed scheme for surface water drainage for that particular block or area has been submitted to and approved in writing with the Planning Authority. The scheme shall

- (i) detail two levels of sustainable drainage (SUDS) treatment (or three levels for industrial hard standing areas) for all areas of roads/ hardstanding/ car parking and one level of SUDS treatment for roof run-off;
- (ii) include source control; and
- (iii) shall be developed in accordance with the technical guidance contained in the SUDS manual. Thereafter development shall be implemented in accordance with the agreed scheme.

Reason – in order to ensure adequate protection of the water environment from surface water run-off.

20.WASTEWATER CONNECTIONS

No development within any particular block or areas shall take place unless a matters specified in conditions application comprising a scheme for the connection of buildings to the public waste water system for that particular block has been submitted to any approved in writing by the Planning Authority. The scheme shall include confirmation from Scottish Water that connections can be made and any necessary upgrades to the public wastewater system are in place. Thereafter, no building shall be occupied unless connection has been made to the public wastewater network in accordance with the approved details.

Reason – in order to ensure the sewage is satisfactory treated and disposed of.

21.RESIDENTIAL TRAVEL PACK/ GREEN TRAVEL PLAN

No development within any particular block shall take place unless a matters specified in conditions application comprising either a residential travel pack (in the case of residential development) or a green travel plan (in the case of commercial development) for that particular block has been submitted to and approved in writing by the Planning Authority. Each residential travel pack shall identify details of different travel options available in the area in order to discourage the use of the private car. The approved travel pack shall be supplied to the first occupants of every residential unit

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within that block on occupation. Each travel plan shall identify measures to be implemented in order to discourage the use of the private car as well as the duration of the plan, system of management, monitoring, review and reporting and thereafter shall be implemented as approved.

Reason: in order to reduce dependency on the private car for travel.

22.COMPLIANCE WITH ECOLOGICAL REPORT

The development hereby approved shall be undertaken in complete accordance with the Updated Ecological Appraisal (Brindley Associates – October 2019 – Rev A) hereby approved unless the Planning Authority have provided written agreement on a variation to the approved scheme.

Reason: to ensure that the development is carried out in accordance with the recommendations of the report.

23.FULL FIBRE BROADBAND

No unit shall be occupied unless a matters specified in conditions application detailing a scheme for the provision of a full fibre broadband connection to each flat for that phase or block has been submitted to and approved in writing by the Planning Authority. Thereafter the scheme shall be implemented as approved and all flats provided with a full fibre broadband connection.

Reason – in order to provide all flats with access to high-speed communications infrastructure, in accordance with the requirements of Policy CI1 (Digital Infrastructure) of the ALDP.

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

Mr Clark confirmed that since the application was initially submitted and validated, the development had been refined through the master planning and application assessment process and was now considered to be an in principle development proposal of up to 80 residential units and up to 1,225 sqm of ancillary office/retail space. Mr Clark advised that as the development proposal was still within the parameters of the original application title, the description had not been amended, however re-notification of neighbours and advertisement of the application was undertaken following the submission of additional information related to the refined proposal.

The Convener moved, seconded by Councillor Malik:-

That the application be refused for the following reasons.

1. The proposed development is contrary to Policy NE1 (Green Belt) of the Proposed Aberdeen Local Development Plan 2020 (Proposed ALDP) in that it

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would fail to meet any of the exemption criteria listed in that Policy. The development is also contrary to Policy NE2 (Green and Blue Infrastructure) of the Proposed ALDP in that development on site would fail to support and enhance the Green Space Network due to the scale of development proposed and its impact on the value of the site for wildlife. This represents the 'settled view of the Council' as to the planning policy considerations applicable to the site. The significant level of public opposition to the development on the basis of the proposal's lack of compliance with the Proposed ALDP is considered to add further to the weight that can be given to the Proposed LDP in considering this application. Taking these factors into account for this particular application it is considered that greater weight should be afforded to the Green Belt (Policy NE1) and Green and Blue Infrastructure (Policy NE2) zoning proposed by the Proposed ALDP than the Mixed Use (Policy H2) zoning currently applicable to the site in the adopted Aberdeen Local Development Plan 2017.

2. The proposed development would be contrary to the OP114 allocation in the adopted Aberdeen Local Development Plan 2017 due to the proposed scale of development which is significantly greater than that indicated in the allocation.
3. It has not been demonstrated that the development would successfully fit into the wider landscape setting and character of the area especially in public views from the Deeside Way, North Deeside Road and the Aberdeen Western Peripheral Route and would therefore fail to meet the requirements of Policy D2 (Landscape) of the Aberdeen Local Development Plan 2017.
4. The proposal would be contrary to Policy I1 (Infrastructure Delivery and Planning Obligations) of the Aberdeen Local Development Plan 2017 in that the developer obligations secured for educational provision are not considered to be sufficient to adequately mitigate the adverse impact that the proposal would have on school capacity.
5. It has not been adequately demonstrated that the commercial development proposed in the eastern part of the site would avoid a detrimental impact on the residential amenity of neighbouring houses and is therefore contrary to Policy H2 (Mixed Use Areas) and T5 (Noise) of the Aberdeen Local Development Plan 2017.
6. The retail impact of the development, particularly in relation to its impact on allocated retail development with Oldfold (OP48 of the adopted local development plan), has not been adequately assessed due to the absence of a suitable Retail Statement and is therefore contrary to Policy NC8 (Retail Development Serving New Development Areas) of the Aberdeen Local Development Plan 2017.
7. The proposed development would be contrary to Policy T3 (Sustainable and Active Travel) of the Aberdeen Local Development Plan 2017 in as far as it has not been demonstrated that the development would not have an adverse and detrimental impact on existing cycle lanes on the North Deeside Road.

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Councillor Copland moved as an amendment, seconded by Councillor Henrickson:-
That the application be approved in line with the report recommendation.

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

The Committee resolved:-

to adopt the motion and therefore refuse the application.

- **Councillor Marie Boulton, Convener**