

## **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

ABERDEEN, 20 March 2014. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Milne, Convener; Councillor Finlayson, Vice Convener; and Councillors Boulton, Cormie, Grant, Greig, Jaffrey, Lawrence, MacGregor, Jean Morrison MBE, Samarai, Jennifer Stewart, Sandy Stuart (substituting for Councillor Corall), Thomson and Townson.

**The agenda and reports associated with this minute can be found at:-**

<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=348&MId=2880&Ver=4>

**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 PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 13 FEBRUARY 2014**

1. The Committee had before it the minute of its previous meeting of 13 February 2014.

**The Committee resolved:-**

to approve the minute.

### **MINUTE OF MEETING OF PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS) OF 25 FEBRUARY 2014**

2. The Committee had before it the minute of meeting of the Planning Development Management Committee (Visits) of 25 February 2014.

**The Committee resolved:-**

to approve the minute.

### **MINUTE OF MEETING OF PLANNING APPEALS PANEL OF 14 MARCH 2014**

3. The Committee had before it the minute of meeting of the Planning Appeals Panel of 14 March 2014.

**The Committee resolved:-**

to note the minute.

## **FAIRLEY ROAD (LAND TO EAST OF), KINGSWELLS - 130288**

### **4. The Committee had before it a report by the Head of Planning and Sustainable Development which recommended:-**

That the Committee express a willingness to approve the application in respect of planning permission for the construction of 7 detached units, 28 semi-detached units and 11 terraced houses with associated access roads, drainage and Sustainable Urban Drainage Systems (SUDS), but to withhold the issue of the consent document until the applicant had entered into a legal agreement with the Council to secure (1) onsite affordable housing provision; (2) Strategic Transport Fund contributions; and (3) developer contributions towards affordable housing, education facilities, community facilities and recreation and healthcare, and subject to the following conditions:-

(1) That no more than 21 dwellinghouses (i.e. Phases 1 and 2 as shown on Drawing No AOL\_208 rev. C) hereby granted permission shall be occupied unless (a) the new pedestrian footpath along the east side of Fairley Road has been provided and is available for use; (b) an RCC compliant road link and pedestrian footpath has been provided up to the eastern legal boundary of the application site as per Drawing No APL\_205 rev H; and (c) the open space provision to the south of the access road (as shown on Drawing No APL\_205 rev H) is completed and laid out in accordance with drawing no APL\_301 rev I, and the Fairley Road planting schedule Rev A (unless otherwords agreed in writing by the planning authority). The approved 'public open space' shall not thereafter be used for any purpose other than as public open space; (2) That no more than 40 dwellinghouses hereby granted permission shall be occupied unless all pedestrian footpaths shown on Drawing No APL\_205 rev H have been constructed up to the legal boundary of the application site and are available for use; (3) That plots 22 - 34 inclusive hereby approved shall not be occupied unless the car parking areas relative to those houses have been constructed, drained, laid-out and demarcated in accordance with Drawing No APL\_205 rev H, or such other drawing as may subsequently be submitted and approved in writing by Aberdeen City Council as planning authority. Such areas shall not thereafter be used for any other purpose other than the parking of cars ancillary to the development; (4) That no development shall take place within the application site until the applicant has secured the implementation of a programme of archaeological work which shall include post-excavation and publication work in accordance with a written scheme of investigation, such a programme shall be submitted in advance for the written approval of Aberdeen City Council as planning authority; (5) That no development shall take place unless a bird hazard management plan has been submitted to and approved in writing by Aberdeen City Council as planning authority (in consultation with Aberdeen International Airport). The submitted plan shall include details of the developer's commitment to managing the risk of attracting birds to the site during excavation activities, measures put in place for the safe dispersal of birds, and thereafter the such approved measures shall be implemented in full; (6) That no development shall take place unless a scheme of all drainage works designed to meet the requirements of SUDS has been submitted to and approved in writing by Aberdeen City Council as planning authority and thereafter no individual house shall be occupied unless the drainage required for that house has been installed in complete accordance with such an approved scheme; (7) That no development shall take place unless a site specific Environmental Management

Plan (EMP) has been submitted for the written approval of Aberdeen City Council as planning authority (in consultation with SEPA and other agencies such as SNH as appropriate) and all work shall be carried out in accordance with such approved plan. Such plan must address the following: surface water management and pollution prevention; soils management; site waste management; and noise and dust management; (8) That no development shall take place unless there has been submitted to and approved in writing by the planning authority, a detailed scheme of the site boundary enclosure along the western side of the development hereby granted planning permission. The scheme shall include details of the 'drystane gateway' to the site. None of the buildings along the Fairley Road elevation (plots 1-9 inclusive) hereby granted planning permission shall be occupied unless the said scheme has been implemented in its entirety; (9) That no development shall take place unless further details of the render finishes to the walls of the dwellinghouses hereby approved has been submitted to, and approved in writing by, the planning authority and thereafter the development shall be carried out in accordance with the details so agreed; (10) That no development shall take place unless the mitigation measures as identified in the Northern Ecological Services report (dated July 2012) have been implemented in their entirety; (11) That no development shall take place unless there has been submitted and approved in writing a detailed Residential Transport Pack which outlines sustainable measures to deter the use of the private car, in particular single occupant trips and provides detailed monitoring arrangements, modal split targets and associated penalties for not meeting targets; and (12) That any tree work which appears to become necessary during the implementation of the development shall not be undertaken without the prior written consent of Aberdeen City Council as planning authority; any damage caused to trees growing on the site shall be remedied in accordance with British Standard 3998: 2010 "Recommendations for Tree Work" as soon as practicable.

Following a number of questions from the Committee, and Councillor Delaney as one of the local members, with particular emphasis on educational provision given constraints at Kingswells Primary School, the Convener proposed that a site visit be undertaken to enable members to visit the school, and for officers in Education, Culture and Sport to be in attendance and provide information on where and how additional children could be accommodated in terms of their education. The Convener added that in the event that a site visit did not prove possible, or officers in Education, Culture and Sport were unable to be in attendance, that the application be deferred until the next meeting on 24 April.

**The Committee resolved:-**

- (i) to defer consideration of the application meantime to enable members to visit the site; and
- (ii) to request officers in Education, Culture and Sport to provide a presentation at a future meeting on school role forecasts and how they are determined.

## **PHASES 2 & 3, PRIME FOUR BUSINESS PARK, LAND TO NORTH OF PHASE 1 - 131501**

5. The Committee had before it a report by the Head of Planning and Sustainable Development **which recommended:-**

That the Committee approve the application in respect of planning permission for the formation of a link road and associated landscaping and drainage works, by purifying the parts of condition 3 attached to planning permission in principle granted for application 120649, namely (I) access; and (VIII) landscaping, subject to the following conditions:-

(1) That no development shall take place unless samples of all hard landscaping materials (apart from the tarmac road covering) to be used in the development hereby approved has been submitted to, and approved in writing by, the planning authority and thereafter the development shall be carried out in accordance with the details so agreed; and (2) That unless otherwise agreed in writing by the planning authority, all planting, seeding, turfing and other associated soft and hard landscape works, as well as the footpaths and cyclepaths all as comprised in approved drawing numbers OPEN\_497\_C89A\_HS001 Rev. 00 or such other drawings as may subsequently be approved in writing for the purpose by the planning authority, shall be carried out in or before the first planting season following the completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority.

There was circulated an additional condition as follows:-

(3) That unless otherwise agreed in writing, the junction and stacking lanes shall be constructed in accordance with drawing no. OPEN\_497\_C89A\_X001 REV 00 and thereafter shall be implemented in full accordance with the approved plans.

The Committee was addressed by Councillor Delaney, one of the local members for the area, who expressed a number of concerns in connection with the application.

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

to approve the recommendation with the additional condition.

## **SITE 17 CRAIGSHAW DRIVE, WEST TULLOS INDUSTRIAL ESTATE - 131287**

6. The Committee had before it a report by the Head of Planning and Sustainable Development **which recommended:-**

That the Committee approve the application in respect of planning permission for the erection of a three storey office block and a predominantly two storey office block with associated car parking, with the issue of the consent document being withheld until such time as the applicant had entered into an appropriate agreement with the planning

authority for the payment of developer contributions in relation to core paths and the Strategic Transport Fund, and subject to the following conditions:-

(1) That notwithstanding the details shown on Drawing No. Ph3\_502 rev D that no development in relation to Building 5 pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing for the purpose by the planning authority a detailed scheme showing the windows at first floor level on the south facing elevation of the 2 storey section of building being fitted with obscure glass including details of the obscuration level; (2) That neither of the office buildings hereby granted planning permission shall be occupied unless a scheme detailing motorcycle and cycle storage provision has been submitted to, and approved in writing by the planning authority, and thereafter implemented in full accordance with said scheme; (3) That the office buildings hereby granted planning permission shall not be occupied unless details for the provision of showers, lockers and changing facilities have been submitted to, and approved in writing by the planning authority, and thereafter implemented in full accordance with said details; (4) That the development hereby approved shall not be occupied unless the car parking areas hereby granted planning permission have been constructed, laid-out and demarcated in accordance with Drawing No. L4501 rev C and drained in accordance with Drawing Nos. 92218/2060 and 92218/2070 of the plans hereby approved or such other drawing as may subsequently be submitted and approved in writing by the planning authority. Such areas shall not thereafter be used for any other purpose other than the purpose of the parking of cars ancillary to the development and use thereby granted approval; (5) That the development hereby granted planning permission shall not be occupied unless all drainage works detailed on Plan Nos. 92218/2060 and 92218/2070 or such other plans as may subsequently be approved in writing by the planning authority for the purpose have been installed in complete accordance with the said plan; (6) That no development pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing for the purpose by the planning authority a further detailed scheme of landscaping for the site, which scheme shall include indications of all existing trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of development, and the proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting; (7) That all planting, seeding and turfing comprised in the approved scheme of landscaping shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority; (8) That the use hereby granted planning permission shall not take place unless provision has been made within the application site for refuse storage and disposal in accordance with a scheme which has been submitted to and approved in writing by the planning authority; (9) That the building hereby approved shall not be occupied unless a scheme detailing compliance with the Council's 'Low and Zero Carbon Buildings' supplementary guidance has been submitted to and approved in writing by the planning authority, and any recommended measures specified within that

scheme for the reduction of carbon emissions have been implemented in full; and (10) That no development shall take place unless there has been submitted to and approved in writing a detailed Green Travel Plan, which outlines sustainable measures to deter the use of the private car, in particular single occupant trips and provides detailed monitoring arrangements, modal split targets and associated penalties for not meeting targets;

There was circulated an amended condition 10, and an additional condition as follows:-

(10) That each building shall not be occupied unless a suitable Green Travel Plan for each building has been submitted to and agreed in writing by the planning authority by the prospective occupier which outlines sustainable measures to deter the use of the private car, in particular single occupant trips, as well as including future modal split targets, detailed monitoring arrangements, funding commitments, a programme of implementation and a mechanism for the review of targets and measures to be implemented and associated penalties for not meeting targets; and (11) That the development hereby approved shall not be occupied unless a scheme for an External Lighting Strategy has been submitted to, and approved in writing by, the planning authority and the approved scheme has been implemented and is fully operational prior to occupation.

Councillor Cormie moved as a procedural motion, seconded by Councillor Townson:-

That a site visit be undertaken to enable members to assess the perception that the proposed development represented overdevelopment of the site.

On a division, there voted:- for the procedural motion (7) - Councillors Cormie, Greig, Jaffrey, MacGregor, Jennifer Stewart, Sandy Stuart and Townson; against the procedural motion (8) - the Convener; the Vice Convener; and Councillors Boulton, Grant, Lawrence, Jean Morrison, Samarai and Thomson.

**The Committee resolved:-**

to reject the procedural motion and thereby determine the application this day.

The Convener moved, seconded by Councillor Boulton:-

That the application be approved in accordance with the recommendation contained within the report but with the inclusion of the amended condition 10 and additional condition 11; condition 1 being amended to require permanent integral obscure glazing; and a further additional condition requiring a bird management plan.

Councillor Cormie moved as an amendment, seconded by Councillor Greig:-

That the application be refused on the grounds that the proposed development represented overdevelopment of the site, and the expected increase in the volume of traffic generated by the development would have a detrimental impact on the surrounding road network.

On a division, there voted:- for the motion (10) - the Convener; the Vice Convener; and Councillors Boulton, Grant, Lawrence, MacGregor, Jean Morrison, Samarai, Thomson and Townson; for the amendment (5) - Councillors Cormie, Greig, Jaffrey, Jennifer Stewart and Sandy Stuart.

**The Committee further resolved:-**  
to adopt the motion.

### **SOUTH LASTS FARM, CONTLAW ROAD - 131865**

7. The Committee had before it a report by the Head of Planning and Sustainable Development **which recommended:-**

That the Committee approve the application in respect of planning permission for the formation of an access track on the existing farmland, associated with planning permission previously granted for the erection of a wind turbine (120166), subject to the following conditions:-

(1) That no development shall take place within the application site until the applicant has secured the implementation of a programme of archaeological work which shall include post-excavation and publication work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority; (2) That no development shall take place unless a scheme of all drainage works designed to meet the requirements of SUDS has been submitted to and approved in writing by the planning authority and thereafter no part of the development shall be used unless the drainage has been installed in complete accordance with the said scheme. For the avoidance of doubt, no surface water should drain onto the public road; (3) That all planting, seeding and fencing comprised in the approved scheme of landscaping shall be carried out in the first planting season following the completion of the development and any trees or plants which, within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority; (4) That no development shall take place pursuant to this planning permission unless the approved construction method statement (dated 19/12/13) and the temporary ecological protection measures shown on drawing 108-025 have been implemented in full for the duration of works on the site; (5) That the track hereby approved shall not be used unless the proposed motor vehicle restriction gates have been installed in accordance with the approved details, or such other details as may be subsequently approved, and include provision for pedestrian/ cycle/equestrian access; and (6) That the access road hereby approved shall not be used unless the first 20m of its length (as measured from the B979 junction) have been surfaced with bitmac, or other suitable bound surface, and the required visibility splays are maintained as shown on drawing no. SCT2114/P/JA/01 revA of the drawings hereby approved, or such other detailed drawing as may be approved.

**The Committee resolved:-**  
to approve the recommendation.

## 21 FOREST ROAD (LAND AT REAR) - 130934

8. The Committee had before it a report by the Head of Planning and Sustainable Development **which recommended:-**

That the Committee approve the application in respect of planning permission for the erection of a two storey class 4 office building on land to the rear of the property accessed from Queen's Lane North, as well as associated car park and access, subject to the following conditions:-

(1) That no development shall take place unless a scheme of all drainage works designed to meet the requirements of SUDS has been submitted to and approved in writing by the planning authority and thereafter no part of the development shall be occupied unless the drainage has been installed in complete accordance with the said scheme; (2) That no development shall take place unless a full structural investigation and report of the boundary wall has been submitted for the further written approval of the planning authority. Such report should include remedial action for any problems encountered; (3) That no development shall take place unless there has been submitted to and approved in writing for the purpose by the planning authority a detailed scheme of landscaping for the site, which scheme shall include indications of all existing trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of development, and the proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting; (4) That all planting, seeding and turfing comprised in the approved scheme of landscaping shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority; (5) That no part of the development hereby approved shall be occupied unless a plan and report illustrating appropriate management proposals for the care and maintenance of all trees to be retained and any new areas of planting (to include timing of works and inspections) has been submitted to and approved in writing by the planning authority. The proposals shall be carried out in complete accordance with such plan and report as may be so approved, unless the planning authority has given prior written approval for a variation; (6) That no part of the development hereby approved shall be occupied unless the new granite wall, access and pedestrian footpath (as shown on drawing PL04 rev B and PL01 rev D) has been implemented in its entirety; (7) That no part of the development hereby approved shall be occupied unless provision has been made within the application site for refuse storage and disposal in accordance with a scheme which has been submitted to and approved in writing by the planning authority; and (8) That on occupation of the premises, the Green Travel Plan (a stamped copy of which is attached to the permission) shall be implemented in its entirety. Within one month of occupation, the planning authority shall be notified of the Travel Plan Co-ordinator and what steps have been taken to implement the Green Travel Plan.



There was circulated an amended condition 6 to take account of the retention of the existing wall as follows:-

- (6) That no part of the development hereby approved shall be occupied unless the access, including amendments to the wall and “give way lines” (as shown on drawing PL04 rev B and PL01 rev D), has been implemented in its entirety.

Councillor Jennifer Stewart proposed that a site visit be undertaken to enable members to visualise the size of the development due to the perception that it could represent overdevelopment of the site.

**The Committee resolved:-**

to defer consideration of the application meantime to enable members to visit the site.

**MIDDLETON LODGE (SITE ADJACENT TO STATION ROAD, PITFODELS) - 131279**

**9.** The Committee had before it a report by the Head of Planning and Sustainable Development **which recommended:-**

That the Committee **refuse** the application in respect of planning permission for the erection of three detached dwellinghouses on the site, on the following grounds:-

- (1) That the site lies within the Green Belt which is defined to protect and enhance the landscape setting and identity of urban areas and in which there is a presumption against most kinds of development with only limited exceptions. The proposed development does not comply with any of the specified exceptions to the presumption against development within the Green Belt and therefore does not comply with Policy NE2 Green Belt of the Aberdeen Local Development Plan 2012. If permitted, the application would create a precedent for more, similar developments to the further detriment of the objectives of the Green Belt policy when sufficient land has been identified for greenfield housing through the development plan;
- (2) The application is deficient in information in respect of a design statement and tree survey. It is therefore not possible to make a full assessment of the implications of the development on the Lower Deeside/Pitfodels Conservation Area, and the potential loss of existing trees on site. As such it has not been possible to ascertain whether the proposal complies with Policies D1 Architecture and Placemaking, D5 Built Heritage and NE5 Trees and Woodlands of the Aberdeen Local Development Plan 2012; and
- (3) The application as currently submitted could result in a road safety hazard due to the intensification of use of a sub-standard access point which also has poor pedestrian linkages to the surrounding area.

**The Committee resolved:-**

to approve the recommendation.

## **CONSERVATION AREA CHARACTER APPRAISALS AND MANAGEMENT PLAN - PITFODELS AND OLD ABERDEEN**

**10.** The Committee had before it a report by the Director of Enterprise, Planning and Infrastructure which outlined two character appraisals and management proposals for the Old Aberdeen and Pitfodels Conservation Areas as a basis for public consultation.

### **The report recommended:-**

that the Committee -

- (a) approve the draft Old Aberdeen and Pitfodels Conservation Area Character Appraisals, together with the proposed boundary amendments and guidance to Old Aberdeen Conservation Area, as set out in appendix 1 to the report, as a basis for a six week consultation period; and
- (b) agree that, following completion of the public consultation, any comments received and subsequent amendments to the document be presented to a future meeting of the Committee.

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

to approve the recommendations.

**- RAMSAY MILNE, Convener.**