

## **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

ABERDEEN, 19 September 2024. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor McRae, Convener; Councillor Greig, Vice Convener; and Councillors Alphonse, Boulton, Clark, Copland, Farquhar, Lawrence and Macdonald.

**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. Members were requested to intimate any declarations of interest or transparency statements in respect of the items on today's agenda, thereafter the following was intimated:-

In regards to item 8.1 on the agenda, land at Newton of Pitfodels, the Vice Convener and Councillor Macdonald advised that they both lived locally to the application site, however they did not consider that this connection amounted to an interest which would prevent them from participating in the consideration and determination of the item.

### **MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 22 AUGUST 2024**

2. The Committee had before it the minute of the previous meeting of 22 August 2024, 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.

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

to note the committee business planner.

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**PLANNING APPEAL DIGEST**

4. The Committee had before it a report by the Chief Officer – Strategic Place Planning, which provided an update in relation to various planning appeals.

The report informed Members about planning appeals and notifications in relation to Aberdeen City Council decisions that the Scottish Government's Division for Planning and Environmental Appeals (DPEA) had received or decided since the last Planning Development Management Committee meeting and also listed appeals that were still pending.

**The Committee resolved:-**

to note the information contained in the planning appeal digest.

**ARTICLE 4 DIRECTIONS - CR&E/24/277**

5. The Committee had before it a report by the Chief Officer – Strategic Place Planning, which presented two draft proposals in relation to Article 4 directions which were (1) introducing new Article 4 directions relating to the removal of permitted development rights for replacing windows within Bon Accord/Crown Street, the City Centre and Old Aberdeen Conservation Areas; and (2) cancellation of Article 4 Direction for Burnbanks Village, reinstating permitted development rights.

The report also sought approval to undertake public consultation for a 6 week period on these proposals, with the results of the consultation and any recommendations reported back to this Committee for approval.

The Committee was addressed by Councillor Kusznr, raising concerns in relation to the recommendations on behalf of his constituents.

**The report recommended:-**

that the Committee –

- (a) instruct the Chief Officer – Strategic Place Planning to publish the proposed Article 4 Direction changes for a six-week period of non-statutory public consultation; and
- (b) instruct the Chief Officer – Strategic Place Planning to report the outcomes of the public consultation and any proposed recommendations on the Article 4 Directions to a subsequent Planning Development Management Committee within the next six months.

**The Committee resolved:-**

to approve the recommendations.

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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 change of use from class 3 to mixed use class 3 (food and drink) and hot food take-away (sui generis) and installation of roof-mounted extract flue (part retrospective) at 108 Cornhill Road Aberdeen, 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.

**(02) NOISE AND ODOUR MITIGATION**

The use hereby approved shall not take place unless the noise and odour mitigation measures specified in section 6.2 of the revised noise and odour impact assessment dated 20/06/24 (ref. 1191212314 – V1) have been implemented in full, unless otherwise agreed in writing by the Planning Authority. The approved class 3 use shall not take place unless photographic evidence of implementation of the requisite physical measures to be installed on site has been provided to the Planning Authority.

Reason – In order to preserve the amenity of adjacent residential premises by reason of the generation of noise and odours.

**(03) WASTE AND RECYCLING STORAGE**

The use hereby approved shall not take place unless the proposed bin store, associated screen fencing, refuse / recycling storage and drainage facilities as specified on drawing no. L(00)07 B hereby approved have been implemented in full, unless otherwise agreed in writing by the Planning Authority. The approved use shall not take place unless photographic evidence of implementation of the requisite physical measures to be installed on site has been provided to the Planning Authority.

Reason – In order to ensure waste storage on site, preserve the amenity of the area and ensure that the bins are suitably screened from the adjacent public road.

**(04) CYCLE PARKING**

The use hereby approved shall not take place unless the proposed cycle stands as specified on drawing no. L(00)07 B hereby approved have been implemented in full,

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unless otherwise agreed in writing by the Planning Authority. The approved use shall not take place unless photographic evidence of implementation of the requisite physical measures to be installed on site has been provided to the Planning Authority.

Reason – In the interest of sustainable transport and reduction of vehicle traffic.

(05) OPERATING HOURS RESTRICTION

The use hereby approved shall not operate outwith the hours from 07.00 – 20.00 on any day of the week.

Reason – In order to preserve the amenity of adjacent residential premises by reason of the generation of late night noise / disturbance.

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

The Committee then heard from George Crossland, who objected to the proposed planning application.

The Committee also heard from Councillor Bonsell, who spoke as a local ward member.

**The Committee resolved:-**

to approve the application conditionally, with conditions 2 and 5 amended to read:-

(02) NOISE AND ODOUR MITIGATION

The use hereby approved shall not take place unless the noise and odour mitigation measures specified in section 7.01 - 7.07 of the revised noise and odour impact assessment dated 20/06/24 (ref. 1191212314 – V1) have been implemented in full, unless otherwise agreed in writing by the Planning Authority. The approved use shall not take place unless the approved mitigation measures have been installed in their entirety and photographic evidence of implementation of the requisite physical measures to be installed on site has been provided to the Planning Authority.

Reason – In order to preserve the amenity of adjacent residential premises by reason of the generation of noise and odours.

(05) OPERATING HOURS RESTRICTION

The use hereby approved shall not operate outwith the hours from 07.00 – 20.00 on any day of the week. For the avoidance of doubt, no cooking of food, food deliveries, food collection or servicing of the premises shall take place outwith those hours, nor shall it be open to the public.

Reason – In order to preserve the amenity of adjacent residential premises by reason of the generation of late-night noise / disturbance.

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**LAND AT NEWTON OF PITFODELS, ABERDEEN - 240614**

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

That the application for Detailed Planning Permission for the installation of a grid battery energy storage facility (up to 40MW), with associated development, at land at Newton of Pitfodels, Aberdeen, be refused for the following reasons:-

Whilst developments such as this can be generally accepted within a green belt location, given their classification of being an essential infrastructure, thus complying with part of Policy 8 (Green Belt) and Policy 11 (Energy) of the National Planning Framework 4 (NPF4) and Policy NE1 (Green Belt) of the Aberdeen Local Development Plan 2023 (ALDP), overall it was considered that this development in this location would undermine the integrity and purpose of the green belt. This was due to the development being sited within an area of rural countryside that is relatively unspoilt by development, particularly developments of this industrial nature. Whilst mitigation measures have been put forward by the applicant which would seek to lessen the visual impact, the concerns related to the siting of such a facility in this location remain and it is also expected that there would be a significant negative visual impact on the landscape as well as those residential dwellings that sit in close proximity to the site. The proposal was therefore contrary to Policy 8 (Green Belt), Policy 11 (Energy) and Policy 14 (Design, Quality and Place) of NPF4 and Policy NE1 (Green Belt), Policy D1 (Quality Placemaking), Policy D4 (Landscape) and Policy R7 (Renewable and Low Carbon Energy Developments) of the Aberdeen Local Development Plan.

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 Colin Morsley on behalf of Cults, Bielside and Milltimber Community Council and Val Milne on behalf of Braeside and Mannofield Community Council, who both objected to the proposed planning application.

The Committee then heard from Kirsten Buck, William Sell on behalf of Alison Laing and Alan Moulton who also all objected to the proposed planning application.

Finally the Committee heard from Colin Lavety, agent for the application and James Young, applicant. They spoke in support of the application and answered various questions from Members.

The Convener moved, seconded by Councillor Copland:-

That the application be approved for the following reasons:-

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The principle of the proposed battery energy storage facility was lent substantial support by Policy 11 (Energy) of National Planning Framework 4 ('NPF4') and Policy R7 (Renewable and Low Carbon Energy Developments) of the Aberdeen Local Development Plan ('ALDP') which required decision makers to place significant weight on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets. This was echoed by Policy 1 (Tackling the Climate and Nature Crises) of NPF4 which requires significant weight to be given to the global climate and nature crises.

The proposal was for a development type which was permitted within the green belt, subject to specific criteria being met. Whilst industrial in character and isolated from the built up area, the landscape planting proposed for the development screened it effectively in views from public vantage points in the Green Belt with the result that the proposal would not have a significant visual impact or adverse impact on the landscape setting of the City.

With suitable mitigation measures in place, the proposals satisfactorily addressed the criteria in Policy 11 (Energy) to ensure the protection of residential amenity and the environment.

All other material considerations, including those relating to health and safety, drainage, accessibility and transport had been satisfactorily addressed or were outside the scope of determining this planning application. None of these matters would have a significant impact or outweigh the substantial support that applies to renewable energy projects in national and local planning policy and therefore it was considered the proposal was in accordance with the development plan.

The Vice Convener, seconded by Councillor Boulton, moved as an amendment:-  
That the application be refused in line with the recommendation.

On a division there voted – for the motion (3) – the Convener and Councillors Alphonse and Copland – for the amendment (6) – the Vice Convener and Councillors Boulton, Clark, Farquhar, Lawrence and Macdonald.

**The Committee resolved:-**

to adopt the amendment and therefore refuse the application.

- **Councillor Ciaran McRae, Convener**