

PLANNING APPEALS PANEL

ABERDEEN, 14 March 2014. Minute of Meeting of the PLANNING APPEALS PANEL. Present:- Councillor Milne, Convener; and Councillors Cormie, Finlayson (as substitute for Councillor Boulton), Greig (as substitute for Councillor Jennifer Stewart) and Lawrence (as substitute for Councillor Jean Morrison MBE).

EXEMPT INFORMATION

Before proceeding to consider the business before it, the Panel resolved in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, as amended by the Local Government (Access to Information) Act 1985, to exclude the public from the meeting on the grounds that it was likely, in view of the nature of the business to be transacted, that if the public were in attendance during consideration of the said business, there would be disclosure to them of exempt information as defined within Paragraph 12 of Schedule 7(A) to the 1973 Act.

FORMER WATERWORKS, STANDING STONES, DYCE, ABERDEEN

1. The Panel had under consideration intimation from the Head of Legal and Democratic Services that the decision of the Planning Development Management Committee at its meeting on 28 November, 2013 (article 9) to refuse the application (P130119) in respect of planning for the proposed change of use to establish two private permanent gypsy/traveller pitches (with provision for six caravans) and associated ancillary units, surfacing, fencing, landscaping and site servicing at the former Waterworks, Standing Stones, Dyce, Aberdeen, was now the subject of an appeal against the refusal to the Scottish Ministers.

The Panel had before it a copy of the application report, a copy of the relevant article from the minute of the meeting on 28 November, 2013; and the Grounds of Appeal lodged by the applicants with the Directorate for Planning and Environmental Appeals.

The grounds for refusal of the application, as recorded within the minute article were:-

That the application be refused due to (a) the site not being suitable as there is inadequate drainage on site which could lead to flooding; and (b) the lack of facilities in the area.

The members of the Panel were addressed by the legal representative and the planning representative in attendance who provided background information regarding the legal and planning aspects of the appeal.

Members of the Panel then discussed the case and asked questions of the legal representative and the planning representative in attendance. The members of the Panel discussed the reasons for refusal in depth and referred to the original application report submitted to the Committee in November, 2013.

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The Convener, in the context of how local members can address constituents' views at meetings of the Committee, asked the Clerk to the Panel to provide guidance on the Code of Conduct.

The Clerk quoted the relevant sections of the Standards Commission for Scotland guidance on the Councillors' Code of Conduct, specifically paragraphs 7.13 to 7.15.

Paragraph 7.15 explained that if as part of the decision making process councillors wished to make representations on behalf of constituents or other parties they may do so providing:-

- they do so in terms of procedures agreed by the Council which afford equal opportunity to any parties wishing to make representations to do so;
- they declare their interest in the matter; and
- after making those representations the councillor then retires from the meeting room.

The Panel then proceeded to decide whether to resist the appeal or not.

The Convener proposed that the appeal should not be resisted and this was supported by Councillor Lawrence.

Councillor Cormie suggested that the appeal should be resisted and this was supported by Councillor Greig.

This being an informal Panel, the Clerk suggested that members support either suggestion by show of hands.

On a show of hands, there voted:- to not resist the appeal - 2 (the Convener and Councillor Lawrence); to resist the appeal – 3 (Councillors Cormie, Finlayson and Greig).

The Panel resolved:-
to resist the appeal.

The legal representative then asked the members of the Panel to provide the necessary details of why they wished to resist the appeal.

The Panel members provided the following information:- That the site had inadequate drainage due to it not being connected to the public sewer, was prone to flooding due to its location; there were no amenities in the area; and stated as an additional material matter that whilst noise may appear to be acceptable to the current occupiers on site, operational changes could take place and alter the pattern or level of noise experienced in the future, inclusive of night time working. This has the potential to affect the amenity

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of residents. Should complaints be received this could result in legitimate operations within the adjacent industrial site being compromised and this was considered a negative consequence of the proposal and would conflict with economic development objectives.

The Panel resolved:-

that the appeal be resisted (as detailed above) and that it be remitted to the Head of Legal and Democratic Services to attend to the Council's interest at the appeal by way of written submissions.

- **COUNCILLOR RAMSAY MILNE, Convener.**